

TOWN OF CRESTON
REGULAR COUNCIL MEETING MINUTES - MAY 24, 2005

Minutes of a Regular Meeting of Council held on Tuesday, May 24, 2005 at 6:00 p.m. in the Town of Creston Council Chambers, 238 - 10th Avenue, North.

- PRESENT:** Mayor Snopek
Councillors Folkman, Lavender, Mueller, Sadler, Thomas, Vondracek
Wm. F. Hutchinson, Chief Administrative Officer
Gwen Mason, Director of Corporate Administration
- MEDIA** Lorne Eckersley, Creston Valley Advance
- GALLERY:** Don and Candy Root, 2631 Crusher Road
Sigrid and Al Hert, 216 Valleyview Drive
Robert Burns, 213 Devon Street
Brian Atmore, 620 Indian Road
- CALL TO ORDER** The Mayor called the Regular Meeting to order at 6:00 p.m.
- 320-05
MOVE TO CLOSED MEETING Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT by authority of the Community Charter, this meeting is closed from the public and/or news media pursuant to Sub-Section 90(1)(c) and (k).
CARRIED
- RECONVENE TO PUBLIC HEARING** The Public Hearing commenced at 7:00 p.m. and closed at 7:08 p.m.
- RECONVENE** The Regular Meeting reconvened at 7:08 p.m.
- 321-05
AGENDA Moved by Councillor Sadler, seconded by Councillor Vondracek
THAT the Agenda for the Regular Meeting of May 24, 2005, be adopted.
CARRIED
- INVOCATION** Pastor Brian Atmore, Creston Baptist Church, delivered the Invocation.
- 322-05
MINUTES Moved by Councillor Mueller, seconded by Councillor Sadler
☞ **REGULAR MTG** THAT the minutes of the Regular Meeting held May 9, 2005, be adopted.
MAY 9TH CARRIED
- 323-05
☞ **COMMITTEE MTG** Moved by Councillor Vondracek, seconded by Councillor Thomas
MAY 16TH THAT the minutes of the Regular Committee Meeting held May 16, 2005, be received.
CARRIED
- BYLAWS**
- 324-05
☞ **BYLAW 1625** Moved by Councillor Sadler, seconded by Councillor Mueller
(3RD RDG) THAT Official Community Plan Amendment Bylaw 1625, be read a third time.
DEFEATED
- 325-05
☞ **BYLAW 1626** Moved by Councillor Sadler, seconded by Councillor Thomas
(3RD RDG) THAT Zoning Amendment Bylaw 1626, be read a third time. DEFEATED
- 326-05
CORRESPONDENCE FOR INFORMATION Moved by Councillor Folkman, seconded by Councillor Sadler
THAT Ltr #679 from the Director of Corporate Administration, listing Correspondence for Information, be received and filed for information.
CARRIED
- 327-05
FINANCE WARRANTS Moved by Councillor Folkman, seconded by Councillor Mueller
☞ 19 AND 20 THAT Finance Warrant No. 19 in the amount of \$39,603.67 and No. 20 in the amount of \$109,860.50, be received.
CARRIED

- COUNCIL COMMITTEE** Moved by Councillor Sadler, seconded by Councillor Mueller
328-05 THAT Council Committee Recommendations 1 to 4, from the May 16, 2005
MAY 16TH Regular Committee Meeting, be adopted as follows:
RECOMMENDATIONS **RECOMMENDATION NO. 1:**
RQST SUPPORT RE THAT Ltr #628 from the Lower Kootenay Band, requesting a letter of support for
GOAT RIVER their funding application to the BC Agriculture Council, for the completion of
RIPARIAN riparian restoration on the south channel of Goat River, be received; AND
RESTORATION FURTHER, THAT the Mayor write the BC Agriculture Council, in support of
FUNDING Lower Kootenay Band's application for funding for the completion of riparian
restoration on the south channel of Goat River.
- REGIONAL **RECOMMENDATION NO. 2:**
COMMUNITY TO THAT Ltr #637 from the Union of BC Municipalities, regarding funding available
COMMUNITY FORUM for local government and First Nation Regional Community to Community
FUNDING Forums, be received; THAT the Mayor contact the Lower Kootenay Band
proposing a Regional Community to Community Forum, AND FURTHER, THAT
Administration submit an application to the Union of BC Municipalities for
funding for same.
- COLLEGE OF THE **RECOMMENDATION NO. 3:**
ROCKIES STRATEGY THAT the verbal report from the Chief Administrative Officer, regarding the
REPORT College of the Rockies Strategy Report, and the negative comments contained
therein, be received; AND FURTHER, THAT the Town write the College of the
Rockies, expressing Council's disappointment of the negative comments in the
their recent Strategy Report; noting all the support the Town has provided over
the years to economic development; and further, that a copy of same be
forwarded to the Editor of the Creston Valley Advance.
- KOOTENAY **RECOMMENDATION NO. 4:**
ROCKIES THAT Ltr #644 from the Creston & District Chamber of Commerce, regarding a
COMMUNITY meeting on May 26th, 2005, to discuss the Kootenay Rockies Community
PROGRAM FUNDING Program for long term funding, be received; AND FURTHER, THAT members
of Council and the Chief Administrative Officer, if possible, attend the meeting
with Chris Andrews, Community Programs Manager, Kootenay Rockies Tourism,
on May 26th, 2005 at 10:00 a.m., in Creston. CARRIED
- 329-05 Moved by Councillor Sadler, seconded by Councillor Vondracek
2005 COMMUNITY THAT Ltr #656 from the Union of BC Municipalities, requesting submissions to
EXCELLENCE the 2005 Community Excellence Awards, be referred to Council Committee for
AWARDS further review and recommendation. CARRIED
- GENERAL GOV'T** Moved by Councillor Folkman, seconded by Councillor Sadler
330-05 THAT General Government and Finance Committee Recommendation No. 5,
MAY 16TH from the May 16, 2005 Regular Committee Meeting, be adopted as follows
RECOMMENDATIONS **RECOMMENDATION NO. 5:**
CV KARIOKE IDOL THAT the verbal request from Bev Caldwell on behalf of the Creston Valley
COMPETITION Blossom Festival Association, for a donation of prize money for the Creston
Valley Karioke Idol Competition being held in conjunction with Blossom Festival
celebrations, be received; AND FURTHER, THAT the Creston Valley Blossom
Festival Association be advised that Council approves a donation of \$50 prize
monies for the winners of each of the two Creston Valley Karioke Idol
Competition categories. CARRIED
- 331-05 Moved by Councillor Folkman, seconded by Councillor Sadler
PARK RESERVE THAT Ltr #678 from the Chief Administrative Officer, regarding the expenditure
FUND EXPENDITURE of \$5,000 from the Park Reserve funds, which was contributed by Westfair
Properties Ltd. for the development of park property south of 1501 Cook Street,
be received; AND FURTHER, THAT Administration is authorized to process the
expenditure of \$5,000 from the Park Reserve fund for the development of park
property south of 1501 Cook Street. CARRIED

LAND USE

332-05

MAY 16TH

RECOMMENDATIONS

DCC BYLAW 1463

Moved by Councillor Mueller, seconded by Councillor Vondracek
 THAT Land Use Committee Recommendations 6 to 8, from the May 16, 2005
 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 6:

THAT Ltr #631 from the Director of Corporate Administration, regarding approval
 of Development Cost Charges Bylaw 1463 by the Inspector of Municipalities, be
 received; AND FURTHER, THAT Council consider adoption of Development
 Cost Charges Bylaw 1463 and three readings of Development Cost Charges
 Bylaw 1619, which rescinds Development Cost Charges Bylaw 898, at the May
 24th, 2005 Regular Meeting.

NOTICE OF
 BUILDING PERMIT
 RESTRICTIONS
 (MEADOW WOODS
 SUBDIVISION)

RECOMMENDATION NO. 7:

THAT Ltr #645 from the Director of Corporate Administration, regarding a
 Hearing date for Notice on Title to restrict the issuance of any building permits,
 for the properties legally described as Lot 1, District Lot 891, Plan NEP23524,
 Except Plan NES1888 (Phase 1); Lot 12, District Lot 891, Plan NES1888; Lot
 13, District Lot 891, Plan NES1888; and Lots 15 to 21, District Lot 891, Plan
 NES1888, be received; AND FURTHER, THAT Administration proceed with a
 Hearing at the June 13th, 2005 Regular Council Meeting, for the applicant(s)
 and Building Inspector, regarding the filing of a Notice on Title for each of the
 properties listed above, with appropriate notice of the Hearing being issued to
 the Building Inspector and affected property owners.

HWY ENCROACH-
 MENT AGT (129 -
 12TH AVE. N.)

RECOMMENDATION NO. 8:

THAT Ltr #647 from Ronald P. and Valerie L. Harris, requesting a Highway
 Encroachment Agreement for an awning at 129A - 12th Avenue North, be
 received; AND FURTHER, THAT Administration advise Ronald and Valerie
 Harris that Council approves the Highway Encroachment Agreement for 129A -
 12th Avenue North. **CARRIED**

333-05

LANE CLOSURE

125 - 6TH AVE. SOUTH

Moved by Councillor Mueller, seconded by Councillor Folkman
 THAT Ltr #661 from the Chief Administrative Officer, regarding a proposed lane
 closure and disposal of same, between 124 5th Avenue and 125 6th Avenue
 South, be received; AND FURTHER, THAT Administration is directed to proceed
 with the said lane closure. **CARRIED**

334-05

NOMINATIONS FOR
 2006 FOREST
 CAPITAL OF BC

Moved by Councillor Mueller, seconded by Councillor Lavender
 THAT Ltr #667 from the Association of BC Forest Professionals, requesting
 nominations for the 2006 Forest Capital of BC designation, be referred to the
 Land Use Committee for further review and recommendation. **CARRIED**

335-05

LAND LEASE
 (K9JOY)

Moved by Councillor Mueller, seconded by Councillor Vondracek
 THAT Ltr #671 from Mr. Mogens Eliassen of K9JOY, requesting annual renewal
 of his Agreement that expires on May 31 2005, for the use of Airport lands for
 conducting dog training workshops, be referred to the Land Use Committee for
 further review and recommendation. **CARRIED**

**PARKS, YOUTH
 AND CULTURE**

336-05

MAY 16TH

RECOMMENDATIONS

COMMUNITY PRIDE

RECOMMENDATIONS

(MAY 11/05)

Moved by Councillor Lavender, seconded by Councillor Sadler
 THAT Parks, Youth and Culture Committee Recommendation No. 9, from the
 May 16, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 9:

THAT Ltr #646 from the Community Pride Committee, be received; AND
 FURTHER, THAT the following issues be referred to the Parks, Youth and
 Culture Committee for further review and recommendation:

- a) Canada's Smallest Park;
- b) Park (Rest Area) Proposal for 1411 Canyon Street;
- c) 801 Vancouver Street Screening; and
- d) Christmas Light Display for Millennium Park.

CARRIED

337-05

MILLENNIUM PARK
 GATE CLOSING

Moved by Councillor Lavender, seconded by Councillor Mueller
 THAT Ltr #658 from the Creston Valley Rotary Club, regarding their resignation
 form being the gate keepers of Millennium Park, be referred to the Parks, Youth
 and Culture Committee for further review and recommendation. **CARRIED**

338-05

COMMUNITY
 GARDEN PUBLIC USE

Moved by Councillor Lavender, seconded by Councillor Vondracek
 THAT Ltr #663 from Dianne Grant, regarding the use of the Community Garden,
 be referred to the Parks, Youth and Culture Committee for further review and
 recommendation; AND FURTHER, THAT Mr. Peter Chambers and Ms.
 Stephanie Sweet be invited to the June 6th Regular Committee meeting, to
 discuss same. **CARRIED**

