

Regular MeetingJanuary 11, 1999

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, January 11, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, M.I. Bremner*, R.D. Cannan, C.B. Day, R.D. Hobson, J.D. Leask, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, F.B. Pritchard*; Special Projects Planning Manager, H.M. Christy*; Planning & Development Officer, D. Huang*; Licensing & Bylaw Enforcement Officer, M.A. McCorkell*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

2. Councillor Cannan was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Organizing Committee for the B.C. Special Olympics re: February 5-7, 1999 Olympics in Kelowna

Ms. Barbara Hansen advised that as a result of a last minute cancellation of location, the first portion of the winter events for the B.C. Special Olympics will now be hosted in Kelowna on February 5th to 7th. To show support for the event, Ms. Hansen asked that Mayor Gray attend the opening ceremonies, that a representative of Council assist with the awards presentations, that a message from the City be included in their program, that they be granted use of the City flags for the olympics, and that City of Kelowna pins be provided for all the athletes.

Ms. Sharron Simpson asked that persons interested in volunteering contact Jim McGuire at 768-4448 or Lil Moller at 868-8010.

3.2 Rod Wright, representing the Pub Owners Association re: B.C. Liquor Licensing Policy

Mr. Rod Wright asked for Council's support of the Association's position that no changes are warranted to the liquor laws. He submitted that the current review of the liquor licensing policy is the result of international restaurant chains wanting to serve liquor without food. He further submitted that such action would be difficult to enforce, would put a lot of young people under the age of 19 out of a job, and would create major problems for neighbourhood pub owners.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R01/99/01/11 THAT a letter be sent to the Premier and the Attorney General of British Columbia requesting an opportunity for municipal review through the Union of British Columbia Municipalities prior to any change in liquor licensing that would allow all or any restaurants the ability to serve liquor without food.

Carried

4. CORRESPONDENCE

Regular MeetingJanuary 11, 1999

4.1 Regional District of Central Okanagan, dated December 21, 1998 re: Regional Parks Tax Limit (0482-01)

Mr. Bill Vos, Director of Parks & Recreation for the Regional District of Central Okanagan gave a lengthy presentation showing photographs of existing regional parks; outlining the history, uses and benefits of each park; and introducing the 1990's budget history and a brief overview of the proposed 5-year budget strategy for regional parks.

The Director of Planning & Development Services entered the Council Chamber at 2:06 p.m.

Mr. Vos advised there are now 23 regional parks totalling 2,600 acres. In 1982 the tax limit was increased from 14.5¢ per \$1,000 assessment to 16¢ per \$1,000. The Region is now requesting an increase from 16¢ per \$1,000 to 20¢ per \$1,000 to enable development of the 5-year strategy and allow the current level of services for the maintenance and operation of regional parks to be retained.

Councillor Bremner left the Council Chamber at 2:47 p.m.

Moved by Councillor Hobson/Seconded by Councillor Leask

R02/99/01/11 THAT the report presented by the Regional District of Central Okanagan's Director of Parks & Recreation regarding regional parks be received for the information of Council;

AND THAT further information concerning the potential impact of the proposed tax limit increase on the City of Kelowna over each of the next 5 years be requested for review by City staff and report back to Council in late February 1999.

Carried

5. PLANNING

5.1 Planning & Development Services Department, dated January 7, 1999 re: Development Permit Application No. DP98-10,081 – Perth Developments Inc. (Ted Thomas/International Land Corp.) – 1965 Durnin Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting permission to change the third and fourth phases of the Bristol Gardens residential condominium project. The changes include a revised building layout for the third and fourth phases with some additional changes to the elevations. As revised, 6 units plus a parking structure with 16 stalls would be constructed in phase 3 and an additional 39 units and associated parking would be constructed in phase 4.

