

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, September 13, 2005 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd, Moritz & 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

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

AMENDMENTS TO THE AGENDA Removed: 8-D: Development Variance Permit #05-10,007
Removed: 9-A(i): Visitor Information Centres Survey
Amended: Report 8-J should be 8-I
Added: 8-A(i): Seniors Housing Task Force
Added: 12-A: CAO Report
Added: 12-B: Committee Appointments
Added: 12-C: In Camera Meeting October 4, 2005

APPROVAL OF THE AGENDA MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT the Agenda be approved as amended.

CARRIED.

DELEGATIONS AND PRESENTATIONS

**K. BLACK, CORD
DOG CONTROL**

Mr. Ken Black, Bylaw Enforcement Officer/Dog Control, CORD, addressed Council with information on dog control service in Peachland. There are 4 full time and 1 part time officers, one for each of five jurisdictions. Mr. Black's area is from the bridge to Brent Road, and including Westbank First Nations lands. The goal of dog control is to ensure the public is safe from dangerous dogs. A different approach is used for residents or tourists; tourists are redirected to dog friendly areas (ie. Doggy Beach) and residents pets are checked for licenses. He reviewed ticket fines, and encouraged locals to license their dogs. He suggested that, although pet owners in Peachland have become more responsible over the years, citizen groups could be helpful in monitoring and cleaning up beaches. He is hopeful that the trial new dog beach area is successful.

Mr. Black answered questions from Council members. Mayor Harriman thanked Mr. Black for attending this meeting.

R. STEWART

Mr. Roy Stewart and engineer Dave Cullen addressed Council regarding access to the proposed development at Peachland Lakeshore Inn. A

Regular Council Meeting Minutes
September 13, 2005
Page 2

R. STEWART (CONT.) schematic design for a protected 'T' intersection on Hwy. 97 was distributed. If Renfrew Road is not to be used as the main access to the development, the highway access will require upgrading. The Planner advised that Ministry of Transportation has the lead here regarding approval for access from Hwy. 97. The Planning Department agrees with MOT regarding concern with site lines, and the upgrade to Renfrew Road has been communicated to the developer.

Mr. Stewart stated that if the development was accessed from the rear parking lot to Renfrew Road, there would be increased traffic to Hardy Road, where the intersection is too dangerous. He asked if Council wants all traffic from the development forced onto Renfrew Road.

Council members discussed this issue, and noted that the Road Network Plan dated October, 2004, advises consideration of upgrading collector roads to Hardy Road.

Council agreed to extend Mr. Stewart's presentation time for five minutes at 7:40 p.m.

The CAO advised that upgrading of Renfrew Road is possible, but costly. MOT controls access; it is up to MOT to say yes or no for highway access. The DCC philosophy is that if a development will impact infrastructure, the developer pays for improvements.

Councillor Reid noted that when Development Services Committee reviewed the initial development proposal, the major concern was traffic safety. He suggested Council should press the Ministry to discuss this issue. Mayor Harriman noted that a meeting is scheduled with MOT this Thursday.

Mr. Stewart stated that he feels caught in the middle with this access issue.

RECESS

Mayor Harriman recessed the meeting at 7:49 p.m. in order that more chairs could be set up.

RECONVENE

The meeting was reconvened at 7:53 p.m.

**CHAMBER OF
COMMERCE**

Darlene Hartford, President, Peachland Chamber of Commerce, addressed Council with thanks to Planner Mark Koch for the detailed feasibility study for possible new locations for the Chamber/VIC. The Chamber supports the recommendation that the property at 13th Street and San Clemente is the most suitable new location. Mrs. Hartford also advised of Oktoberfest at the Gasthaus for the next two weekends; the grand finale September 23 & 24 is sponsored by the Chamber and will include a street dance. She thanked Councillors Hallberg, Henderson and Hurd for their helpful input regarding this event.

ADOPTION OF THE MINUTES

ADOPT MINUTES MOVED by Councillor Reid, SECONDED by Councillor Moritz:

THAT the following Minutes be adopted as circulated:

- Committee of the Whole Meeting held August 9, 2005;
- Regular Council Meeting held August 9, 2005;
- Committee of the Whole Meeting held August 23, 2005;
- Special Open Council Meeting held August 25, 2005.

CARRIED.

SHORT TERM ACTION CHART

- Dated September 6, 2005, noted.

UNFINISHED BUSINESS

**CROWN GRANT
5205 BUCHANAN
DEVRIES**

The Planner presented a supplemental report regarding the Crown Grant Referral for 5205 Buchanan Road, S. DeVries, which Council had not supported at the June 28, 2005 Council Meeting. He noted that the OCP discourages shoreland modifications, and that staff are concerned that a precedent could be set by supporting this application.

MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT Council maintains its original position to not support the Crown Grant application for 5205 Buchanan Road, submitted by S. DeVries.

CARRIED.

Councillors Hurd and Moritz OPPOSED.

In discussion prior to the vote, a Councillor suggested that Council not support or deny the application. Another Councillor suggested that staff, with the original application, misrepresented the issue to Council. The CAO stated that staff definitely did not misrepresent information to Council, but worked with information that had been provided by the applicant and LWBC.

BELL SPORT FUND MOVED by Councillor Moritz, SECONDED by Councillor Hurd:

THAT staff be directed to apply for a Bell Community Sport Fund grant of \$5,000 for portable soccer goal posts.

CARRIED.

**COUSINS PARK
TREE LIABILITY**

The Director of Operations presented a briefing regarding potential liability regarding trees, benches, plaque and electrical box located in the outfield of the Cousins Park ball diamond. The District's insurer provided suggestions to identify the risk and make users aware of the risk. The Director of Operations noted that the District will work with the skatepark society through its design stage. This status report was requested by Council.

COMMITTEE AND STAFF REPORTS

DEV. SERVICES Councillor Henderson reviewed the minutes of the Development Services Committee meeting held August 23, 2005.

SENIORS HOUSING TASK FORCE Councillors Reid and Hallberg provided updates to Council on meetings held August 9 and 19, 2005. Councillor Reid met with MLA Rick Thorpe, and read a letter from the MLA committing to assisting the Seniors Housing Task Force and responding by October 31st. A meeting has been arranged with Minister Rich Coleman at the UBCM Convention, and his assistant has been given background information.

2006 TAX EXEMPTION The Mayor advised that 5 Council members are members of the Legion, which has submitted a tax exemption request; legal advice regarding possible conflict of interest was obtained, and Councillors do not have to excuse themselves from this item.

The Treasurer presented a report requesting consideration of the Legion's tax exemption request, and three readings of the 2006 Tax Exemption Bylaw.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the 2006 Tax Exemption Bylaw and request for tax exemption from the Royal Canadian Legion be referred to Corporate Services Committee.

CARRIED.

Corporate Services Committee will meet at 8:30 a.m. September 20, 2005.

3RD STREET CLOSURE The Planner presented a report requesting Council approval to close a portion of 3rd Street for Oktoberfest celebrations on September 23 and 24, 2005.

MOVED by Councillor Fraser, SECONDED by Councillor Reid:

THAT Council authorizes a portion of 3rd Street adjacent to the Gasthaus Restaurant be temporarily closed for the Oktoberfest celebrations being held by the Gasthaus Restaurant and Chamber of Commerce on September 23 and 24, 2005.

CARRIED.

6TH STREET CLOSURE – BYLAW #1767 The Planner presented a report requesting permanent closure of a portion of 6th Street through 6th Street Road Closure and Removal of Highway Dedication Bylaw Number 1767, 2005. This closure will facilitate the construction of a curling rink.

Regular Council Meeting Minutes
September 13, 2005
Page 5

**6TH STREET
CLOSURE – BYLAW
#1767**

MOVED by Councillor Reid, SECONDED by Councillor Moritz:

THAT a portion of highway attached as Schedule 'A' comprising 0.126 ha. shown in bold black as closed road on the Reference Plan prepared by van Gorp and Company BCLS and completed on July 26, 2005, is hereby closed to traffic and the highway dedication removed;

AND THAT the Mayor and Administrator be authorized to execute all documents necessary to complete this transaction;

AND THAT Road Closure – Portion of 6th Street Bylaw Number 1767, 2005 be read First, Second and Third Times;

AND THAT upon registration pursuant to the *Land Title Act, RSBC 1996, c. 250*, information regarding this transaction may be released to the public, subject to any privacy rights provided for in the *Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165*.

CARRIED.

**REZONING – 5247
BUCHANAN ROAD
D. SEARLE
BYLAW #1769**

The Planner presented a report regarding a rezoning application for 5247 Buchanan Road, D. Searle, from RR-2 Rural Residential to R-1 Single Family Residential zone.

MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1769, 2005, to change the zoning designation of Lot 5, DL 449, Plan 37515, 5247 Buchanan Road, from the RR-2 Rural Residential zone to the R-1 Single Family Residential zone be read First and Second Times;

AND THAT a Public Hearing be scheduled.

CARRIED.

**REZONING – 4026
BEACH AVENUE
TANNER/DUPOIS
BYLAW #1770**

The Planner presented a report regarding a rezoning application for 4026 Beach Avenue, Tanner/Dupuis, from R-1 Single Family Residential zone to R-3 Multiple Family Low Density Residential zone, and to remove the requirement under Part 17 of the R-3 Multiple Family Low Density Residential zone Section D1 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."

MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005, to change the zoning designation of Lot 2, Plan KAP72040, DL 220, 4026 Beach Avenue, from R-1 Single Family Residential zone to R-3 Multiple Family Low Density Residential zone, and to remove the requirement under Part 17 of the R-3 Multiple Family Low Density Residential zone Section D1 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 read First and Second Times;

Regular Council Meeting Minutes
September 13, 2005
Page 6

BYLAW 1770 (CONT.) AND THAT a restrictive covenant be placed on title to restrict density to a maximum of four units upon final approval of the zoning amendment;

AND THAT a public hearing be scheduled.

AMEND MOTION MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT the motion be amended to include "that a restrictive covenant be placed on the property title to ensure that the decks will not be enclosed to become living space in the future."

CARRIED.

MAIN MOTION AS AMENDED

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005, to change the zoning designation of Lot 2, Plan KAP72040, 4026 Beach Avenue, from the R-1 Single Family Residential zone to R-3 Multiple Family Low Density Residential zone, and to remove the requirement under Part 17 of the R-3 Multiple Family Low Density Residential zone Section D1 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 read First and Second Times;

AND THAT a restrictive covenant be placed on title to restrict density to a maximum of four units upon final approval of the zoning amendment;

AND THAT a public hearing be scheduled;

AND THAT a restrictive covenant be placed on the property title to ensure that the decks will not be enclosed to become living space in the future.

CARRIED.

Councillors Fraser and Moritz OPPOSED.

DOWNTOWN INTER-CONNECT TO DEEP CREEK WATER SYSTEM

The Director of Operations presented a report outlining tenders received for the Downtown Interconnect to Deep Creek Water System project.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council authorizes staff to execute the award of the Downtown Water Interconnect to Deep Creek to Bennett Contracting Ltd. for the sum of \$404,362.36;

AND THAT the additional required funding of \$200,000 be funded from the Water DCC account and budgeted in the 2006 financial plan.

CARRIED.

B.C. HYDRO BEAUTIFICATION GRANT

The Director of Operations presented a report regarding applying for a BC Hydro Beautification grant to underground utilities in the skate park vicinity.

BC HYDRO (CONT.) MOVED by Councillor Moritz, SECONDED by Councillor Henderson:

THAT Council authorizes staff to prepare the appropriate application to the BC Hydro Beautification grant program and bring forth project details to the 2006 budget discussions for further consideration.

CARRIED.

MAYOR AND COUNCILLORS' REPORTS

COUNCILLOR HURD Councillor Hurd presented a power point presentation on the recent Trepanier Creek Restoration Project, funded by a \$10,000 grant to the Peachland Sportsmens' Association. Councillor Hurd thanked the 4 Peachland males and 1 Westbank female who worked on this project to cut, bundle and remove wire from the Creek, with a total of 500 people hours of work. Councillor Hurd hopes that grant funding will continue so that this was the 'first annual' restoration project. This presentation will also be made at the Rivers and Creeks Society of BC day at Mission Creek Park on September 25th.

COUNCILLOR HALLBERG Councillor Hallberg reported on attendance at: Peachland Economic Development Committee – 4 meetings, Development Services Committee, Committee of the Whole, In Camera, CORD EDC presentation, Water Interconnect tender opening, Fall Fair.

COUNCILLOR MORITZ Councillor Moritz congratulated all involved in the Fall Fair.

COUNCILLOR REID Councillor Reid attended: Development Services Committee, Committee of the Whole, UBC Okanagan President's Advisory Council, UBC-O and Okanagan College official openings, Fall Fair. He handed out Fall Fair awards on behalf of Mayor Harriman.

COUNCILLOR FRASER Councillor Fraser reported on attendance: Development Services Committee, Committee of the Whole, In Camera, Fall Fair. At a PDRS Board meeting held yesterday, Gord Thorne has replaced Norm Rumer on the Board, and the Variety Singers attended to advise that they could not pay the increased user fees being proposed.

COUNCILLOR HENDERSON Councillor Henderson attended Development Services Committee, thanked all artists involved in the Art Amble, attended Fall Fair, looks forward to Oktoberfest, noted technical problems the Communications Society is working on with channel 29. He thanked Mayor Harriman for his consistent and unbiased support over the past 3 years and wished him well.

MAYOR HARRIMAN Mayor Harriman reported 123 hours in August on Mayor's duties. He noted that at last year's UBCM Convention, concerns with Hwy. 97 were expressed to Ministry of Transportation. This was followed up with 2 meetings/tours in Peachland, and still no improvements have been made. Mayor Harriman stated that the Hwy. 97/Todd Road intersection is extremely dangerous, with many near-misses.

MAYOR HARRIMAN (CONT.) MOVED by Mayor Harriman, SECONDED by Councillor Fraser:

THAT Council endorses the Ministry of Transportation initiative to install no post barriers to temporarily close Todd Road at Hwy. 97 until such time as a safe design can be developed for the intersection.

Discussion took place on the motion:

- road surface is too narrow to place barriers in centre of Hwy. 97 to prevent left turns
- permit right-on, right-off turns only
- only 1 accident at Todd Road since 2003
- impact on traffic on north Beach Avenue will be a disaster
- even locals turn left
- this is a MOT problem; nothing has been done
- this would be only a small improvement to a terrible intersection
- right in is dangerous; right out is great
- issue came up with Lakeshore Gardens development, which Council approved

MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT the installation of no post barriers to close Todd Road at Hwy. 97 be tabled.

CARRIED.

CORRESPONDENCE

For Information:

- C. Unrau re: skatepark location
- Land & Water BC re: new water rental rates
- G. Paynter re: Burdekin Lane
- Stockwell Day, MP re: Passport Office in Peachland
- Bill & Susan Teed re: Sherburn Road development

OTHER BUSINESS

CAO

CAO Chris Prosser announced his resignation from the District effective October 7th. He thanked Mayor and Council for their fantastic support over the past 2 years, and thanked management staff.

Council members expressed appreciation to Mr. Prosser and wished him well in his new position.

HIRING COM.

Mayor Harriman announced a Hiring Committee to begin the search for a new CAO, consisting of himself as Chair, and including Councillors Hallberg and Henderson.

IN CAMERA MTG.

MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT an In Camera Meeting be held at 1:00 p.m. October 4, 2005, pursuant to Section 90(1)(c) (labour relations) and 90(1)(e) (land) of the *Community Charter*.

CARRIED.

QUESTION PERIOD

- T. CONDON** Mr. Terry Condon, Jackson Crescent, asked what the status is on the geotechnical survey for the Turner Avenue development. The CAO advised that the survey has not yet been received. Mr. Condon asked when road repairs would be done to a 30 – 40 m section, 1 lane wide, at the apex of the corner; this is dangerous and needs to be barricaded immediately, with darkness coming earlier each night.
- S. TEED** Mrs. Susan Teed, 6417 Bulyea Ave., noted that her concern is not with sidewalks in the Sherburn development, but with public access to the ravine park area, which is presently inaccessible. The Planner advised that the developer has more than complied with the parkland dedication, to the amount of approximately 10%. The land is along the ravine for drainage and environmental protection. Construction of a pathway could be considered during 2006 budget deliberations. Councillor Moritz noted that Council has been adamant about community connectiveness. The CAO advised that there is a linear corridor between the 2 streets.
- A. SAWITSKY** Mr. Al Sawitsky, MacNeill Court, expressed concerns with blasting and asked what the CAO has found out. The CAO advised that the District is waiting for a written proposal from the developer, following the developer's meeting with the neighbourhood. Mr. Sawitsky stated that the residents are against any further blasting which may cause damage to foundations; the developer must find an alternate way to remove rock. The CAO advised that the District's blasting bylaw puts the responsibility on the insurer of the blaster.
- D. OVERHOFF** Mr. Dieter Overhoff, Meldrum Place, advised that blasting was done at his property line for the Turner Avenue development, creating a 30 foot cliff; he wrote to Council that a retaining wall was need, and the Director of Operations wrote to the developer in July, with no answer to date. Rocks are still coming down; what is being done. The Director of Operations advised that the District is still waiting for the geotechnical report from the developer. Councillor Reid noted that the variance application was withdrawn from this Agenda, otherwise he would have asked that it be tabled until these outstanding items are addressed.
- D. HARTFORD** Mrs. Darlene Hartford, Beach Avenue, asked if the BC Hydro Beautification Grant program is available to neighbourhoods to underground power lines, and is it a one time opportunity. The CAO advised that this is an annual grant, and it could allow neighbours to contribute one-third or even two-thirds towards a project.
- C. BOYLE** Mr. Chris Boyle, Sherburn Road, noted that the ravine mentioned in Mrs. Teed's letter is impassable as the border is private property; construction of a walkway would be nice, but difficult. He stated that the Highway access at Renfrew Road must be controlled by a traffic light. He asked Council to pursue Ministry of Transportation to provide an alternative to 4 laning through Peachland.

Regular Council Meeting Minutes
September 13, 2005
Page 10

G. TODD Mr. Graham Todd, 3976 Beach Avenue, noted that 20 to 25 years ago, a Todd's RV and Camping guest was killed at the Highway at Todd Road; and while he wouldn't want Todd Road completely closed, a right turn on to the Highway from Todd Road is needed. He asked if Todd family representatives could attend the meeting with the Ministry on Thursday; the Mayor advised they could not. Mr. Todd stated that Council has had no communication with people involved in certain areas.

EXTEND MEETING MOVED by Councillor Hallberg, SECONDED by Councillor Hurd:

THAT the Regular Meeting extend past 10:00 p.m.

CARRIED.

G. PAYNTER Mrs. Gillian Paynter, 5270 Buchanan Road, asked if Council would consider funding for the Burdekin Lane project. The CAO advised that it is, again, on staff's list for 2006 budget consideration.

ADJOURNMENT MOVED by Councillor Reid, SECONDED by Councillor Hurd:

THAT the Regular Council Meeting adjourn at 10:05 p.m.

CARRIED.

(Original signed by Mayor and Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 12th day of October, 2005.