

Regular MeetingJanuary 25, 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 25, 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*; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, L.V. Foster*; Long Range Planner, S.K. Bagh*; Director of Parks & Leisure Services, D.L. Graham*; Director of Works & Utilities, J. Vos*; Transportation Manager, R.W. Westlake*; Electrical Manager, R. Carle*; Development Engineering Manager, S. Muenz*; Development Technician, K. Hanson*; Parks Manager, J. Creron*; Parks Maintenance & Operations Supervisor, D. Radford*; Parks Coordinator, R. Zahara*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Jim Mühlebach, President, B.C. Restaurant and Foodservices Association, Central Okanagan Branch re: B.C. Liquor Licensing Policy

Mayor Gray noted that Mr. Mühlebach has advised he will be arriving late and that this item will be deferred to after agenda item No. 4.1.

4. PLANNING

4.1 Planning & Development Services Department, dated January 20, 1999 re: Shared Dock Guidelines (6740-20)

The Long Range Planning Manager introduced the report noting there are ±540 waterfront properties within the City of Kelowna of which ±200 have no dock facilities. Single dock installations have been addressed in the Zoning Bylaw; the proposed guidelines would address docks that would be shared between property owners.

The Long Range Planner reviewed the proposed guidelines for assessment of shared docks and noted that basic dock construction would not require a Development Permit but a DP would be required for a shared dock. She advised that if the guidelines are endorsed by Council, staff would obtain comments from the public on the guidelines before the required Zoning Bylaw and Official Community Plan amendments were advanced to Public Hearing.

The Long Range Planning Manager highlighted the recommendations before Council.

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Council discussed the guidelines suggesting that a method is needed to ensure that potential future owners of a waterfront property are aware they are in a shared dock situation so they do not buy the property thinking they can build their own private dock; that docks may need some kind of low level lighting when they extend into the water beyond a certain distance; and that docks that are 40 m in length have significant visual impact and should be referred to the neighbours for comment.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R53/99/01/25 THAT the proposed adoption of the shared dock guidelines summarized in Appendix A of the January 20, 1999 report of the Long Range Planning Manager be advertised in the local papers in the "Council Highlights" section to afford affected residents an opportunity to provide input;

AND THAT on February 15, 1999, staff provide Council with a summary of comments received on the proposed guidelines;

AND THAT upon receipt of staff's summary of public input, the guidelines outlined in Appendix A of the January 20, 1999 report of the Long Range Planning Manager be considered for endorsement as the criteria by which staff will assess shared dock applications which the Province refers to the City for comment;

AND THAT the OCP amendments outlined in Appendix C (OCP99-001) of the January 20, 1999 report of the Long Range Planning Manager, be forwarded to a Public Hearing should Council, after receiving public input, endorse the shared dock criteria outlined in Appendix A;

AND THAT the Zoning Bylaw No. 8000 Text Amendment noted in Appendix D (TA99-002) of the January 20, 1999 report of the Long Range Planning Manager, be forwarded to a Public Hearing should Council, after receiving public input, endorse the shared dock criteria outlined in Appendix A;

AND FURTHER THAT staff be directed to notify provincial regulatory authorities of Council's decisions regarding the processing of shared dock applications.

Carried

The Long Range Planning Manager and the Long Range Planner left the Council Chamber at 2:35 p.m.

3.1 Jim Mühlebach, President, B.C. Restaurant and Foodservices Association, Central Okanagan Branch re: B.C. Liquor Licensing Policy

Mr. Mühlebach read a letter stating that a meeting with all the key stakeholders was held last week in Richmond concerning the B.C. Liquor Policy Review. Each stakeholder had two representatives at the meeting and all generally agreed to a package of policy reforms described as a win-win for all. Details of the agreement will likely not be made public until after they are presented to Cabinet.

