

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, May 10, 2005 at 7:00 p.m.  
In the Council Chambers, Peachland Community Centre**

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**PRESENT:** Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd, Moritz and Reid

CAO Chris Prosser  
Corporate Officer Betty Briggs  
Treasurer Doug Pryde  
Director of Operations Joe Mocilac  
Planner Mark Koch

Members of the Public  
Members of the Media

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**CALL TO ORDER:** Mayor Harriman called the Regular Council Meeting to order at 7:00 p.m.

**AWARD PRESENTATION** Councillor Hallberg presented a Meritorious Service Award to Mrs. Gayle Wainwright, in recognition of all of her volunteer work in the community. This award was unfortunately missed at the Awards Night ceremonies.

**AMENDMENTS TO THE AGENDA** 13-A was moved to follow 5-B.

**APPROVAL OF THE AGENDA** MOVED by Councillor Reid, SECONDED by Councillor Moritz:

THAT the Agenda be approved as amended.

**CARRIED.**

**ADOPTION OF THE MINUTES**

**ADOPT MINUTES** MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT the Minutes of the Regular Council Meeting held April 26, 2005 be adopted as circulated.

**CARRIED.**

MOVED by Councillor Fraser, SECONDED by Councillor Reid:

THAT the Minutes of the Committee of the Whole Meeting held April 26, 2005 be adopted as circulated.

**CARRIED.**

**DELEGATIONS AND PRESENTATIONS**

**BOARD FOR LIFE SOCIETY**

Mr. Dave Preston requested Council's consideration to waive the tendering policy regarding skateboard park design. The Board for Life Society, over the past 18 months, has met with 4 companies, and narrowed the design contract down to 2 companies that build concrete skate parks. The CAO confirmed that Council has handed the selection process to the Society, and staff would recommend waiving the tendering policy for the design process.

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**BOARD FOR LIFE  
SOCIETY (CONT.)**

MOVED by Councillor Hurd, SECONDED by Councillor Hallberg:

THAT Council waives the tendering policy for the skateboard park design project.

**CARRIED.**

**P. RYDER**

Mrs. Patricia Ryder asked Council if the 4 dead trees below Highway 97 could be removed, as they spoil the view of beautiful Peachland. The Director of Operations noted that if the trees are on Highway right-of-way, Ministry of Transportation permission is required to remove them. Staff will investigate this matter.

**BYLAWS**

**Bylaw for Third Reading:**

**#1745 DCC**

Mr. Dan Huang, Urban Systems Ltd., presented the final report on the new Development Cost Charge Bylaw, outlining changes incorporated. The first change would include a clause requiring DCCs for a building permit authorizing the construction of a building containing two or three self-contained dwellings. This reflects a change in legislation.

Council members discussed whether or not DCCs should be applicable to secondary suites, considering that Council has just adopted a new secondary suite zone, which is intended to create affordable housing, has limited size, and is for family members. \$10,000 DCCs would be contrary to the original intent of the zone. It was also noted that secondary suites in separate buildings increase density and infrastructure loads.

MOVED by Councillor Reid, SECONDED by Councillor Hurd:

THAT Development Cost Charge Bylaw Number 1745, 2004 be amended to include a clause excepting the application of DCCs for secondary suites in a separate building.

**CARRIED.**

Councillor Moritz OPPOSED.

Mr. Huang continued outlining the amendments to the Bylaw.

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT Development Cost Charge Bylaw Number 1745, 2004 be further amended as follows:

- i) 'approval of Inspector of Municipalities' be moved to follow 'Third Reading;'
- ii) add 4.1 to Appendix A;
- iii) add 4.2 to Appendix A.

**CARRIED.**

#1745 DCC (CONT.) MOVED by Councillor Reid, SECONDED by Councillor Fraser:

THAT Development Cost Charges Bylaw Number 1745, 2004 be read a Third Time as amended.

**CARRIED.**

### **MAYOR AND COUNCILLORS' REPORTS**

**MAYOR HARRIMAN** Mayor Harriman reported 125 hours in April on Mayor's duties, the highlights of which were Municipal Awards Night, Arts & Culture event, and the Sowers and Growers event.

In order to put oil on troubled waters and calm the fear of the unknown, Mayor Harriman put forward the following resolution:

MOVED by Mayor Harriman, SECONDED by Councillor Hallberg:

WHEREAS the District of Peachland has adopted a resolution to retain the Peachland Primary School building located at 5684 Beach Avenue;

BE IT RESOLVED THAT staff be directed to prepare a detailed report for Council's consideration regarding the potential uses of the school building, funding options, costs associated with retention of the building and operation of the building, policy implications, process and timeline for restoration, taxation impacts and community impacts;

AND FURTHER THAT if grant funding is not secured to restore the Primary School building, a staff report be forwarded to Council for reconsideration of the retention of the Primary School, within 18 months.

**CARRIED.**

Councillor Fraser OPPOSED.

Discussion included:

- not only staff, but Council and citizens should have input
- motion has merit
- valid motion
- natural process is for staff to bring report to Committee of the Whole or Council for discussion
- retention/demolition question should go to referendum
- report will be provided by May 24<sup>th</sup>; will ask how long we search for grant funding
- investigate P-3 and eliminate grant funding.

**COUNCILLOR HURD** Councillor Hurd reported on attending the following at the OMMA Convention in Salmon Arm:

- meeting with Mary Algar, BC Hydro, re: IPP
- seniors housing initiative workshop
- sustainable forests and buildings
- I Compass presentation – a web-based municipal service

Councillor Hurd advised of information from the Fire Chief that carbon monoxide from the vehicle bays are above acceptable levels in the Fire Hall office.

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**COUNCILLOR HURD** MOVED by Councillor Hurd:  
**(CONT.)**

THAT staff investigate a cost acceptable minimum solution to alleviate carbon monoxide levels in the Fire Hall.

**FAILED** due to lack of Seconder.

The CAO advised that he has not been made aware of recent testing; this is a valid concern and will be investigated further.

Councillor Reid noted that the Fire Chief should bring this emerging issue through the CAO to Council with a report.

Councillor Hurd noted the Rutland Secondary School forestry students who are cleaning up District-owned properties. He advised that work has commenced on an Interface Plan.

MOVED by Councillor Hurd, SECONDED by Councillor Hallberg:

THAT staff investigate the 13<sup>th</sup> & Beach right-of-way area as a new location for the Visitor Information Centre and Chamber of Commerce building.

**CARRIED.**

Councillor Hurd, at OMMA, noted the raised pier in Salmon Arm, and requested consideration of a day wharf at 13<sup>th</sup> and Beach.

**COUNCILLOR**  
**HALLBERG**

Councillor Hallberg attended the Chamber of Commerce Business After Hours at the Peachland Riding Club, the Westside Joint Water Committee meeting, Chaired and attended the Awards Night ceremonies, attended a Canada Day meeting, attended OMMA Convention, and April 29<sup>th</sup> attended a meeting with the CAO with Mr. Larry Nelson, Baptist Housing Ministries, regarding the possibility of a seniors living development in Peachland. She also attended the PAC carnival at Peachland Elementary School, the VE Day 60<sup>th</sup> Anniversary ceremony, the cancer campaign wrap-up tea, and an all candidates' forum in Westbank.

Councillor Hallberg expressed concern with Councillor Moritz's removal from some Committees by the Mayor as disciplinary action, and asked what the difference is between what Councillor Moritz did compared to previous letters to the newspaper by 2 other Councillors.

Councillor Moritz left Council Chambers at 8:10 p.m.

MOVED by Councillor Hallberg, SECONDED by Councillor Hurd:

THAT Councillor Moritz be reinstated to the Peachland Primary School Committee, Corporate Services Committee, Recreation Committee, and School District No. 23 representative.

**WITHDRAWN.**

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**COUNCILLOR  
HALLBERG (CONT.)**

Discussion took place prior to the withdrawal of the motion:

Councillor Hurd:

- upset with actions taken
- no standard has been set for Councillors actions
- at what point is discipline justified

Mayor Harriman:

- discussion took place at an In Camera meeting the day before OMMA, with Councillors Hurd and Hallberg absent
- Mayor could have given information to Councillors in his office

Councillor Hallberg:

- has listened to audio tape of Regular Meeting April 26<sup>th</sup>, and read the In Camera minutes; still has concerns

Mayor Harriman:

- there is a difference; is not at liberty to discuss In Camera issues at open Council meeting

Councillor Reid:

- appointments to Committees is a discretion of the Mayor

Mayor Harriman:

- uncomfortable seat at times; cannot reveal In Camera discussions and decisions
- Councillors can always come in and talk to the Mayor
- is the Mayor's prerogative to appoint to and remove from Committees

Councillor Reid:

- the Mayor should rule the motion out of order

Councillor Hallberg:

- withdrew the motion and requested Mayor consider reinstating Councillor Moritz to Committees

Councillor Hurd:

- feels motion is valid
- at what point is discipline necessary
- realizes that Councillors must sometimes accept defeat

Councillor Fraser:

- unfortunate that 2 Councillors left for OMMA a day early; could have attended In Camera Meeting

Councillor Moritz returned to Council Chambers at 8:17 p.m.

**COUNCILLOR  
MORITZ**

Councillor Moritz noted that the Primary School has occupied much of his time over the past weeks; he has a conservative approach to spending taxpayers' money; if anyone was offended by his actions, he apologized. He stated that Mayor Harriman's clarifying motion tonight regarding the Primary School will put speculations and banter to rest until Council receives the information and discusses the issue in public.

**COUNCILLOR REID**

Councillor Reid attended the VE Day 60<sup>th</sup> Anniversary ceremony, as well as another ceremony at Brookhaven Care Centre.

**COUNCILLOR  
FRASER**

Councillor Fraser attended the Westside Joint Water Committee meeting and the OMMA Convention. She also attended the VE Day ceremony.

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**COUNCILLOR  
HENDERSON**

Councillor Henderson extended get well wishes to Shirley Geiger. He attended the OMMA Convention in Salmon Arm. He advised that the Art Amble will begin May 22<sup>nd</sup> with 23 artists confirmed so far. He has been working with the Mayor on developing Peachland's page in the Thompson Okanagan Cultural Guide.

**COMMITTEE REPORTS**

**EDC**

Councillor Hallberg advised of the EDC's plans to distribute a survey asking what Peachland residents want in the community over the next number of years, and asked for Council's approval to print and distribute the survey. Mr. Klaus Grieser, Vice President, EDC, advised that the EDC hopes to finish the survey by mid-June and compile the results prior to local government elections to avoid politics in the survey results. Council members felt the correct protocol would be for Council to provide input to the survey prior to its distribution.

**UNFINISHED BUSINESS**

**EDC – PASSPORT  
OFFICE**

Councillor Hallberg requested Council's support for the Peachland Economic Development Committee to pursue a passport office being located in Peachland. A letter to MP Stockwell Day expressing Council's support is requested.

MOVED by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT the Mayor be authorized to send a letter to MP Stockwell Day supporting the Peachland Economic Development Committee's efforts to pursue a passport office being located in Peachland.

**CARRIED.**

**STAFF REPORTS**

**GARBAGE  
COLLECTION  
CONTRACT**

The Director of Operations presented a report requesting Council's authorization to increase the rate per household for garbage collection to \$0.44 in the contract with Okanagan Environmental Services.

MOVED by Councillor Fraser, SECONDED by Councillor Reid:

THAT Council authorizes the rate increase to \$0.44 per household for the term of the Garbage Collection Contract;

AND THAT the increase be retroactive to January 1, 2005;

AND THAT Council authorizes the Mayor and CAO to execute the contract.

The Director of Operations clarified that re-writing the bylaw became more complex than expected, and resulted in the delay of this item to Council. The Contractor is requesting retroactive increase to January 1, 2005, which has been approved by Lake Country.

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**GARBAGE (CONT.)**  
**AMEND MOTION**

MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT the main motion be amended to read that the increase is effective from May 31, 2005.

**CARRIED.**

**MAIN MOTION AS**  
**AMENDED**

THAT Council authorizes the rate increase of \$0.44 per household for the term of the Garbage Collection Contract;

AND THAT the increase be effective May 31, 2005;

AND THAT Council authorizes the Mayor and CAO to execute the contract.

**CARRIED.**

**WESTSIDE JOINT**  
**WATER COM.**

The Director of Operations presented a report regarding the District Participating in the Westside Joint Water Committee, and outlined the benefits of doing so.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council authorizes the District to participate in the Westside Joint Water Committee and authorizes the spending of \$4,000 towards program initiatives.

**CARRIED.**

**DP/DVP 04-10,008**  
**6056 HWY. 97 S**

The Planner presented a report regarding Development/Variance Permit #04-10,008 for Lot A, Plan 16961, DL 1183, ODYD, 6056 Highway 97 South, Willowbrook Investments Ltd. and provided details of the variances requested with this Development Permit application.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Development/Variance Permit No. 04-10,008, Lot A, Plan 16961, DL 1183, ODYD, 6056 Highway 97 South, Willowbrook Investments Ltd. (Garry Tomporowsky) be issued subject to the following conditions:

1. The location of buildings and structures to be situated on the land are to be in accordance with Schedule 'A' attached to the permit;
2. The form and character of buildings and structures to be situated on the land shall be in accordance with Schedules 'B-1 to B-6' as attached to the permit;
3. Exterior materials and colours to be used for the buildings are to be in accordance with Schedule 'C' attached to the permit;
4. Landscaping Plan to be completed in accordance to Schedule 'D' attached to the permit. (Site 360, dated February 5, 2005.) In order to ensure the provisions of landscaping, a letter of credit in the amount of \$28,750 is required as a condition of issuance of this development permit;
5. An on-site storm water management plan and engineered fire flows are required for this project;
6. Parkland dedication of 5% of the land area or cash in lieu is required;

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**DVP 04-10,008**  
**(CONT.)**

7. No issuance of a building permit will be approved for any building structures until sealed, engineered drawings for all civil works have been submitted and approved by staff of the District of Peachland;

AND THAT Council approves the reduction in side-yard setback from 7.5 meters (25 ft.) to 5 meters (16.4 ft.), and a reduction in rear yard setback from 7.5 meters (25 ft.) to 5 meters (16.4 ft.);

AND THAT issuance of the Development Permit be held until such time as the applicant has provided the bonding required for landscaping, off-site services as per the Subdivision Development Servicing Bylaw No. 1230, and has entered into an agreement for provision of off-site services.

**CARRIED.**

Discussion took place on how market conditions determine construction start-up and completion, and the 2 year limit to Development Permits.

**BUILDING INSP.**

The CAO presented a report recommending a salary increase for the Building Inspector/Bylaw Enforcement Officer, who is doing a good job for Peachland.

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT Council authorizes the wage increase for the Building Inspector/Bylaw Enforcement Officer in the amount of \$2,000 retroactive to January 1, 2005.

**CARRIED.**

The CAO confirmed that no salary increase was given after the 6 month probationary period concluded in October, 2004.

**CORRESPONDENCE**

**For Information:**

**R. SMITH**

Mayor Harriman read a letter from Mr. Richard Smith thanking Council for the Freedom of the Municipality award given to him.

**C.O.F.**

Councillor Hallberg advised of a letter received from Central Okanagan Foundation which suggests a 'voluntary organization of the year' award for 2006 Municipal Awards, with the COF donating \$500 towards it.

**ROTARY CLUB**

A letter from Peachland Rotary Club requested Council's permission to hold bi-weekly Rotary Sunday-in-the-Park Evening Concerts at the Rotary Centennial Pavilion.

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**ROTARY CLUB  
(CONT.)**

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the Rotary Club of Peachland be granted permission to hold bi-weekly Rotary Sunday-in-the-Park Evening Concerts from July 10 to September 5, 2005 at the Rotary Pavilion in Heritage Park.

**CARRIED.**

**SUCCESS BY 6**

For information.

**HYDRO CALL FOR  
POWER**

For information.

**Requiring Action:**

**GREYHOUND**

MOVED by Councillor Henderson, SECONDED by Councillor Hurd:

THAT the Mayor send a letter of objection to the proposed reduction to service by Greyhound Canada Transportation Corp.

**CARRIED.**

**OTHER BUSINESS**

**IN CAMERA MTG.**

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT an In Camera Meeting be held Thursday, May 19, 2005 at 1:00 p.m. pursuant to Sec. 90(1)(e) [land] of the *Community Charter*.

**CARRIED.**

**QUESTION PERIOD**

**F. O'KEEFFE**

Mr. Frank O'Keeffe, 5815 MacGregor Road, asked Council to be cautious in considering reducing bonding for smaller contractors; look at the tree removal on Renfrew Road where no bonding was in place. The CAO advised that staff are reviewing tree cutting bylaw to tighten up bonding requirements. He noted that Councillor Hurd was talking about construction bonding.

Mr. O'Keeffe asked if a day wharf at 13<sup>th</sup> and Beach would impact the Beach Avenue Plan and would there be a public hearing. The Mayor advised that this is not a new idea.

Mr. O'Keeffe noted that infill developments are creating new levels on properties and is that being addressed. The CAO advised that the District now requires full grading plans for developments, as this has become a concern.

Mr. O'Keeffe noted that Mr. Prosser was directed, at the last Council meeting, to respond to Councillor Moritz's mail out; will this still happen. He was advised that Mr. Prosser will prepare a response by May 24<sup>th</sup>.

