

Regular MeetingFebruary 8, 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, February 8, 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\*; Civic Properties Manager, H.R. Hyatt\*; Properties Supervisor, J. Waugh\*; Parks Manager, J. Creron\*; Parks Operations & Maintenance Supervisor, D. Radford\*; 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 Nelson was requested to check the minutes of the meeting.

3. CORRESPONDENCE

- 3.1 Letter dated February 4, 1999 from Mr. Steven Burns, MacKay Kelowna Consulting Ltd. re: Request for Council to Host and Sponsor a Luncheon for the Habitat for Humanity International Board of Directors on October 15, 1999 (1840-01)

Mr. Steve Burns advised that the International Board for Habitat for Humanity will be meeting in Kelowna October 15 & 16, 1999 and asked that Council host a luncheon at an estimated cost of \$2,500 to \$3,000 and for the Mayor's office to send each board member a personal letter of invitation to the luncheon.

Council expressed concern that approving the requested amount would set a precedent and agreed to co-sponsor the luncheon.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R92/99/02/08** THAT the City of Kelowna allocate \$1,500 toward sponsorship of a luncheon in Kelowna for the Habitat for Humanity International Board of Directors on October 15, 1999;

AND THAT the funds be appropriated from Council Contingency.

Carried

The Director of Planning & Development Services entered the Council Chamber at 1:50 p.m.

Councillor Hobson left the Council Chamber at 1:50 p.m.

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- 4.1 Planning & Development Services Department, dated January 29, 1999 re: Rezoning Application No. Z98-1025 – Frank & Florinda Manfredi – 312 Uplands Drive (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council noting the applicant does not intend to have a secondary suite. The “s” zoning designation is required to permit construction of a summer kitchen in the dwelling. Staff recommend support.

The Special Projects Planning Manager entered the Council Chamber at 1:53 p.m.

Moved by Councillor Nelson/Seconded by Councillor Leask

**R93/99/02/08** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Sec. 23, Twp. 28, S.D.Y.D., Plan KAP53665, located on Uplands Drive, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

- 4.2 Planning & Development Services Department, dated February 3, 1999 re: Development Permit Application No. DP99-10,012 – Grand Okanagan Resort Ltd. (BKDI Architects) – 1310 Water Street (3060-20)

The Current Planning Manager displayed a site plan of the hotel building on the overhead projector and advised the proposed addition would expand the seating for the dining room by about 50 seats. The 13 additional parking stalls required as a result of the expansion would be accommodated on-site. Staff recommend support.

Councillor Hobson returned to the Council Chamber at 1:56 p.m. and took his place at the Council Table.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R94/99/02/08** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,012; Lot A, D.L. 139, 4041 and 4042, O.D.Y.D., Plan KAP47378 Except Strata Plan KAS1140 (Phase One) for BKDI Architects, located on Water Street, 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".

Carried

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- 4.3 Planning & Development Services Department, dated January 27, 1999 re: Zoning Bylaw Text Amendment No. TA99-004 – City of Kelowna – To Create the RU6b – Two Dwelling Housing/Boarding & Lodging Home Zone and Delete Boarding or Lodging Houses from the Uses Permitted in the RU6 Zone (3360-20)

The Current Planning Manager presented the report noting the proposed amendments are intended to address concerns in the community that more than one or two boarding or lodging houses could develop in close proximity to each other thus altering the character of single family neighbourhoods. Staff are proposing to delete boarding and lodging houses as a principal permitted use in the RU6 zone and add RU6b as a separate designation within the zoning bylaw so that boarding and lodging houses would not be permitted in the RU6 zone without the “b” designation. The fee and process for the attaining the “b” designation would be similar to that for the “s” designation for secondary suites. The proposed amendments also include introducing a requirement for a housing agreement to allow development of a group home.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R95/99/02/08** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by deleting the Boarding and Lodging use from the RU6 zone and creating the RU6b zoning designation where Boarding and Lodging Homes would be permitted in addition to the uses permitted in the RU6 zone, as outlined in the report of the Planning & Development Services Department dated January 27, 1999;

AND THAT Text Amendment No. TA99-004 be forwarded to a Public Hearing concurrent with an application to rezone a property to the proposed RU6b zone;

AND FURTHER THAT staff be directed to prepare an amendment to the Subdivision, Development & Services Bylaw No. 7900 to provide any required references to the RU6b zone.

Carried

- 4.4 Planning & Development Services Department, dated February 4, 1999 re: Proposed Amendments to Zoning Bylaw No. 8000 (3360-20)

The Special Projects Planning Manager presented the report noting that having worked with the new zoning bylaw for while now, staff have identified areas of the bylaw that require correction and/or clarification.

Councillor Leask left the Council Chamber at 2:25 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R96/99/02/08** THAT the amendments proposed to Zoning Bylaw No. 8000 (text) and to Schedule A of Zoning Bylaw No. 8000 (map) as outlined in Tables 1 and 2, attached to the report of the Director of Planning & Development Services be forwarded to a Public Hearing for further consideration.

Carried

- 4.5 Planning & Development Services Department, dated January 13, 1999 re: Supplemental to Report on Housing Provided by Hotels and Motels in Kelowna (5040-20)

Mayor Gray advised this item had been withdrawn from the agenda.

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The Special Projects Planning Manager left the Council Chamber at 2:29 p.m.

- 4.6 Planning & Development Services Department, dated February 4, 1999 re: Liquor Policy Review (0135-01)

The Director of Planning & Development Services presented the report outlining how potential changes to the B.C. Liquor Licensing Policy could impact the City, but noting that it is difficult to support or not support the new regulations being considered without seeing them first.

Council agreed to only deal with the first recommendation in the staff report at this time and for copies of the letter to also be sent to the UBCM and our MLAs.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R97/99/02/08** THAT Municipal Council write to the Attorney General requesting that local government and the public have an opportunity to review and comment on proposed changes to Provincial Liquor Licensing Policy;

AND THAT copies of the letter also be sent to the Union of British Columbia Municipalities and our MLAs.

Carried

The Civic Properties Manager and the Properties Supervisor entered the Council Chamber and the Director of Planning & Development Services and the Current Planning Manager left at 2:41 p.m.

## 5. REPORTS

- 5.1 Properties Supervisor, dated February 3, 1999 re: Emergency Roof Replacement – Parks Maintenance Building at the Cemetery (0754-20)

The Properties Supervisor briefly outlined the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R98/99/02/08** THAT City Council approve the expenditure of \$5,000.00 from the Cemetery Operations Reserve, to replace the tar and gravel roof on the Parks Maintenance building at the Cemetery;

AND THAT the 1999 budget be so amended.

Carried

The Parks Manager and the Parks Operations & Maintenance Supervisor entered the Council Chamber and the Civic Properties Manager and the Properties Supervisor left at 2:44 p.m.

- 5.2 Transportation Manager, dated February 4, 1999 re: Award of Design/Build Contract - Bernard Avenue Bridge Replacement (5400-20)

Moved by Councillor Hobson/Seconded by Councillor Day

**R99/99/02/08** THAT Council consideration of the Transportation Manager's report dated February 4, 1999 regarding award of the Bernard Avenue bridge replacement design/build contract be deferred to the Regular Meeting of February 15, 1999 for staff to investigate and report back on timing for installation of a traffic light at Dilworth Crescent/Bernard Avenue.

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Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 8348 – Road Exchange Bylaw – Portion of Baron Road

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R100/99/02/08** THAT Bylaw No. 8348 be read a first, second and third time.

Carried

Councillor Leask returned to the Council Chamber at 2:46 p.m. and took his place at the Council Table.

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

The Parks Manager noted that at initial presentation of the subject bylaw, Council expressed concern that the proposed non-resident fees for interment in the cemetery could discriminate against individuals who have contributed significantly to the City of Kelowna but do not live here now. Staff now recommend that the introduction of non-resident fees be eliminated and that instead the license fee for cemetery plots be increased by a further 5%. The Parks Manager also clarified that the intent is to develop the cemetery into a *passive* recreation park where people would walk, sit and relax, go to view the sculptures and special features, or perhaps go on an historic tour.

The City Clerk advised that the bylaw before Council incorporates the amendments as noted by the Parks Manager.

Moved by Councillor Leask/Seconded by Councillor Nelson

**R101/99/02/08** THAT Bylaw No. 8252 be read a first, second and third time.

Carried

The Parks Manager and the Parks Operations & Maintenance Supervisor left the Council Chamber at 2:50 p.m.

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- 6.3 Bylaw No. 8332 – Road Exchange Bylaw – Portion of Bernard Avenue at Glenmore Drive

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**R102/99/02/08** THAT Bylaw No. 8332 be adopted.Carried

- 6.4 Bylaw No. 8340 – Amendment No. 5 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 (fines re development application procedures bylaw)

Moved by Councillor Shepherd/Seconded by Councillor Day**R103/99/02/08** THAT Bylaw No. 8340 be adopted.Carried

- 6.5 Bylaw No. 8350 – Amendment No. 2 to City of Kelowna Electricity Regulation Bylaw No. 7639 (1999 & 2000 rates)

Moved by Councillor Day/Seconded by Councillor Shepherd**R104/99/02/08** THAT Bylaw No. 8350 be adopted.Carried7. COUNCILLOR ITEMS(a) Gaming

Councillor Cannan noted that the Minister responsible for Gaming has released the gaming project working group's White Paper and draft Gaming Act. Having reviewed the contents of the draft Act, the UBCM have expressed concern that the right of local governments to determine the extent and type of gaming activities that take place in their communities is still not being recognized.

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R105/99/02/08** THAT Council forward comments in support of the UBCM recommendation that the Gaming Act recognize the right of local governments to determine the extent and type of gaming in their communities.

DEFEATED

Mayor Gray and Councillors Blanleil, Day, Nelson and Shepherd opposed.

(b) Sexual Exploitation of Youth

Councillor Shepherd reported that the Attorney General has declared March 22-28, 1999 as a provincial week for Communities Against Sexual Exploitation of Youth, using the City of Kelowna's proclamation from last year. Communities across the province will also use the City of Kelowna's proclamation as they make their own declarations.

(c) Petition – Parking at Water Street Seniors Centre

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Councillor Day reported that a decision was made by the Kelowna Parking Committee, on the understanding that there was agreement with the Water Street Seniors Centre membership, that effective March 1, 1999 a charge would be imposed for the 56 stalls in the Yacht Club parking lot that are reserved for the seniors centre. However, a ±400 name petition of opposition was subsequently received and it has now been agreed that the charge for the seniors centre parking stalls would be deferred for a further 6 months. The Parking Committee will continue to work with the seniors to resolve the matter.

(d) Dog Walking Parks

Councillor Hobson noted that there are now 3 parks in the north end of the city that are designated for dog walking. Most owners are being responsible and using the bags to clean up after their dogs; however, there have been complaints about the dogs going on people's private property. Councillor Hobson suggested that enforcement may be the problem and asked that staff review our policies and report back in near future.

(e) Electrical Public/Private Partnership

The City Manager gave an update on the tentative schedule for the Electrical PPP under negotiation with West Kootenay Power and B.C. Gas and advised that because of the complexity of the process, a recommendation is not likely to be brought forward to Council any earlier than July of this year. If a PPP is successfully negotiated, a contract would be entered into for the operation of the electrical utility. The City of Kelowna would continue to own the utility but would sell the trucks and other equipment from that division of the City's operations and put the money into a reserve fund in the event that at some point in the future it is in the City's best interests to resume operation of the utility.

(f) Sign Bylaw Enforcement – Portable Signs

The City Manager noted that when the new Sign Bylaw was adopted in October 1998, Council instructed staff not to enforce the bylaw until the new year in order to provide for a period of education for portable signs. In December letters were sent to the 53 businesses using portable signs advising them of the changes to regulations for portable signs and a second letter was sent in January to again alert business owners that enforcement of the bylaw was pending. The City Manager advised that staff are now ready to proceed with enforcement of the bylaw and briefly outlined the process that will be used for enforcement.

8. TERMINATION

The meeting was declared terminated at 3:16 p.m.

Certified Correct:

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 Mayor

BLH/am

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 City Clerk