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- 5.1 Bylaw No. 8353 (Z98-1006) – Gallaghers Canyon Land Developments Ltd. (CRC Developments Ltd.) – Field Road, and ASP98-001, and Kelowna Official Community Plan Amendment No. OCP98-001 **requires majority vote of full Council (5)**

The Special Projects Planning Manager advised that staff have received written confirmation from the applicant that they are in agreement with the City's servicing requirements which will be based on additional servicing impact studies to be completed by the City and ICBC.

The Director of Planning & Development Services entered the Council Chamber at 2:46 p.m.

The City Clerk advised this item will be scheduled to the February 23, 1999 Public Hearing.

Moved by Councillor Blanleil/Seconded by Councillor Day

R54/99/01/25 THAT Bylaw No. 8353 be read a first time.

Carried

Councillor Shepherd opposed.

(BYLAWS PRESENTED FOR ADOPTION)

- 5.2 Bylaw No. 8323 – Kelowna Official Community Plan Amendment No. OCP98-022 (amendment to Abbott & Marshall Street Heritage Conservation Area Development Guidelines) **requires majority vote of full Council (5)**

Mayor Gray noted this bylaw had been withdrawn from the agenda.

The Director of Works & Utilities, the Utilities Manager and the Transportation Manager entered the Council Chamber and the Director of Planning & Development Services and the Special Projects Planning Manager left at 2:50 p.m.

Councillor Blanleil left the Council Chamber at 2:50 p.m.

6. REPORTS

- 6.1 Transportation Manager, dated January 19, 1999 re: Canada/B.C. Infrastructure Works Program – Bernard Avenue Bridge Rehabilitation (5400-02)

The Transportation Manager briefly outlined the report for Council.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R55/99/01/25 THAT the Mayor and City Clerk be authorized to execute the amendment to the Infrastructure Works Program Agreement for the Bernard Avenue Bridge Rehabilitation project, attached to the report of the Transportation Manager dated January 19, 1999.

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- 6.2 Transportation Manager, dated January 20, 1999 re: Carried
Local Improvement
(5320-00)

The Transportation Manager briefly outlined the report for Council.

Councillor Blanleil returned to the Council Chamber at 2:52 p.m. and took his place at the Council Table.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R56/99/01/25 THAT Landscape charges be waived on City-Initiated Local Improvement (L.I.) sidewalk projects which are encompassed by the approved Sidewalk Network Plan Figure 4.2 (in the City of Kelowna Transportation Plan);

AND THAT Part 1 and Part 2 of Schedule A attached to Local Improvement Bylaw No. 6600-90 be amended to indicate no charge for landscape boulevards on network sidewalks;

AND FURTHER THAT the amending bylaw be advanced for reading consideration by Council.

Carried

The Development Engineering Manager and the Development Technician Transportation Manager left the Council Chamber at 2:53 p.m.

- 6.3 Director of Works & Utilities, dated January 21, 1999 re: Electrical PPP – IBEW Submission (5520-06)

The Director of Works & Utilities presented the report noting that unless considerable cost savings can be achieved by the City of Kelowna by entering into a partnership, staff would recommend that the City continue to operate its own utility. The outcome of negotiations will be brought back to Council prior to deciding whether to proceed with a contract award.

Moved by Councillor Blanleil/Seconded by Councillor Day

R57/99/01/25 THAT the report dated January 21, 1999 from the Director of Works & Utilities regarding the IBEW Submission on the Electrical Public/Private Partnership proposal be received for information of Council;

AND THAT Council direct the Works & Utilities Department to ensure IBEW representatives and CUPE representatives are included in discussions with the proponents as appropriate.

Carried

The Parks Manager and the Parks Coordinator entered the Council Chamber and the Electrical Manager left at 2:58 p.m.

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- 6.4 Development Engineering Manager, dated January 20, 1999 re: Proposed Policies Related to Subdivision, Development & Servicing Bylaw No. 7900

The Development Engineering Manager presented the report noting many of the comments received from the Urban Design Institute and Consulting Engineers of B.C. were implemented in the policies.

