

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Special Open Council Meeting Minutes
Held Tuesday, October 31, 2006 at 1:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Reid, Councillors Condon, Fraser, Hallberg, Moritz, Nielsen & Thorne

CAO Elsie Lemke
Director of Corporate Services Betty Briggs
Director of Finance Doug Pryde
Director of Operations Dave Gold
Director of Planning & Development Services Dave Smith
Fire Chief Grant Topham

Members of the Media
Members of the Public

CALL TO ORDER: Mayor Reid called the Regular Council Meeting to order at 1:01 p.m.

AMENDMENTS TO THE AGENDA Change of order: 7-I will be considered before 7-G;
Added to Agenda: 11-B: Turner Park License to Use

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

THAT the Agenda be approved as amended.

CARRIED.

ADOPTION OF THE MINUTES

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

THAT the Minutes of the Regular Council Meeting held October 10, 2006, be adopted as circulated.

CARRIED.

COMMITTEE & STAFF REPORTS

Committee Reports:

SENIORS HOUSING CAO Elsie Lemke presented a report outlining a proposed planning structure for seniors' housing and related services. Mayor Reid clarified that this is a transitional structure and will be a committee of Council.

MOVED by Councillor Hallberg, SECONDED by Councillor Thorne:

THAT Council work with community representatives to establish a Peachland Seniors' Support Committee, and, as a second phase, establishing a Peachland Seniors' Support Society with charitable status, for the purpose of creating a structure to advance the goals related to Aging in Place strategies and non-profit, affordable seniors' housing.

CARRIED.

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**EXEMPT STAFF
COMPENSATION
POLICY**

CAO Elsie Lemke presented a report advising of a resolution passed at an In Camera Council meeting regarding Exempt Staff Compensation Policy amendments.

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT Council adopts Exempt Staff Compensation Policy #PER-090 as amended.

CARRIED.

**EXEMPT STAFF
COST OF LIVING
INCREASE**

CAO Elsie Lemke reported that Council, at an In Camera meeting, approved a 2% cost of living increase to exempt staff salaries, effective June 1, 2006, excluding the CAO, Planner, Fire Chief and Director of Operations.

**BUS RAPID TRANSIT
PROPOSAL**

CAO Elsie Lemke and Mayor Reid presented a report regarding Bus Rapid Transit Proposal – New Deal Funding. Mayor Reid reported on a resolution from the Westside Directors and the Westside Issues Committee regarding acceleration of the Program on the Westside.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Council supports the Bus Rapid Transit Proposal as presented, on the condition that planning and land acquisition be accelerated on the Westside so that the Bus Rapid Transit can expand to the Westside as soon as possible after the William R. Bennett bridge opens, and supports its classification as a regionally significant project for the next five years, under the 'New Deal' program.

CARRIED.

**2007 REGULAR
COUNCIL MTGS.**

CAO Elsie Lemke presented a report explaining the proposed 2007 Regular Council Meeting schedule.

MOVED by Councillor Condon, SECONDED by Councillor Fraser:

THAT the 2007 Schedule of Regular Council Meetings be adopted.

CARRIED.

**CANCER AGENCY
MOBILE MAMMOGR.**

CAO Elsie Lemke presented a request from the BC Cancer Agency for waiving of the rental fee for a room at the Community Centre to bring the mobile mammography screening program to Peachland.

MOVED by Councillor Nielsen, SECONDED by Councillor Hallberg:

THAT Council waive the requirements of Community Recreation Policy #FIN-035 and Parks and Recreation Fees and Charges Bylaw Number 1732, for the BC Cancer Agency rental of ½ of the Community Centre banquet room for November 20 & 21, 2006, for the mobile screening mammography program, at \$90.00 per day;
AND THAT community groups such as the Wellness Centre and PDRS be invited to volunteer with patient reception.

CARRIED.

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2007 TAX EXEMPT. BYLAW #1817 MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT 2007 Tax Exemption Bylaw Number 1817, 2006, be finally reconsidered and adopted.

CARRIED.