The Current Planning Manager advised that the application was reviewed and supported by the Advisory Planning Commission in October 1998 subject to temporary landscaping being installed at the end of phase 3 if phase 4 does not proceed within 6 months of completion of phase 3. Staff also recommend support for the application but, recognizing that the landscaping would have to be removed for phase 4 to proceed, suggest the temporary landscaping not be required for a period of 12 months or 2 growing seasons to allow the applicant to determine the marketability for phase 4.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R03/99/01/11 THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,081; Lot 1, Sec. 21, Twp. 26, O.D.Y.D., Plan KAP47514

Regular Meeting

January 11, 1999

Except Strata Plan KAS1157 (Phases 1 and 2) for International Land Corp. Ltd., located on Durnin Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper. The terms of the landscaping performance security will include the provision of temporary landscaping between Phase 3 and 4 if Phase 4 does not proceed within 12 months or two growing seasons of the completion of Phase 3;
5. The applicant be required to enter into a Servicing Agreement with the City of Kelowna to address the requirements of the Development Services Bylaw as identified by the Works & Utilities Department prior to the issuance of a building permit for development subject to this permit;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillor Bremner returned to the Council Chamber at 2:58 p.m. and took her place at the Council Table.

- 5.2 Planning & Development Services Department, dated January 7, 1999 re: Development Permit Application No. DP98-10,089 – Su-Mar Investments Ltd. (Dan Jmaeff) – 663-671 Finns Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is proposing to construct a building addition to expand the seating for the Packing House Pub to 100 seats which is the maximum allowed by their liquor license. A portion of the property is subject to a Land Use Contract (LUC); however the area under LUC is unaffected by this proposal and therefore staff are not asking that the LUC be discharged at this time. The Liquor Licensing Advisory Committee supports the application, as do staff.

Regular Meeting

January 11, 1999

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R04/99/01/11 THAT Municipal Council authorize the issuance of Development Permit No. DP98-10,089; for Dan Jmaeff (Packing House Pub) for Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 42743, located on Finns Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 5.3 Planning & Development Services Department, dated January 6, 1999 re: Rezoning Application No. Z98-1006; ASP98-001; OCP98-001 - Gallaghers Canyon Land Developments Ltd. (CRC Developments Ltd.) - 3980/4150 Field Road (3360-20)

The Special Projects Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The applicant is proposing to extend the Gallaghers golf course community to include an additional 17 ha of property situated east and south of the existing Gallaghers development to allow for the addition of up to 170 residential units. The proposed geographic expansion is not of concern to staff, but the traffic impacts of expanding the number of units from 540 to approximately 710 are of concern. If Council supports the increase in density, then staff recommend that this application not be advanced to Public Hearing until the traffic issues are resolved on a sector basis.

Council indicated that they could not deal with the requested increase in density in advance of the servicing issues for the S.E. Kelowna sector being addressed, and that they would expect those issues to be addressed prior to the Public Hearing on this application.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R05/99/01/11 THAT the Kelowna Official Community Plan be amended to include Lot A, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022; Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022 except Plan 43748; and Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 26785, located on Field Road, Kelowna, B.C., as a part of the Gallaghers Canyon Golf Resort Area Structure Plan;

AND THAT the Kelowna Official Community Plan be amended to include the 1998 Addendum to Gallaghers Canyon Golf Resort Area Structure Plan which includes up to a 170 unit increase in the total number of dwellings units proposed;

Regular Meeting

January 11, 1999

AND THAT Map 15.1 GENERALIZED FUTURE LAND USE of Schedule "A" of the Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022; Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022 except Plan 43748; and Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 26785, located on Field Road, Kelowna, B.C., from "Rural/Agricultural" to "Comprehensive Residential Golf Resort";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022; Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 28022 except Plan 43748; and Lot B, Sec. 1, Twp. 26, O.D.Y.D., Plan 26785, located on Field Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the zone CD6 – Comprehensive Residential Golf Resort zone;

AND THAT the Official Community Plan and the zone amending bylaw be forwarded to a Public Hearing for further consideration once the Planning & Development Services Department is in receipt of written confirmation from the applicant that they are in agreement with the servicing requirements as generally outlined in the report from the Planning & Development Services Department dated January 6, 1999;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the provision of an executed Servicing Agreement and the provision of the necessary funds and/or bonding;

AND FURTHER THAT subsequent to final adoption of the zone amending bylaw, the Mayor and City Clerk be authorised to sign and seal, on behalf of the City of Kelowna, a Servicing Agreement to the applicant's credit.

Carried

Councillor Shepherd opposed.

The Planning & Development Officer entered the Council Chamber and the Special Projects Planning Manager and the Current Planning Manager left at 3:42 p.m.

5.4 Planning & Development Services Department, dated January 4, 1999, on behalf of the Aggregate Supply and Demand Study Project Team, re: Central Okanagan Growth Management – Aggregate Supply and Demand Study (6850-20)

The Director of Planning & Development Services outlined the recommendation before Council and advised that the study would be jointly funded by the City of Kelowna, the Regional District of Central Okanagan, and the Districts of Lake Country and Peachland with City of Kelowna staff managing the day to day operations of the project.

Moved by Councillor Hobson/Seconded by Councillor Day

R06/99/01/11 THAT the report of January 4, 1999 prepared by the City of Kelowna Planning & Development Services Department advising the awarding of the Aggregate Supply and Demand Study to the consulting team of EBA Engineering Consultants Ltd., New Town Planning Services Inc. and Ainsworth Jenkins Holdings Inc. in accordance with their proposal of December 1998 and the Project Team's Terms of Reference, at a proposed budget not to exceed \$54,500 (inclusive of GST), be received for information.

Carried

The Director of Planning & Development Services and the Planning & Development Officer left the Council Chamber at 3:47 p.m.

Regular Meeting

January 11, 1999

6. REPORTS

- 6.1 City Manager, dated January 4, 1999 re: 1999 Provisional Budget (1700-20)

The City Manager introduced the report.

Moved by Councillor Blanleil/Seconded by Councillor Day

R07/99/01/11 THAT the 1999 Provisional Budget, as summarized on Schedule A, in the amount of \$157,493,000 be adopted, reflecting net operating and total capital costs including changes made by Council during the budget review meetings of December 16 & 17, 1998.

Carried

The Licensing & Bylaw Enforcement Supervisor and Corporal Daryl Little entered the Council Chamber at 3:50 p.m.

- 6.2 Assistant Fire Chief, dated December 29, 1998 re: Amendment No. 7 to Fire Prevention Regulations Bylaw No. 6110-88 (B/L 8312)

Moved by Councillor Leask/Seconded by Councillor Nelson

R08/99/01/11 THAT Council authorize amending the Fire Prevention Regulations Bylaw No. 6110-88 to allow the costs for extinguishing a fire started without a permit to be charged to the person starting the fire;

AND THAT the amending Bylaw No. 8312 be advanced for reading consideration by Council.

Carried

- 6.3 Inspection Services Manager, dated December 17, 1998 re: Bylaw to Regulate Security Alarm Systems (B/L 7962)

The Licensing & Bylaw Enforcement Supervisor presented the report and advised the alarm companies have suggested the following changes to the bylaw: add "and control the alarm system" after "...to the premises" in sections 2.3(b) and 2.8 and change the length of time in section 2.4 from 15 minutes to 5 minutes.

Corporal Little advised that the RCMP would leave a card at the building of the false alarm advising of the date and time they responded to a false alarm. After two RCMP responses to false alarms at the same building, the occupant would be charged.

The Licensing & Bylaw Enforcement Supervisor advised that if the alarm is checked and turned off before the police are called to respond, there would be no charge. The intent would be to send the invoice to the tenant with a copy to the registered owner of the property to ensure that the owner is aware the false alarms are occurring.

Regular Meeting

January 11, 1999

Moved by Councillor Nelson/Seconded by Councillor Cannan

R09/99/01/11 THAT City Council consider and adopt "Security Alarm Systems Bylaw No. 7962" to charge a fee for excessive false alarms in the City of Kelowna.

Carried

The Licensing & Bylaw Enforcement Officer and Corporate Little left the Council Chamber at 4:08 p.m.

6.4 City Manager, dated January 6, 1999 re: Appointment of Chief Election Officer – General Election - November 20, 1999 (4200)

The City Manager outlined the recommendation before Council.

Moved by Councillor Day/Seconded by Councillor Shepherd

R10/99/01/11 THAT Gillian D. Matthews be appointed Chief Election Officer and David L. Shipclark be appointed Deputy Chief Election Officer in accordance with Section 41 of the Municipal Act, for the purposes of conducting the 1999 general local government election;

AND THAT the Chief Election Officer be authorized to retain such legal counsel as may be required with reference to any matters pertaining to the election;

AND FURTHER THAT the Chief Election Officer be authorized to enter into agreements with School District No. 23 and other local governments as may be beneficial to the voting public and all jurisdictions in connection with the 1999 municipal elections.

Carried

7. RESOLUTIONS

7.1 Draft Resolution re: Appointments – 1999 Local Court of Revision (1950)

The City Clerk advised the Act requires annual appointments but that no local improvements have been completed to require the 1999 sitting of the Court of Revision.

Moved by Councillor Hobson/Seconded by Councillor Leask

R11/99/01/11 THAT in accordance with the provisions of Section 362 of the Municipal Act, the appointees to the Local Court of Revision for 1999 for the City of Kelowna be confirmed as follows:

Councillor R.D. Cannan
 Councillor S.A. Shepherd
 Councillor J.D. Nelson
 Councillor A.F. Blanleil (alternate)
 Councillor C.B. Day (alternate)
 Councillor R.D. Hobson (alternate).

Carried

Regular MeetingJanuary 11, 19998. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**8.1 Bylaw No. 7962 – A Bylaw to Regulate Security Alarm Systems

The City Clerk advised the bylaw is presented for readings as amended by the three changes outlined when the report was presented under 6.3 of the agenda.

Moved by Councillor Bremner/Seconded by Councillor Cannan

R12/99/01/11 THAT Bylaw No. 7962 be read a first, second and third time.

Carried

8.2 Bylaw No. 8312 – Amendment No. 7 to Fire Prevention Regulations
Bylaw No. 6110-88

Moved by Councillor Nelson/Seconded by Councillor Leask

R13/99/01/11 THAT Bylaw No. 8312 be read a first, second and third time.

Carried

9. COUNCILLOR ITEMS(a) Homeowner Protection Act

Councillor Cannan commented that he and Councillor Hobson had attended the Canadian Home Builders' Association monthly meeting last week. The Association continues to be concerned about proposed changes to exempt owner-builders from the requirements of the licensing and warranty provisions of the Homeowner Protection Act and the impact of additional costs on the affordability of houses. Councillor Cannan asked that staff report on the implications of the additional costs to the City.

Councillor Hobson added that the UBCM executive have forwarded their concerns to the Provincial Government but that it still appears the changes could be implemented by April. He noted that part of the frustration is the amount of taxes and fees home builders must pay to their architects and engineers, the City and Provincial inspectors. Councillor Hobson suggested that the City needs to look for opportunities to reduce our inspection requirements and ensure that the architects and engineers are held responsible for the service they are providing and that services are not being duplicated.

(b) Gasoline Prices in Kelowna

Councillor Shepherd commented on the high costs of gasoline in Kelowna noting that even Winfield and Kamloops have lower gas prices and that in the Lower Mainland 'supreme' gas costs less than the cost of regular gas in Kelowna. She suggested that someone in the community be asked to address Council and explain why our gas prices are so high.

Regular Meeting

January 11, 1999

(c) Kingsvale/Aspengrove Cut-Off

Mayor Gray noted that the Ministry of Transportation and Highways in Victoria have announced that survey crews will be working along the 2-lane stretch of Highway 2C from Apsengrove to Merit to identify problems and solutions for possible 4-laning of this section of road. If they determine that 4-laning that section of highway is what they want, then presumably the Kingsvale/Aspengrove cut-off would no longer be an option for consideration.

The City Manager suggested that a letter be forwarded to the Ministry of Transportation and Highways to reinforce the City of Kelowna's preference for construction of the cut-off route and ask that it not be dismissed as an option without consultation with the City of Kelowna.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R14/99/01/11 THAT a letter be forwarded from the Mayor to the Minister of Transportation and Highways advising that the City of Kelowna prefers that the Kingsvale/Aspengrove cut-off be constructed rather than 4-laning the section of Highway 97C from Aspengrove to Merit.

Carried

10. TERMINATION

The meeting was declared terminated at 4:35 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am