- 339-05
 ☞ CRESTON SAT. MARKET - USE OF PARKING LOT (16TH AVE, SOUTH)
 Moved by Councillor
 THAT Ltr #664 from the Creston Saturday Market Committee, requesting confirmation for use of the parking lot south of Millennium Park, and other amenities, from June 11 to September 3, 2005, be referred to the Chief Administrative Officer for followup.
 CARRIED
- 340-05
 ☞ ARTWALK/ ARTDRIVE 2005
 Moved by Councillor Lavender, seconded by Councillor Vondracek
 THAT Ltr #680 from the Creston and Kootenay Lake Eastshore ArtWalk/ArtDrive 2005 - ArtLink, being an invitation to attend their Grand Opening on June 10, 2005 at 1127A Canyon Street, June 12 in Crawford Bay; and Special Evening on July 22 at the Chocolate Orchard, be received and filed for information.
 CARRIED
- PROTECTION AND POLICING**
 341-05
 ☞ MAY 16TH RECOMMENDATIONS
 ☞ PROPOSAL TO AMEND WCB ACT RE CANCER IN FIREFIGHTERS
 Moved by Councillor Vondracek, seconded by Councillor Sadler
 THAT Protection and Policing Committee Recommendation No. 10, from the May 16, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 10:
 THAT Ltr #608 from the City of Coquitlam, requesting support of legislation to amend the Workers' Compensation Act of BC by including the recognition of cancer as an occupational disease for full-time firefighters in BC, be received; AND FURTHER, THAT the Mayor write the Provincial Government, soliciting legislation that would amend the Workers' Compensation Act of British Columbia be enacting presumptive recognition of cancer as an occupational disease for full time fire fighters in British Columbia; and further, that a copy of same be forwarded to the Union of BC Municipalities and the City of Coquitlam.
 CARRIED
- 342-05
 ☞ BC CRIME PREVENTION DIRECTORY
 Moved by Councillor Vondracek, seconded by Councillor Mueller
 THAT Ltr #669 from the BC Crime Prevention Association, requesting input for information to incorporate into the BC Crime Prevention Pages database, be received; AND FURTHER, THAT the Chief Administrative Officer complete the survey and forward a copy of Ltr #669 to Ms. Dina Bambrick, Ms. Julie Miller and the Community Policing Committee.
 CARRIED
- TRANSPORTATION**
 343-05
 ☞ MAY 16TH RECOMMENDATIONS
 ☞ RQST WHEELCHAIR ACCESSIBLE PARKING (1133 CANYON ST.)
 Moved by Councillor Thomas, seconded by Councillor Folkman
 THAT Transportation Committee Recommendation No. 11, from the May 16, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 11:
 THAT Ltr #620 from Dr. Susan Brock and Dr. Stephen Small, requesting wheelchair accessible parking in front of the Dental Centre at 1133 Canyon Street, be received; AND FURTHER, THAT Administration advise Drs. Brock and Small that Council has declined their request for wheelchair accessible parking in front of 1133 Canyon Street.
 CARRIED
- 344-05
 ☞ RQST STREET CLOSURE (ELM ST)
 Moved by Councillor Thomas, seconded by Councillor Folkman
 THAT Ltr #676 from Glad Tidings Pentecostal Church, requesting the closure of Elm Street, between 24th and 25th Avenues South, on July 1st, 2005, between the hours of 4:00 and 6:00 p.m., to accommodate a Canada Day Community BBQ, be received; AND FURTHER, THAT Administration advise Clad Tidings Pentecostal Church that Council approves the closure of Elm Street, between 24th and 25th Avenues South, on July 1st, 2005, between the hours of 4:00 and 6:00 p.m.
 CARRIED
- UTILITIES AND CEMETERIES**
 345-05
 ☞ MAY 16TH RECOMMENDATIONS
 ☞ MUNICIPAL WASTEWATER EFFLUENT
 Moved by Councillor Sadler, seconded by Councillor Folkman
 THAT Utilities and Cemeteries Committee Recommendation No. 128, from the May 16, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 12:
 THAT Ltr #616 from the Union of BC Municipalities, regarding a meeting on May 31st, 2005 in Calgary, with respect to the development of a Canada-wide strategy for the management of municipal wastewater effluent; be received and filed for information.
 CARRIED
- 346-05
 ☞ STP REPORT
 Moved by Councillor Sadler, seconded by Councillor Folkman
 THAT Ltr #629 from the Town of Creston, being the Water and Sewage Treatment Plant Operator's Report for March, 2005, be received and filed for information.
 CARRIED

- 347-05
 ☞ WATERING
 RESTRICTIONS
- Moved by Councillor Sadler, seconded by Councillor Folkman
 THAT Ltr #650 from Doreen Hooper, requesting a change in watering hours during water restrictions, be referred to the Chief Administrative Officer for a report. CARRIED
- 348-05
 ☞ PEP FUNDING
 FOR GOAT RIVER
 EROSION REPAIR
- Moved by Councillor Sadler, seconded by Councillor Folkman
 THAT Ltr #681 from the Creston Dyking District, requesting the Town partner on an application for Provincial Emergency Program funding for the assessment and repair of the Goat River Dyke, be received; AND FURTHER, THAT Administration is directed to partner with the Creston Dyking District and apply for PEP funding for the assessment and repair of the Goat River Dyke. CARRIED
- BYLAWS**
- 349-05
 ☞ BYLAW 1619
 (1ST AND 2ND RDG)
- Moved by Councillor Mueller, seconded by Councillor Folkman
 THAT Development Cost Charges Repeal Bylaw 1619, be read a first time by title and second time by content. CARRIED
- 350-05
 ☞ BYLAW 1619
 (3RD RDG)
- Moved by Councillor Sadler, seconded by Councillor Mueller
 THAT Development Cost Charges Repeal Bylaw 1619 be read a third time. CARRIED
- 351-05
 ☞ BYLAW 1463
 (ADOPTION)
- Moved by Councillor Sadler, seconded by Councillor Mueller
 THAT Development Cost Charges Bylaw 1463, be adopted. CARRIED
- 352-05
 ☞ BYLAW 1622
 (TABLED)
- Moved by Councillor Lavender, seconded by Councillor Vondracek
 THAT Park Regulations Amendment Bylaw 1622, be TABLED to the June 6th Regular Committee Meeting. CARRIED
- UNFINISHED BUS.:**
- ☞ RQST REPORT RE
 10TH AVE/ALDER ST
- Councillor Thomas requested a report from the Bylaw Enforcement Officer, on a property clean-up complaint for the corner of 10th Avenue and Alder Street.
- NEW BUSINESS:**
- 353-05
 ☞ STRATEGY AND
 PLANNING MTG
- Moved by Councillor Thomas, seconded by Councillor Folkman
 THAT the Strategy and Planning meeting scheduled for Monday, June 30th be rescheduled to follow the June 6th Committee meetings. CARRIED
- REPORTS OF REP'S**
- ☞ CLR VONDRACEK
- Councillor Vondracek reported on his attendance at the float decorating; the Children's parade and an Arts Council meeting.
- ☞ CLR MUELLER
- Councillor Mueller reported on his attendance at the Community Pride and Arts Council meetings.
- ☞ CLR LAVENDER
- Councillor Lavender reported on his attendance at a Community Pride meeting.
- ☞ MAYOR SNOPEK
- Mayor Snopek reported on his attendance at the Judo Club and various other Blossom Festival events, as well, he thanked the Blossom Festival Committee and all volunteers for an excellent weekend.
- 354-05
 ☞ THANK YOU LTRS
- Moved by Councillor Folkman, seconded by Councillor Lavender
 THAT Mayor Snopek write letters of thanks to the Blossom Festival Committee, Bev Caldwell and Donna Cassel for a great job in coordinating and assisting with various weekend events. CARRIED
- 355-05
 ☞ RECEIVE REPORTS
- Moved by Councillor Thomas, seconded by Councillor Sadler
 THAT the verbal Reports of Representatives, be received for information. CARRIED