BYLAW #1770
ZONING AMEND.
4026 BEACH AVE.
DUPUIS

Director of Planning & Development Services Dave Smith presented a report regarding Bylaw 1770, and advised that the titles on each of the Requests for Decision for this property have incorrect legal descriptions; these should be changed to Lot 2, Plan KAP72040. Correct legals are contained in the Bylaw, the Development Variance Permit and the Restrictive Covenant.

MOVED by Councillor Hallberg, SECONDED by Councillor Thorne:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1770, 2005, be finally reconsidered and adopted.

CARRIED.

Councillors Fraser & Moritz OPPOSED.

DVP #05/10,004
4026 BEACH AVE.
DUPUIS

The Director of Planning presented a report regarding Development Variance Permit application #DVP05/10,004, 4026 Beach Avenue. He advised that outdoor amenity space is provided, resulting in removal of clause 1-C in the Development Permit. Staff recommend approval of the variances as listed, however, Council could choose to increase the side setback requirements from the requested 2 meters to 3 or 4 meters.

The Director of Planning responded to questions from Council. Correspondence received this morning from Dan Lacasse was distributed. Previously received correspondence was included in the Agenda package.

MOVED by Councillor Thorne, SECONDED by Councillor Hallberg:

THAT the owner and architect be permitted to answer questions from Council.

CARRIED.

Mr. Terry Tanner, architect, described the proposed outdoor amenity space as garden area.

Mr. Bill Dupuis, owner, advised that a 4 plex was designed as it is highest and best use of the property, as opposed to a 3 plex. When the application was submitted 2 years ago, the Planner at the time recommended the R-3 zoning with variances, as a new zone had not yet been created.

Mr. Tanner advised that to redesign the building to fit 3 or 4 meter setbacks would take 4 to 6 weeks, and \$20,000 to \$25,000.

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DVP #05/10,004
(CONT.)

MOVED by Councillor Moritz:

THAT DVP #05/10,004 be tabled to the next Regular Council Meeting November 14, 2006.

FAILED DUE TO LACK OF SECONDER.

RECESS

MOVED by Councillor Condon, SECONDED by Councillor Hallberg:

THAT the Meeting recess for 10 minutes at 1:58 p.m. so that Council members can review the recently received correspondence.

CARRIED.

RECONVENE

The Meeting reconvened at 2:08 p.m.

The Director of Planning continued to answer questions from Council, clarifying maximum lot coverage of 45%, fees required including servicing, landscaping, DCCs, cash in lieu of parkland.

Fire Chief Topham advised that no problems are seen for emergency vehicles on Butler Place with the proposed development.

Mr. Tanner confirmed that the outdoor amenity space can be redesigned so that it does not encroach into the setback.

Director of Operations Dave Gold advised that curb, gutter and sidewalk is required on Beach Avenue, but not on Butler Place. Butler is fairly new and in good condition; there is no width for sidewalk construction; there are no drainage problems which would require curb and gutter. An 8" water line along the walkway to Beach will be installed to permit installation of a fire hydrant.

MOVED by Councillor Nielsen, SECONDED by Councillor Hallberg:

THAT Council approves the Development Permit for 4026 Beach Avenue, owner Dupuis, which includes setback variances as follows:

Front 6.0 meters
Side 2.0 meters
Rear 6.0 meters;

AND THAT issuance of the Development Permit be held until the following are received:

- bonding required for landscaping
- required off-site service guarantees as per Subdivision Development Servicing Bylaw No. 1230
- the agreement being entered into for the provision of off-site services;

AND THAT staff be authorized to register the Development Permit on the title of the property, upon the developer making final payment for services required;

AND THAT the outdoor amenity space be relocated.

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DVP #05/10,004
(CONT.)
AMEND MAIN
MOTION

MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT the main motion be amended to change 2.0 meter side setback to 3.0 meters.

DEFEATED.

Mayor Reid, Councillors Condon, Hallberg, Moritz and Nielsen OPPOSED.