Amendment Moved by Councillor Hobson/Seconded by Councillor Blanleil

R58/99/01/25 THAT the second paragraph of policy No. 171 – Walkway Fencing/Fencing Specifications be further revised to read as follows:

“As a result of damage caused by the public, the City may also contribute to repair of the fencing which conforms with Master Municipal Contract Document standards, for 50% of the cost.”

Carried

The amended motion was then voted on and carried as follows:

Moved by Councillor Nelson/Seconded by Councillor Hobson

R59/99/01/25 THAT Council adopt the following new policies:

- | | |
|---------|--|
| No. 263 | Building Permit Works and Services Requirements; |
| No. 265 | Engineering Drawing Submission Requirements; |
| No. 266 | Subdivision, Development and Servicing – Approved Products List; |
| No. 267 | Registering Servicing Agreements as a Restrictive Covenant on Title; |

AND THAT the following policy be replaced with the amended version as attached to the Development Engineering Manager’s report dated January 20, 1999:

- | | |
|--------|---|
| No. 91 | Minimum Engineering Servicing Standards for Bareland Strata Subdivisions; |
|--------|---|

AND THAT policy No. 171 – Walkway Fencing/Fencing Specifications be replaced with the amended version as attached to the Development Engineering Manager’s report dated January 20, 1999, with the second paragraph further revised to read as follows:

“As a result of damage caused by the public, the City may also contribute to repair of the fencing which conforms with Master Municipal Contract Document standards, for 50% of the cost.”

Carried

The Director of Parks & Leisure Services entered the Council Chamber and the Director of Works & Utilities, the Development Engineering Manager, and the Development Technician left at 3:23 p.m.

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- 6.5 Parks Manager, dated January 21, 1999 re: Communities in Bloom
(0540-20)

The Parks Manager presented the report for Council.

Moved by Councillor Bremner/Seconded by Councillor Hobson

R60/99/01/25 THAT the City of Kelowna in 1999 compete in the World's in Bloom category;

AND THAT one member of City Council chair the Communities in Bloom Committee;

AND THAT \$8,000 from the approved Partners-in-Park Capital Budget be earmarked for Communities in Bloom partnership projects;

AND FURTHER THAT \$5,000 from Council Contingency be used to fund the Communities in Bloom program.

Carried

The Parks Maintenance & Operations Supervisor entered the Council Chamber and the Parks Coordinator left at 3:29 p.m.

- 6.6 Parks Manager, dated January 21, 1999 re: Kelowna Cemetery Plan
(4100-01)

The Parks Manager presented the report highlighting some of the action plans and explaining the proposed master plan for the physical development of the cemetery and its integration into the City's parks system.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R61/99/01/25 THAT the Kelowna Cemetery Plan be used as a guide for the development of the Kelowna Cemetery and that the name of the cemetery be changed to 'Kelowna Memorial Park Cemetery'.

Carried

The Director of Parks & Leisure Services left the Council Chamber at 3:54 p.m.

- 6.7 Parks Manager, dated January 21, 1999 re: Kelowna Memorial Park Cemetery – Bylaw Revision (B/L 8352)

The Parks Manager reviewed the report for Council.

Amendment Moved by Councillor Cannan/Seconded by Councillor Hobson

R62/99/01/25 THAT the wording of the bylaw be revised to expand the definition of "resident" to include not only "assessed" property owners but also people who have paid property taxes through their business lease.

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The amended motion was then voted on and carried as follows:

Moved by Councillor Cannan/Seconded by Councillor Nelson

R63/99/01/25 THAT City Council approve the new fees and fee increases for cemetery plots, interments, disinterments, supply of goods and services and non resident fees at the Kelowna Municipal Cemetery, as outlined in Appendix I attached to the Parks Manager's report dated January 21, 1999;

AND THAT the wording of the amending bylaw No. 8352 be revised to expand the definition of "resident" to include not only "assessed" property owners but also people who have paid property taxes through their business lease;

AND FURTHER THAT the amended bylaw 8352 being amendment No. 3 to Kelowna Municipal Cemetery Bylaw No. 7627, be advanced for reading consideration by Council to incorporate the proposed fee increases, add the newly acquired golf course lands for cemetery purposes and rename the Kelowna Municipal Cemetery to Kelowna Memorial Park Cemetery.