**REPORTS FROM
CLOSED MEETING**

356-05

**BUSINESS LICENCE
SUSPENSION
(237 - 11TH AVE. N)**

Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT Resolution 80-05 from the May 9, 2005 Closed Meeting, be reported at
the May 24, 2004 Regular Meeting, as follows:

THAT following consideration of Ltr #586 from the Chief Business Licence Inspector, being notice on May 2, 2005 to Tree House Ice Cream that their Business Licence for Tree House Ice Cream located at 237 11th Avenue, North, was suspended on May 2, 2005, for violations as outlined in the said report; 43 letters from members of the public in support of Tree House Ice Cream; and the verbal Appeal to Council from Marlene Nash & Francis Peace, Owners of Tree House Ice Cream, which is attached to and forms a part of these minutes as Appendix "1"; THE Business Licence Inspector is directed to advise Marlene Nash & Francis Peace, Owners of Tree House Ice Cream, THAT Council will reinstate the Business Licence for Tree House Ice Cream at 237 11th Avenue, North, when the owners comply with all provisions of Zoning Bylaw 1123, including Home Occupation, and in particular Sections 5.2 A). 1(a) not change the residential appearance or character of the dwelling or neighbourhood in which it is located; (b) not give any exterior indication of its existence except by a sign which conforms to the provisions of the Town of Creston Sign Regulations Bylaw; and (c) be completely enclosed either within the principle dwelling or in an accessory building, including the storage or display of materials or finished goods, by only displaying one sign (the "Rock" being excluded from the definition of 'sign') or applying for a Development Variance Permit to allow more than one sign; enclosing the porch (i.e. laddice) to prevent visibility from the street of menu signs, pricing, etc.; and by removing customer access to the seating area; AND FURTHER, THAT Marlene Nash and Francis Peace also be advised that, they can apply to have the said property re-zoned from R-1 Single Family Residential to C-1 Commercial.

CARRIED

357-05

**OFFER TO
PURCHASE (330 - 11TH
AVE. S. & 1412 & 1414
CEDAR ST.)**

Moved by Councillor Sadler, seconded by Councillor Mueller
THAT Resolution Number 90-05 from the May 24, 2005 Closed Meeting of
Council, be reported at the May 24, 2005 Regular Meeting of Council, as follows:

"THAT Ltr #559 from Home Hardware Stores Limited, being an Offer to Purchase the property legally described as Lot 1, District Lot 891, Plan NEP19963; Lot 1, District Lot 891, Plan 1011; and Lots A & B, District Lot 891, Kootenay District, Plan NEP72899, located at 330 - 11th Avenue South and 1412 and 1414 Cedar Street; AND Ltr #659 from the Chief Administrative Officer, regarding the proposed use of the above noted properties, be received; AND FURTHER, THAT the Chief Administrative Officer advise Home Hardware Stores Limited that Council declines the offer as they want to maintain the integrity of the Official Community Plan; and further, return the deposit on the said property to Home Hardware Stores Limited."

CARRIED

GIVING OF NOTICES

1. Committee Meetings (1st & 3rd Mondays) **(June 6th, 20th)**
2. Council Meetings (2nd & 4th Mondays) **(June 13th, 27th)**
3. June 4th - Relay For Life
4. June 22nd - BC Hydro Lunch Meeting

QUESTION PERIOD

There was an inquiry from the Media, regarding the contents of a recent report prepared by the College of the Rockies and Mayor Snopek responded that the said information would be provided.

358-05

ADJOURNMENT

Moved by Councillor Vondracek, seconded by Councillor Folkman
THAT the Regular Meeting of May 24, 2005, be adjourned at 8:02 p.m.

CARRIED

CERTIFIED CORRECT:

 Mayor Joe Snopek

 Deputy or Director of Corporate Administration