MAIN MOTION

THAT Council approves the Development Permit for 4026 Beach Avenue, owner Dupuis, which includes setback variances as follows:

Front 6.0 meters
Side 2.0 meters
Rear 6.0 meters;

AND THAT issuance of the Development Permit be held until the following are received:

- bonding required for landscaping
- required off-site service guarantees as per Subdivision Development Servicing Bylaw No. 1230;
- the agreement being entered into for the provision of off-site services;

AND THAT staff be authorized to register the Development Permit on the title of the property, upon the developer making final payment for services required;

AND THAT the outdoor amenity space be relocated.

DEFEATED.

Councillors Condon, Fraser, Moritz & Thorne OPPOSED.

RESTRICTIVE
COVENANT
4026 BEACH AVE.

The Restrictive Covenant for 4026 Beach Avenue was not considered, due to the defeat of Development Permit #05/10,004 (above.)

LOMBARDY POPLAR
TREE – DAY USE
WHARF

MOVED by Councillor Thorne, SECONDED by Councillor Condon:

THAT the report from the Superintendent advising that the Lombardy poplar tree at the Day Use Wharf location will be removed and replaced, due to the high risk of failure, be received.

CARRIED.

FIRE INSPECTION
SERVICES
KELOWNA

Fire Chief Grant Topham presented a report requesting termination of the Fire Inspection Services Agreement with the City of Kelowna.

MOVED by Councillor Nielsen, SECONDED by Councillor Hallberg:

THAT the City of Kelowna be requested to waive the 6 month termination clause (#8) in the Agreement for Fire Inspection Services;

AND THAT the Agreement for Fire Inspection Services between the City of Kelowna and the District of Peachland be terminated as of December 31, 2006.

CARRIED.

MAYOR & COUNCILLORS' REPORTS

- COUNCILLOR THORNE** Councillor Thorne congratulated the Chamber of Commerce for the excellent Trade Show. He chaired the Wellness Centre Society's election of officers, and congratulated all those elected.
- COUNCILLOR HALLBERG** Councillor Hallberg attended the UBCM Convention last week in Victoria.
- COUNCILLOR MORITZ** Councillor Moritz congratulated the Chamber of Commerce for the Trade Show.
- MAYOR REID** Mayor Reid attended the UBCM Convention, and a written report will follow. He announced that Peachland will not start paying policing costs until April 1, 2007.

CORRESPONDENCE

Requiring Action:

- PF & C MARKET** MOVED by Councillor Hallberg, SECONDED by Councillor Nielsen:
THAT the letter from PF & C Market Society (6th Street Market) requesting a larger location, signage in the form of banners, and rental costs for 2007 be referred to the Business Development Committee for review.

CARRIED.

For Information:

PEDC re: support to change Rattlesnake Island to Ogopogo Island Planning Institute of BC 2007 Conference – request for sponsorship

OTHER BUSINESS

- IN CAMERA MTG.** MOVED by Councillor Fraser, SECONDED by Councillor Moritz:
THAT an In Camera Meeting be held at 1:00 p.m. November 14, 2006, pursuant to Sec. 90(1)(e)[land] of the *Community Charter*.

CARRIED.

- TURNER PARK LICENSE TO USE** CAO Elsie Lemke presented a report regarding continued use of the Turner Avenue property after ownership changes.
MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:
THAT Council approves entering into a License to Use Lot 49, DL 1183, ODYD, Plan 117, for parks and recreational purposes, with SSC Ventures (No. 109) Ltd. for a period of up to two years, as set out in the Agreement.

CARRIED.

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QUESTION PERIOD

N. MERRILL

Nancy Merrill, 6095 Jackson Crescent, asked if the new owners of Turner Park will pay property taxes. The Mayor advised they will pay taxes based on assessment. Ms. Merrill asked if approving the License to Use infers approval of rezoning the Turner Avenue property. Mayor Reid advised it does not.

ADJOURNMENT

MOVED by Councillor Nielsen:

THAT the Special Open Meeting adjourn at 2:49 p.m.

CARRIED.

(Original signed by Mayor & Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 15th day of November, 2006.