Carried

The Parks Maintenance & Operations Supervisor left the Council Chamber 4:13 p.m.

7. RESOLUTIONS

7.1 Draft Resolution re: Travel Authorization – 1999 FCM Convention – Halifax, Nova Scotia – June 4-7, 1999 (0230-20)

The City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Nelson/Seconded by Councillor Bremner

R64/99/01/25 THAT Councillors Blanleil, Cannan, Hobson and Shepherd be authorized to travel to attend the 1999 Federation of Canadian Municipalities Convention being held June 4-7, 1999 in Halifax, Nova Scotia, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-007;

AND THAT the registration fee and hotel accommodation be paid for any other member of Council wishing to attend, using funds from Account No. 351-10-015-0-007.

Carried

7.2 Draft Resolution re: Appointment - Communities in Bloom Committee (0540-20)

The City Clerk read the resolution for the benefit of Council and the viewing audience.

Moved by Councillor Hobson/Seconded by Councillor Day

R65/99/01/25 THAT Councillor Ron Cannan be appointed to Chair the Communities in Bloom Committee for 1999.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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- 8.1 Bylaw No. 8341 – Road Exchange Bylaw – Glenmore/Ivans Roads

Moved by Councillor Nelson/Seconded by Councillor Leask**R66/99/01/25** THAT Bylaw No. 8341 be read a first, second and third time.Carried

- 8.2 Bylaw No. 8352 – Amendment No. 3 to Kelowna Municipal Cemetery Bylaw No. 7627

The City Clerk advised that reading consideration of this bylaw is deferred pending the wording change Council requested when dealing with the report under agenda item No. 6.7.

The Parks Manager left the Council Chamber at 4:15 p.m.

- 8.3 Bylaw No. 8355 – Amendment No. 8 to Local Improvement Charges Bylaw No. 6600-89 (replaces Schedule “A”)

Moved by Councillor Hobson/Seconded by Councillor Day**R67/99/01/25** THAT Bylaw No. 8355 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.4 Bylaw No. 8318 – Wild or Exotic Animal Prohibition Bylaw

Moved by Councillor Bremner/Seconded by Councillor Nelson

R68/99/01/25 THAT Council defer final adoption consideration of Bylaws No. 8318 (Wild or Exotic Animal Prohibition Bylaw) and No. Bylaw No. 8347 (Amendment No. 7 to Business Licence and Regulation Bylaw No. 7878 re Wild or Exotic Animal Prohibition Bylaw) to allow staff time to review the process/procedures that staff have recommended to Council for dealing with this issue further with City Solicitors.

Carried

- 8.5 Bylaw No. 8331 – Amendment No. 1 to Development Application Procedures Bylaw No. 8140 (violating conditions of a permit)

Moved by Councillor Hobson/Seconded by Councillor Day**R69/99/01/25** THAT Bylaw No. 8331 be adopted.Carried

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- 8.6 Bylaw No. 8347 – Amendment No. 7 to Business Licence and Regulation
Bylaw No. 7878 (Wild or Exotic Animal Prohibition Bylaw)

The City Clerk noted that Council's resolution under agenda item No. 8.4 also defers adoption of this bylaw.

9. COUNCILLOR ITEMS

- (a) Family Literacy Day

Mayor Gray read a proclamation declaring January 27, 1999 Family Literacy Day.

- (b) Letter of Support to RCMP

Council agreed to send a letter of support to the RCMP expressing support and appreciation for the manner in which they handled the hostage taking/shooting incident that occurred on Friday.

10. TERMINATION

The meeting was declared terminated at 4:28 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn