

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, August 12, 2008 at 7:00 p.m.
In the Council Chambers, Peachland Community Center**

PRESENT: Mayor Reid, Councillors Condon, Hallberg, Fraser, Thorne, Nielsen, and Moritz (7:08)

CAO Elsie Lemke
Corporate Officer Polly Palmer
Director of Planning, Dave Smith
Director of Operations, Doug Allin

Members of the Public
Members of the Media

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

AMENDMENTS TO THE AGENDA Mayor's Report – Motion to add September 23, 2008 Regular Council Meeting to the Regular Council Meeting Calendar.

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

THAT the Agenda be approved as amended.

CARRIED.

PRESENTATIONS & DELEGATIONS

PEACHLAND BRANDING

Norm Rumer presented Council with a petition with the names and addresses in excess of 600 Peachland residents who believe the new branding "Peachland Play Along!" does not represent their Community.

Pat Ryder presented her opposition to the new branding.

Council thanked Norm Rumer and Pat Ryder for their presentations.

Councillor Fraser reiterated that she was opposed when Council voted on the new branding when it originally came to Council.

MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT Council refer the petition opposing Peachland's new branding to Business Development Committee

CARRIED.
Councillor Moritz OPPOSED

**PESTICIDE
BYLAW**

Lisa Webber from Canadian Cancer Society presented a power point presentation on the health dangers of using pesticides. The link between exposures to pesticides and the number of serious illnesses, including numerous cancers, calls for action to eliminate toxic chemicals from our communities. Municipalities across Canada are implementing bylaws that restrict or ban the use of pesticides for cosmetic purposes.

MOTION

MOVED by Councillor Thorne, SECONDED by Councillor Moritz:

THAT Council approve a time extension of 2 minutes for presentation.

CARRIED.

Debbie Lazar presented her support for banning the use of pesticides and recommended that the District of Peachland adopt a Pesticide Bylaw.

Council expressed their appreciation for the presentations and informed them that the Environment & Land Use Committee is considering a Pesticide Bylaw, and a draft Pesticide Regulation Bylaw be prepared and brought back to the Committee at a later date.

ADOPTION OF THE MINUTES

ADOPT MINUTES

MOVED by Councillor Fraser, SECONDED by Councillor Thorne:

THAT the minutes of the Regular Council Meeting held July 8, 2008 be adopted as circulated; and

THAT the minutes of the Special Council Meeting held July 22, 2008 be adopted as circulated.

CARRIED.

COMMITTEE & STAFF REPORTS

**PARKS, REC
& CULTURE
COMMITTEE**

Chair Councillor Fraser reported three recommendations that came forward from the July 29th, 2008 Parks, Recreation & Culture Committee meeting:

Name request of Butler Place Blvd Garden which will be dealt with later in tonight's agenda;

Bylaw amendment to Park Regulation Bylaw No. 993 which will come forward at a later Regular Council Meeting; and

A report was presented to Parks, Recreation & Culture Committee with regards to the Trail Society building a trail within the Law Street right-of-way to connect to Crown land. Mr. Larsen of 5207 Law Street, a neighbour of the right-of-way, has concerns regarding his water supply (Bradbury Spring) located on Crown land about 10m north of the right-of-way.

Parks, Recreation & Culture Committee would like to bring forward the following motion:

MOVED by Councillor Fraser, SECONDED by Councillor Thorne:

**LAW STREET
RIGHT-OF-WAY**

THAT the use of the existing Law Street right-of-way continues as a rural walking trail to access Crown land.

CARRIED.

**BUTLER PLACE
BLVD GARDEN**

Chair Councillor Fraser presented the Parks, Recreation & Culture Committee recommendation:

THAT Council approve the naming of Butler Place boulevard garden "The Wilcox" Garden.

CARRIED.

**DEPARTMENT
MONTHLY
REPORTS**

MOVED by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT the following Department Reports for July 2008, be received:

- i) Corporate Services & Recreation
- ii) Peachland Fire & Rescue Services
- iii) Planning & Development Services
- iv) Bylaw Enforcement
- v) Building Permits
- vi) Operations & Public Works

CARRIED.

**OCCUPATIONAL
HEALTH & SAFETY
PROGRAM**

CAO Elsie Lemke presented a report recommending that Council pass a resolution approving entering into a four year contract with D.W. McMullen & Associates to manage the development and ongoing maintenance of a Health and Safety Program meeting WorkSafe BC's requirements.

MOVED by Councillor Hallberg, Seconded by Councillor Thorne:

THAT Council approve entering into a four year contract with D.W. McMullen & Associates to manage the development and ongoing maintenance of a Health and Safety Program, meeting WorkSafe BC's requirements as attached to the CAO's staff report dated July 11, 2008.

CARRIED.

Councillor Moritz OPPOSED.

**REQUEST FOR
WAIVING FEES
PEACHLAND
PLAYERS**

Peachland Players are requesting that Council waive the rental fees for the use of Fourth Street Place as a venue for Peachland Player's theatrical and its other performing arts productions.

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Council refer to the Parks, Recreation & Culture Committee, Peachland Player's request to have rental fees waived for the use of Fourth Street Place; and

THAT the discussion of establishing a lease similar to the Wellness Centre and Riding Club be considered.

CARRIED.

**REQUEST FOR
WAIVING FEES
PEACHLAND
HISTORICAL
SOCIETY**

Director of Operations Doug Allin presented a request from Peachland Historical Society for the use of the old Primary School for school Centennial Celebration scheduled for September 20th or 27th.

The request of the Peachland Historical Society are as follows:

1. Waive any rental fees for the use of Peachland Primary School
2. Waive \$500.00 damage deposit

Discussion ensued.

MOVED by Councillor Condon, SECONDED by Councillor Fraser:

THAT Council waive rental fees and damage deposit for Centennial Celebrations scheduled for September 20th or 27th, subject to all the issues of occupancy including insurance, for the Primary School or other Municipal Facilities.

CARRIED.

**DVP08/10,008
5385 BUCHANAN
ROAD**

Director of Planning David Smith presented a report recommending that Council deny Development Variance Permit DVP08/10,008 for 5385 Buchannan Road, to vary the R1 (Single Family Residential) zone front yard setback regulations from 6.0m (20ft) to 1.5m (5ft) to allow for the extension of the roof on a current carport.

Staff is concerned this Zoning Bylaw variance is excessive and questions if there are any physical hardships that warrant such a variance

Discussion ensued. Council asked staff to come back with a summary of variance hardships.

MOVED by Councillor Condon, SECONDED by Councillor Moritz:

THAT Council table the recommendation to deny Development Variance Permit 08/10,000 pending more information on the hardship issue and making the current structure conform.

CARRIED.

**PROPOSED
SEASONAL
PERMIT
D. GANSKE**

Director Planning David Smith presented a report regarding a proposed Seasonal Business Permit for Derrick Ganske, for seasonal non-motorized watercraft rentals (paddle boat, waterbike rentals) on foreshore lands immediately south of Swim Bay, effective until October 15, 2008. Mr. Ganske is also requesting that issuance of the future Seasonal Business Permits be considered on an annual basis, and that both the Business Licence and Seasonal Business Concession fees be discounted by 50%

due to the timing of the application in 2008.

Discussion ensued. Zoning Bylaws, Foreshore Issues and Sign Bylaw issue need to be addresses. The 50% reduction for Permit applications midyear are already addressed in the District's Business License Bylaw.

MOVED by Councillor Nielsen, SECONDED by Councillor Thorne:

THAT Council approve a Seasonal Business Permit for Derrick Ganske, for seasonal non-motorized watercraft rentals (paddle boat, water bike rentals), on foreshore lands immediately south of Swim Bay, effective until October 15, 2008; and

THAT issuance of future Seasonal Business permits be considered on an annual basis, as provided in the Seasonal Business Concessions Policy FIN-190; and

THAT the Seasonal Business Concession fees be discounted by 50% due to the timing of the application in 2008.

CARRIED.

**MINISTRY OF
ENERGY, MINES
& PETROLEUM
RESOURCES**

Director of Planning Dave Smith presented a report regarding an application to the Ministry for mineral sampling to take place off Highway 97C near the Sunset-Bear and Brenda Mines area.

Environment & Land Use Committee reviewed the application and recommended approval subject to the undertaking of a watershed impact study and protection plan prior to approvals being granted.

Mayor Reid requested that staff discuss with Environment & Land Use Committee a process that allows the District to respond to the time periods on Provincial applications in order to assure the District's voice is heard or that the District is granted proper extensions

MOVED by Councillor Hallberg, SECONDED by Councillor Condon:

THAT Council request the staff respond to the Ministry of Energy,

Mines and Petroleum Resources referral letter indicating that approval of this application is recommended subject to the undertaking of a watershed impact study and protection plan prior to approvals being granted;

AND THAT the recommendation be adhered to as part of the work program undertaken.

CARRIED.

MAYOR & COUNCILLORS' REPORTS

MAYOR

September 23, 2008 Regular Council Meeting was cancelled due to the UBCM Conference. Since there isn't any of Council going to the UBCM conference it is recommended that the Regular Council Meeting for September 23, 2008 be re-instated.

MOVED by Councillor Hallberg, SECONDED by Councillor Thorne:

THAT a September 23, 2008 Regular Council Meeting be scheduled subject to operational requirements.

CARRIED.

**COUNCILLOR
NIELSEN**

No Report.

**COUNCILLOR
FRASER**

Councillor Fraser hosted the BizPal Launch as Deputy Mayor on August 5th

**COUNCILLOR
THORNE**

Councillor Thorne reported that he attended all his usual meetings, he commented on how wonderful the Downtown area looked and thanked Public Works for the great job they are doing on the hand rails along the waterfront walkway.

**COUNCILLOR
MORITZ**

Councillor Moritz stated that he will formerly declare if he is running in the upcoming Municipal Election, at the next Regular Council Meeting.

**COUNCILLOR
HALLBERG**

Councillor Hallberg attended the Community Policing BBQ

**COUNCILLOR
CONDON**

Councillor Condon attended the RCMP Change Management Team Meeting on August 6, 2008.

CORRESPONDENCE

**FOR
INFORMATION**

MOVED by Councillor Condon, SECONDED by Councillor Fraser:

THAT Council receive for information the following correspondence:

- i) Norm Rumer re: Peachland Branding & Centennial
- ii) Ministry of Energy, Mines and Petroleum Resources
re: Maxwell Road gravel pit
- iii) City of Kelowna re: Air Canada

CARRIED

OTHER BUSINESS

IN CAMERA MTGS. MOVED by Councillor Thorne, SECONDED by Councillor Fraser:

THAT an In Camera Meeting be held Tuesday September 12, 2008, at 1:00 p.m. pursuant to Sec. 90(1)(c) [labour relations] of the *Community Charter*.

CARRIED.

QUESTION PERIOD

Susan Teed, 6417 Bulyea Ave – Is concerned about fire safety with the growing number of standing dead Pine Trees and debris in Peachland, and asked if Peachland had a Fire Safety Bylaw?

The District of Peachland does have a Fire & Life Safety Bylaw. The Fire Chief will be available at the next Council Meeting to address her concerns.

Walter Valente, 5806 Vicary Ave – Mr. Valente received his mock water bill and asked if the amount on his mock water bill will be the amount that he will have to pay when the official water bills are distributed?

The current mock billing is a process that allows the District the ability to collect consumption data in order to accurately define the billing process in 2009. The Director of Operations, Doug Allin can provide you with the provincial water consumption of the average person.

Kit Carson, 416 Butler Place – Is there a District policy that states there is not to be any development along the foreshore of Peachland? Why are you authorizing development such as Ganske's Water Bike rental?

There isn't any such policy that prevents Commercial development along the foreshore, the Official Community Plan sets out provisions for development in the downtown area.

Mr. Larsen, 5207 Law Street – Who brought forward the motion to build a walking trail through the District's right-of-way beside my property?

The Trails Society.

ADJOURNMENT MOVED by Councillor Nielsen:

THAT the Regular Council Meeting adjourn at 9:05 p.m.

CARRIED.

(originals are signed by the Mayor and Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C. this 9th day of September, 2008.