

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, January 23, 2007 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

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

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

Members of the Public
Members of the Media

ABSENT: Councillor Hallberg

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

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

THAT the Agenda be approved as circulated.

CARRIED.

PRESENTATIONS & DELEGATIONS

WASTE REDUCTION Ms. Carol Suhan, Waste Reduction Coordinator, Central Okanagan Regional District, provided information on changes to the region-wide recycling program, including elimination of glass and expansion to plastics collection. She noted that Peachland residents can take glass to the Boucherie Bottle Depot or the Westside Landfill for recycling. Ms. Suhan answered questions from Council members.

Mayor Reid thanked Ms. Suhan for her presentation.

B. TEED Mr. Bill Teed, representing a group of concerned citizens, addressed Council with a request for Council to apply for a Communities in Transition grant through the Real Estate Foundation of B.C. in order to oversee the development of a new Official Community Plan. Mr. Teed introduced Mr. Gus Boersma, representing the Real Estate Foundation, who expanded on the Communities in Transition grant program, and explained the process to apply for funding.

CAO Elsie Lemke summarized her attached report regarding this program.

Mayor Reid thanked Mr. Teed and Mr. Boersma for their presentations.

MOVED by Councillor Nielsen, SECONDED by Councillor Thorne:

THAT the presentation on Communities in Transition grant program be received for information.

CARRIED.

ADOPTION OF THE MINUTES

ADOPT MINUTES

MOVED by Councillor Fraser, SECONDED by Councillor Thorne:

THAT the Minutes of the Regular Council Meeting held January 9, 2007, be adopted as circulated.

CARRIED.

MOVED by Councillor Moritz, SECONDED by Councillor Thorne:

THAT the Minutes of the Committee of the Whole Meeting held January 16, 2007, be adopted as circulated.

CARRIED.

UNFINISHED BUSINESS

ADVISORY PLANNING COMMITTEE CAO Elsie Lemke presented a report recommending appointment of five individuals to the Advisory Planning Committee.

MOVED by Councillor Thorne, SECONDED by Councillor Condon:

THAT the following be appointed to sit as members of the Advisory Planning Committee:

Hans Calfish, Tony Chadwick, William Clark, Cecile Guilbault, William Lemmon.

CARRIED.

**BYLAW 1770 &
DVP #05/10,004
4026 BEACH AVE.
DUPUIS**

MOVED by Councillor Condon, SECONDED by Councillor Thorne:

THAT Council reconsider Development Variance Permit #05/10,004 first, and secondly, Zoning Amendment Bylaw Number 1770.

CARRIED.

Mayor Reid noted that Development Variance Permit #05/10,004 was defeated by Council resolution at the October 31, 2006 Special Open Council Meeting.

Corporate Officer Betty Briggs read the resolution now returned to the table for consideration:

THAT Council approves Development Permit #DVP05/10,004, 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 Number 1230

Regular Council Meeting Minutes
January 23, 2007
Page 3

**BYLAW 1770 &
DVP#05/10,004
(CONT.)**

- the agreement being entered into for the provision of off-site services;

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

AND THAT the outdoor amenity space be relocated.

Discussion took place on the resolution:

Councillor Condon:

- voted against the DVP in October
- nothing substantive has changed to change his decision

Councillor Nielsen:

- voted in favour in October
- nothing substantive has changed to change his decision

Councillor Moritz:

- since previous Public Hearing, Planning Staff indicated no further efforts have been made to resolve outstanding items
- through 2005-2006 application process, a re-write of the R-3 zone to include 17% massing bonus; still want variances beyond that
- reference was made to the 4 plex down the street; this was a 'CD' zone which adhered to FAR
- massing was deemed to be maxed out
- amenity space has not been resolved

Councillor Thorne:

- deliberated many hours
- at first Public Hearing, suggested amending to 3 meter sideyard from 2 meter; nothing has come forward
- sees no reason to change vote against DVP

Vote on Motion was:

DEFEATED.
Mayor Reid & Councillor Nielsen IN FAVOUR.

BYLAW #1770

The motion brought back to the table:

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

Mayor Reid advised that should the reconsideration vote on Bylaw 1770 fail, the property would revert back to R-1 zoning. He noted that case law indicates that a Council member voting against the motion should state the reason.

Discussion took place on the motion:

Councillor Nielsen:

- Bylaw has been brought back due to a letter from applicant's solicitor

Regular Council Meeting Minutes
January 23, 2007
Page 4

BYLAW 1770
(CONT.)

- notwithstanding the solicitor's letter, this is a decision of Council, a legal process and legal decision, and Council and developer will live by it
- letter from the solicitor is only a letter

Councillor Condon:

- R-3 zone doesn't suit proponent, resulting in variance request
- in the interim, R-2A and CD zones have been adopted
- this property is awkwardly shaped to design a decent building
- should look at alternative zone

Director of Planning & Development Services David Smith, in response to a question, advised that a zoning amendment application is approximately \$600; with an OCP amendment, \$1,000.

Councillor Moritz:

- Planner at the time perceived R-2A as a template zone for Bluewaters
- concerned about reference to 3 storeys in letter
- if R-2A is proposed, Council should waive application fee

Councillor Fraser:

- asked if this 4 plex would fit without variance into R-2A zone

Mr. Smith:

- responded that it would not due to smaller footprint and 40% site coverage permitted
- another building plan would be required

Councillor Thorne:

- R-3 doesn't suit proposal
- against; revert property to R-1, bring option for another proposal

Councillor Nielsen:

- Council does not know what the developer wishes to do
- developer applied to rezone from R-1 to R-3
- re-draw plans to fit R-3, or look for new zone
- owner can ask for whatever zoning he fancies

Mayor Reid:

- not appropriate to leave open to interpretation what can and cannot be built on R-3, 2 or 3 stories
- against this rezoning; revert to R-1
- applicant can bring forward another application for consideration

Vote on Motion was:

DEFEATED.

Mayor Reid, Councillors Condon, Fraser, Moritz, & Thorne OPPOSED.

COMMITTEE & STAFF REPORTS

Committee Reports:

**PARKS, REC &
CULTURE COM.**

CAO Elsie Lemke presented a report regarding proposed Centennial projects and grant funding opportunities.

MOVED by Councillor Thorne, SECONDED by Councillor Moritz:

THAT Council supports an application for LocalMotion grant funding for Option B-1, construction of 300 meters of Beach Avenue Waterfront Walkway from 1st to 5th Streets, in the amount of \$179,855.

CARRIED.

MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT staff conduct further investigation of Option A, Beach Avenue Waterfront Walkway, which includes a cantilevered walkway over the lakeshore and would require approvals from Department of Fisheries and Oceans and the Ministry of Environment.

CARRIED.

MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT Council supports a grant application for two Spirit Squares funding, one in the Town Centre and one in the Gateway area, in the amount of \$20,000 for planning and preliminary design.

CARRIED.

MOVED by Councillor Thorne, SECONDED by Councillor Moritz:

THAT Council approves providing liability insurance for facility user groups and organizations through Option 2 of Sports BC Insurance.

CARRIED.

CAO Elsie Lemke presented a new Parades Policy, resulting from a near-miss accident at last year's July 1st parade, where a child was almost hit by a moving parade vehicle while chasing thrown candy.

MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT Parade Policy #PRO-175 be adopted.

CARRIED.

ELUC

Environment & Land Use Committee Chair Councillor Condon noted one error in the attached January 16 minutes; this will be corrected at the next Committee meeting.

Regular Council Meeting Minutes
January 23, 2007
Page 6

COTW

MOVED by Councillor Fraser, SECONDED by Mayor Reid:

THAT Council authorizes refunding the 2006 Solid Waste Collection and Disposal Parcel Tax assessment to the owners of the 19 units in the Gateway building located at 4200 Beach Avenue.

CARRIED.
Councillor Moritz OPPOSED.

CAO Elsie Lemke reviewed proposed amendments to the Municipal Awards Policy, resulting from discussions at the Committee of the Whole Meeting. Missing from the report attached was the Youth Achievement Award (3) replacing Education and Athletic Awards.

MOVED by Councillor Nielsen, SECONDED by Councillor Condon:

THAT the proposed Awards Policy be amended as follows:

- Christmas Lighting: add 'Peachland View newspaper judges, with suggestions from the public;'
- Mayor & Council Scholarship: change to read 'Scholarship Foundation' chooses recipient.

CARRIED.

MOVED by Councillor Moritz, SECONDED by Councillor Fraser:

THAT the proposed Awards Policy be amended to increase to 2 from 1 recipient under Water Conservation Landscaping.

CARRIED.

MOVED by Councillor Nielsen, SECONDED by Councillor Fraser:

THAT the Municipal Awards Policy, as amended, be adopted.

CARRIED.

VEHICLE USE
PFRS & CPO

CAO Elsie Lemke presented a report outlining a proposed sharing agreement between PFRS and Community Policing (CPO.) CPO is also requesting operating funding for the van. Council members discussed this item, and Fire Chief Grant Topham confirmed that the red emergency lights would be changed to amber (not Code 3 emergency) and the siren would be disabled. PFRS would use the van for summer students, ferrying supplies, etc.

MOVED by Councillor Condon, SECONDED by Councillor Thorne:

THAT Council hear from Mr. Bill Guthrie, CPO representative.

CARRIED.

Mr. Guthrie advised:

- decals would be similar to RCMP, but clearly state 'Peachland Community Police'
- CPO volunteers are not policemen, but have radio contact with RCMP
- the van would be repainted white on the bottom, with decals above

Regular Council Meeting Minutes
January 23, 2007
Page 7

VAN (CONT.)

- Lake Country has 1 community policing van, Kelowna has 3, Westbank has 1
- although maintenance costs for 2007 are estimated at \$1480, the 2006 actual expense was \$375
- if CPO could have use of the van for 3 or 4 years, it would be beneficial
- last year, CPO volunteers used their own vehicles for 'Speedwatch'
- ICBC and RDCO turned down requests for funding assistance
- Vehicle would be parked at CPO office on 6th Street

MOVED by Councillor Moritz, SECONDED by Councillor Thorne:

THAT Council authorizes the Mayor and Corporate Officer to sign the Vehicle Use Agreement as presented.

CARRIED.
Councillor Nielsen OPPOSED.

MOVED by Councillor Nielsen, SECONDED by Councillor Thorne:

THAT the funding request for maintenance of the 1990 Chev van be referred to Committee of the Whole budget meeting, and be included in the Community Policing Office current Civic Grant application.

CARRIED.

ADDITIONAL DOG BEACH

CAO Elsie Lemke presented a report regarding the temporary additional Dog Beach.

MOVED by Councillor Fraser, SECONDED by Councillor Moritz:

THAT Council permanently designates an additional dog beach area, for on-leash dogs only, from the boat launch near Peachland Yacht Club (8th Street) north to the District-owned wharf at Strachan's Corner (start of the 'swimming-only' floats.)

AMEND MOTION

MOVED by Councillor Nielsen, SECONDED by Councillor Condon:

THAT the motion be amended by removing the word 'permanently.'

CARRIED.

MAIN MOTION AS AMENDED

THAT Council designates an additional dog beach area, for on-leash dogs only, from the boat launch near Peachland Yacht Club (8th Street) north to the District-owned wharf at Strachan's Corner (start of the 'swimming-only' floats.

CARRIED.
Councillors Condon & Thorne OPPOSED.

BYLAW #1821 REVENUE ANTICIP. BORROWING

MOVED by Councillor Nielsen, SECONDED by Councillor Fraser:

THAT Revenue Anticipation Borrowing Bylaw Number 1821, 2007 be read First, Second and Third Times.

CARRIED.

Regular Council Meeting Minutes
January 23, 2007
Page 8

WATER RATES
BYLAW #1822

Director of Finance Doug Pryde presented a report recommending three readings to the new Water Rates Bylaw, which contains an increase to the average residential user of \$29.75 per year. Utility bills need to be mailed out by mid-February.

Council members discussed the proposed water rates, the resolution expected with the metering program, and the metering education program to commence shortly.

MOVED by Councillor Nielsen, SECONDED by Councillor Fraser:

THAT Water Rates Bylaw No. 1713 Amendment Bylaw Number 1822, 2007 be read First, Second and Third Times.

CARRIED.

PUBLIC INFO
MEETINGS

Director of Planning & Development Services David Smith presented a report with a recommendation from Environment and Land Use Committee to implement Public Information Meetings for significant Official Community Plan and Zoning amendment proposals.

MOVED by Councillor Condon, SECONDED by Councillor Thorne:

THAT Council adopts as follows: that Public Information meetings be held and hosted by the applicant (developer) for significant development applications, as determined by the Planning & Development Services Department pertaining to Official Community Plan and Zoning Bylaw amendments;

AND THAT public information meetings be arranged as follows:

- notice of meeting (including property location map and civic address) be placed in at least one issue of the Peachland View;
- notice of meeting to be placed on the local cable channel in advance of the scheduled meeting;
- notice of the meeting to be distributed to all property owners and tenants within 100 meters of the subject property(s);
- the meeting be open a minimum of 3 hours, two of which must be after 4:00 p.m.;
- attendance be recorded and comment sheets be made available for the public. All comments will form part of the OCP or Zoning amendment report to Council submitted at 1st reading.

CARRIED.

OCP REVIEW

Director of Planning & Development Services David Smith presented a Report recommending a general update and consolidation of the Official Community Plan; the recommendation was endorsed by the Environment & Land Use Committee at its recent meeting. Committee Chair Councillor Condon clarified that although the report requests early budget approval of \$50,000, previous approval has been received for \$35,000 for certain parts of the update, including steep slopes development areas.

Regular Council Meeting Minutes
January 23, 2007
Page 9

OCP (CONT.)

MOVED by Councillor Condon, SECONDED by Councillor Fraser:

THAT staff undertake a general update and consolidation of the District's Official Community Plan in 2007;

AND THAT the update and consolidation of the OCP be filtered through the Environment and Land Use Committee;

AND THAT Council authorize early budget approval of \$50,000 for the Official Community Plan update and consolidation for the 2007 budget.

AMEND MOTION

MOVED by Councillor Nielsen, SECONDED by Councillor Moritz:

THAT the motion be amended by removing the third clause granting early budget approval for the project.

CARRIED.

Mayor Reid & Councillor Condon OPPOSED.

MAIN MOTION AS AMENDED

THAT staff undertake a general update and consolidation of the District's Official Community Plan in 2007;

AND THAT the update and consolidation of the OCP be filtered through the Environment and Land Use Committee.

CARRIED.

LIONS CLUB WHEELCHAIR BEACH ACCESS

Director of Operations Dave Gold presented a report requesting approval to apply for a Rick Hansen Wheels in Motion Quality of Life grant for the construction of a wheelchair ramp into Okanagan Lake.

MOVED by Councillor Condon, SECONDED by Councillor Moritz:

THAT Council directs staff to apply for a Rick Hansen Wheels in Motion Quality of Life grant in the amount of \$1926.61 on behalf of the Peachland Lions Club, in order to construct a wheelchair ramp into Okanagan Lake;

AND THAT Council consider this project as part of the Beach Avenue Waterfront Walkway project, subject to DFO approval.

CARRIED.

NOTEBOOK COMPUTER PURCHASE

MOVED by Councillor Thorne, SECONDED by Councillor Condon:

THAT Council authorizes early budget approval for the purchase of a new notebook computer from the 2007 capital budget for Peachland Fire & Rescue Service.

CARRIED.

Councillor Moritz OPPOSED.

MAYOR & COUNCILLORS REPORTS

MAYOR REID

Mayor Reid reported that the CORD Board has supported Peachland's request that the Westside Sewage Treatment Plant remain a regional

Regular Council Meeting Minutes
January 23, 2007
Page 10

MAYOR REID
(CONT.)

district function. He reviewed 2007 Regional District grants-in-aid approvals which he intends to vote for, for Council's information and agreement.

CORRESPONDENCE

For Information:

- A. Courage to Come Back Awards
- B. Peachland Historical Society Annual Report 2006

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. February 13, 2007, pursuant to Sec. 90(1)(e)[land] of the *Community Charter*.

CARRIED.

QUESTION PERIOD

None.

ADJOURNMENT

MOVED by Councillor Moritz:

THAT the Regular Meeting adjourn at 9:21 p.m.

CARRIED.

(Original signed by Mayor & Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 14th day of February, 2007.