

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, November 22, 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 & Reid

Acting CAO Doug Pryde  
Corporate Officer Betty Briggs  
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.

**AMENDMENTS TO THE AGENDA** Added to the Agenda: Committee Report – Community Christmas Celebration – Councillor Hallberg

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

THAT the Agenda be approved as amended.

**CARRIED.**

**PRESENTATIONS & DELEGATIONS**

**AMBASSADORS** Crystal Felty, reigning Vice Ambassador, thanked Council for its support which has allowed the Ambassadorial program to continue. Brenda Moshansky, on behalf of the Peachland Ambassadorial Committee, also thanked Council for supporting this important youth program.

**ADOPTION OF THE MINUTES**

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

THAT the Minutes of the Regular Council Meeting held November 8, 2005 be adopted as circulated.

**CARRIED.**

MOVED by Councillor Hallberg, SECONDED by Councillor Henderson:

THAT the Minutes of the Public Hearing held November 8, 2005 for Zoning Bylaw No. 1375 Amendment Bylaw Number 1772, 2005 be adopted as circulated.

**CARRIED.**

**SHORT TERM ACTION CHART**

**STAC**

Dated November 9, 2005:

- Council Priorities: Hwy. 97 – ‘Chris’ to be changed to ‘Doug’
- Discussion on Pubic Pier-Gasthaus & 3<sup>rd</sup> Street; Beachfront Businesses

**UNFINISHED BUSINESS**

**CROWN GRANT  
REFERRAL –  
BUCHANAN ROAD**

Planner Mark Koch presented a report with background information regarding the Crown Grant referral at 5205 Buchanan Road – DeVries. Discussion took place on this item.

MOVED by Councillor Reid, SECONDED by Councillor Henderson:

THAT Council considers the existing public crown foreshore situation at 5205 Buchanan Road preferable to the Land & Water BC proposal to sell a 0.10 ha. (0.25 ac.) area of foreshore and registering an easement over the subject area to secure public access.

**CARRIED.**

Councillors Hurd and Moritz OPPOSED.

**COMMITTEE AND STAFF REPORTS**

**Committee Reports:**

**DEVELOPMENT  
SERVICES**

Councillor Hurd noted the Development Services Committee meeting minutes of November 9<sup>th</sup> are included in the Agenda package.

**COMMUNITY  
EVENTS**

Councillor Hallberg reported that the Community Christmas Celebrations will be held December 2<sup>nd</sup>, beginning at 2:00 pm with a Seniors Christmas tea, with the parade beginning at the Peachland Mall at 5:45 p.m., followed by light-up at Heritage Park.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council authorizes the closure of 1<sup>st</sup> Street and the lane on December 2<sup>nd</sup> for use by the parade floats.

**CARRIED.**

**Staff Reports:**

**ELECTION  
PROCLAMATION**

Corporate Officer Betty Briggs submitted the Chief Election Officer's 2005 Local General Election Proclamation.

**BYLAW #1773  
FINANCIAL PLAN**

Acting CAO & Treasurer Doug Pryde presented a report outlining the amendments proposed to the Financial Plan Bylaw, including:

- Sculpture Donations and Delivery
- Rotary Pavilion
- Heritage Park Swing Set.

Council members discussed these items.

MOVED by Councillor Moritz, SECONDED by Councillor Henderson:

THAT 2005 Financial Plan Bylaw No. 1752 Amendment Bylaw Number 1773, 2005 be read First, Second and Third Times.

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**BYLAW #1773**  
**(CONT.)**

Councillor Reid noted that the \$287,413 value for the Sculpture Donation and Delivery might change upon receipt of a second appraisal of the sculptures, and the Financial Plan Bylaw can be amended to reflect this value at a later date.

MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

**AMEND MOTION**

THAT Sculpture Donations and Delivery \$287,413 be removed from 2005 Financial Plan Bylaw No. 1752 Amendment Bylaw Number 1773, 2005.

**CARRIED.**

Mayor Harriman, Councillors Henderson and Moritz OPPOSED.

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

THAT 2005 Financial Plan Bylaw No. 1752 Amendment Bylaw Number 1773, 2005 be amended to delete 'Sculpture Donations and Delivery \$287,413;'

AND THAT 2005 Financial Plan Bylaw No. 1752 Amendment Bylaw Number 1773, 2005 be read First, Second and Third Times, as amended.

**CARRIED.**

Councillor Henderson OPPOSED.

**COMMUNITY WORKS**  
**FUNDING AGREE-**  
**MENT**

Acting CAO Doug Pryde presented a report regarding the Community Works Funding Agreement, which is the federal gas tax rebate funding, distributed through UBCM. Eligible projects will be identified through the 2006 budget process.

MOVED by Councillor Fraser, SECONDED by Councillor Henderson:

THAT Council authorizes the Mayor and Corporate Officer to sign the Community Works Fund Agreement (CSF) with the Union of British Columbia Municipalities (UBCM.)

**CARRIED.**

**DVP 05-10,007**  
**6072 TURNER AVE.**

Planner Mark Koch presented a report regarding a Development Variance Permit application for 6072 Turner Avenue to relax the rear yard setbacks for proposed Lots 3-11 from 7.5m to 3.0m provided that a 6.0m setback exists from the back of curb or sidewalk, and to relax the front yard setbacks for proposed Lots 12-28 from 6.0m to 3.0m provided that a 6.0m setback exists from the back of curb or sidewalk.

MOVED by Councillor Henderson, SECONDED by Councillor Hurd:

THAT Council varies the required rear yard setbacks for proposed Lots 3-11 from 7.5m to 3.0m, provided that a 6.0m setback exists from the back of curb or sidewalk;

AND THAT Council varies the required upslope front yard setbacks for the proposed Lots 12-28 from 6.0m to 3.0m, provided that a 6.0m setback exists from the back of curb or sidewalk.

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**DVP 05-10,007**  
**(CONT.)**

Discussion took place: Councillor Reid spoke against the variance, noting the length of superduty pick-up trucks, 5<sup>th</sup> wheel and travel trailers, which will be parked on both sides of the street as they won't fit on the driveways proposed, and the fact that this is not a strata development, meaning the District will be responsible for snow removal.

MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT the applicant be permitted to speak.

**CARRIED.**

Mr. Rob Webster, Pilling & Associates, noted that the requested variance would meet City of Kelowna's hillside standard design guideline, and that a 3m. setback would require side-entry garages.

Further discussion took place regarding the technicalities of the application.

It was noted that the developer can submit a new application which may address some of the concerns expressed.

Question was called on the motion (from page 3:)

MOVED by Councillor Henderson, SECONDED by Councillor Hurd:

THAT Council varies the required rear yard setbacks for proposed Lots 3-11 from 7.5m to 3.0m, provided that a 6.0m setback exists from the back of curb or sidewalk;

AND THAT Council varies the required upslope front yard setbacks for the proposed Lots 12-28 from 6.0m to 3.0m, provided that a 6.0m setback exists from the back of curb or sidewalk.

**DEFEATED.**

Mayor Harriman, Councillors Fraser, Hallberg, Hurd, Moritz and Reid OPPOSED.

**BYLAW #1770**  
**REZONING**

Planner Mark Koch presented Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005, for which a Public Hearing was held October 25 and November 1, 2005. The Bylaw will rezone 4026 Beach Avenue from R-1 Single Family Residential zone to R-3 Multiple Family Low Density zone. The Bylaw also will remove the requirement under Part 17 of Zoning Bylaw Number 1375, Section D-1, stating that 'For the purpose of this section, and notwithstanding the definitions of this Bylaw, all covered areas used for parking shall be included in the calculation of FAR.'

Council members expressed concerns with the second part of the amending Bylaw, being the removal of the FAR calculation, which affects R-3 zoning community-wide. The Planner confirmed that the dual purpose Bylaw was proposed by the applicant, and that it is acceptable to combine both purposes in the Bylaw.

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**BYLAW #1770**  
**(CONT.)**

MOVED by Councillor Moritz, SECONDED by Councillor Hurd:

THAT Clause #2 in Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005, 'That Zoning Bylaw Number 1375, 1996 be amended by removing the requirement under Part 17 of the R-3 (Multiple Family Low Density) zone Section D-1 stating that "For the purpose of this section, and notwithstanding the definitions of this Bylaw, all covered areas used for parking shall be included in the calculation of FAR" be removed from Bylaw Number 1770;

AND THAT Clause #3 be re-numbered Clause #2 in Bylaw Number 1770.

**CARRIED.**

Councillors Hallberg, Henderson and Reid OPPOSED.

MOVED by Councillor Henderson, SECONDED by Councillor Hurd:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005 be read a Third Time as amended.

**CARRIED.**

**BYLAW #1772**  
**REZONING**

The Planner presented Zoning Bylaw No. 1375 Amendment Bylaw Number 1772, 2005, for which a Public Hearing was held November 8, 2005. The Bylaw will rezone 4177 San Clemente Avenue from R-1 Single Family Residential zone to R-3 Multiple Family Low Density Residential zone.

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1772, 2005 be read a Third Time.

**CARRIED.**

Councillors Moritz and Reid OPPOSED.

The Planner confirmed that at the Public Hearing it was noted that the proposed development conforms to the .6 FAR and 45% site coverage for the R-3 zone.

**MAYOR AND COUNCILLORS' REPORT**

**COUNCILLOR HURD**

Councillor Hurd presented his farewell speech, in which he thanked Council, residents and staff for the past 3 years, and his campaign volunteers. He noted that a successful campaign does not always result in a win. He stated that he will continue to fight for many things in the community, among them the skatepark location in Cousins Park. He thanked his wife and 2 daughters for their support.

**COUNCILLOR**  
**HALLBERG**

Councillor Hallberg thanked the voters and her campaign volunteers. She congratulated the successful candidates and expressed condolences to Ernie Hurd, Michael Henderson and Patricia Day. She wished Bob and Pat Harriman good luck in Airdrie.

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**COUNCILLOR HALLBERG (CONT.)** Councillor Hallberg attended a meeting of the Premier's Council on Aging and Seniors Needs, where there were 2 good speakers. There was some frustration in that seniors problems are known, action is needed.

**COUNCILLOR MORITZ** Councillor Moritz thanked the citizens for their support at the election, and congratulated all the candidates. He expressed condolences to Councillors Hurd and Henderson, and noted that Mayor Harriman will be missed. He noted that artwork donated to the District has created controversy, and read a letter from Mr. Ermano Barone, son of the sculptor Giorgio Barone. The letter outlined Mr. Barone Sr.'s artistic history and dedication to his art. In the appraisal for the sculptures, the appraiser noted that Mr. Barone's sculptors adorn many Canadian municipalities, including several in Manitoba and Winnie the Pooh in White River, Ontario. Councillor Moritz stated that art is subjective.

Mayor Harriman confirmed that the issuance of a tax receipt for the donations was his idea, not Mr. Ermano Barone's.

**COUNCILLOR REID** Councillor Reid thanked all who voted for him and thanked his volunteers and his wife, Lorna. He noted Councillor Hurd's sense of humour will be missed, and has enjoyed working with the current Council. He feels there is an excellent new Council elected. He wished Mayor Harriman and Pat the best.

**COUNCILLOR FRASER** Councillor Fraser attended Remembrance Day ceremonies. She thanked those who voted for her, and congratulated all who ran. She expressed condolences to Councillors Hurd and Henderson, and wished Mayor Harriman well.

**COUNCILLOR HENDERSON** Councillor Henderson attended an Okanagan College Community Consultation meeting. He expressed regrets that Councillor Hurd did not get elected, and congratulated all others. He spoke at length about the sculptures donation and his defence of same. He expressed extreme dissatisfaction with the way the arrival of the sculptures in Peachland was portrayed in the local paper. He explained his vision for the Ogoopogo sculpture to be located at the Rotary Wall as a welcome to Peachland. He stated emphatically that cultural tourism and art have a place in Peachland.

**MAYOR HARRIMAN** Mayor Harriman presented his last report to Council by thanking Council members for the past 3 years, which he has thoroughly enjoyed. He congratulated all the successful candidates and the others. He thanked the electorate and staff.

**CORRESPONDENCE**

**For Information:**

- City of Burnaby to UBCM re: 2006 Olympic Winter Games, Torino

**Correspondence (Cont.)**

- Susan Cyr re: Street name suggestions  
Council suggested a report from staff regarding street name suggestions submitted by Susan Cyr.

**QUESTION PERIOD**

**T. CONDON**

Mr. Terry Condon, 6084 Jackson Cres., has stated concerns previously regarding the Sun View development on Turner Avenue relating to rock fall and slope stability; he asked if the geotechnical report has been received. The Planner advised that the report has been received and is available for public viewing at the District Office.

**D. OVERHOFF**

Mr. Dieter Overhoff, Meldrum Place, expressed concerns with the wall on Turner Avenue. He has received a phone call from the Planner and a call from the Director of Operations, which did not provide any information. When the Building Inspector finally let Mr. Overhoff view the plans, the retaining wall is not a retaining wall, but a parapet. The Bylaw Enforcement Officer will not look at the wall; he is relying on the engineered drawings.

Councillor Reid has spoken with Mr. Overhoff in this regard; Mr. Overhoff is concerned that liability will transfer to him as an adjacent property owner.

MOVED by Councillor Reid, SECONDED by Councillor Hurd:

THAT staff provide a report regarding concerns expressed with the retaining wall at Turner Avenue.

**CARRIED.**

**K. KLEIN**

Mr. Ken Klein, 5031 Princeton Avenue, past president, Peachland Rotary Club, expressed concerns with the Financial Plan amendment relating to the Rotary Pavilion project. He feels the amendment implies that Rotary did not live up to its commitments with the Pavilion, and they absolutely did. The Acting CAO/Treasurer explained that the budget is reducing the true cost from the original estimate, and it has not bearing to cost to the Rotary Club. The Rotary Club fulfilled its commitments. The District incurred labour and other costs to finish the landscaping to reduce liability risks prior to the official opening; these are reflected in the Plan amendment.

**R.J. COLDHAM**

Mrs. Jean Coldham thanked Mayor Harriman for his service. She asked if the PA system can be replaced, as it is difficult to hear. Mayor Harriman noted that he has tried for 3 years to have the sound systems in the Community Centre improved or replaced.

**E. BARONE**

Mr. Ermano Barone made a lengthy and impassioned speech regarding his deceased father's sculptures which have been donated to the District, and expressed dismay at the controversy created prior to the election.

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**E. BARONE (CONT.)** He spoke of his father's history, his love of his art, and the joy his talents brought to people all over Canada. He noted that the sculptures are made of concrete and require painting and more care in transporting them. He does not need a tax write-off; his resort is becoming an \$84 million dollar development. The negative comments in the newspaper and from one successful candidate are upsetting.

Mayor Harriman thanked Mr. Barone for attending this meeting, and asked the people of Peachland to give the sculptures a chance.

**ADJOURNMENT** MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the Regular Council Meeting adjourn at 8:57 p.m.

**CARRIED.**

(Original signed by Mayor & Corporate Officer)

**Certified Correct.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**

Dated at Peachland, B.C.  
This 14<sup>th</sup> day of December, 2005.