

Regular MeetingMarch 22, 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, March 22, 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 and S.A. Shepherd.

Council members absent: Councillor J.D. Nelson.

Staff members in attendance were: City Manager, R.A. Born; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, F.B. Pritchard*; Special Projects Planning Manager, H.M. Christy*; Director of Parks & Leisure Services, D.L. Graham*; Arts Development Officer, S. Thorne*; Inspection Services Manager, K. Skinner*; Roadways Engineer, M. Duggan*; Environment Manager, M. Watt*; Environmental Technician, T. Watt*; 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 Shepherd was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Citizens Against Sexual Exploitation of Youth re: Update on Activities

Ms. Sharon Hawrelak updated Council on the progress CASEY has made to date to address the sexual exploitation of youth.

Councillor Bremner entered the Council Chamber at 1:37 p.m. and took her place at the Council Table.

3.2 Mayor's Proclamation - March 22-27, 1999 as Kelowna Against Sexual Exploitation of Children and Youth Awareness Week

Mayor Gray read a proclamation declaring March 22-27, 1999 as Kelowna Against Sexual Exploitation of Children and Youth Awareness Week.

4. PLANNING

4.1 Planning & Development Services Department, dated March 17, 1999 re: Extension of Authorization for Issuance of DP94-10,045 and DVP98-10,054 – Harvey Benson/Jabs Construction – 1260-1286 Brookside Avenue (3060-20; 3090-20)

The Current Planning Manager indicated the property on a map displayed on the overhead projector.

Regular MeetingMarch 22, 1999Moved by Councillor Hobson/Seconded by Councillor Blanleil

R206/99/03/22 THAT Municipal Council extend authorization for issuance of Development Permit No. DP94-10,045 and Development Variance Permit No. DVP98-10,054; Lots 1 and 3, Plan 4148, and Lots A and B, Plan 21823, all of Sec. 19, Twp. 26, O.D.Y.D. for Jabs Construction located on Brookside Avenue, Kelowna, B.C. for a period of 180 days, expiring on September 14, 1999.

Carried

The Director of Planning & Development Services entered the Council Chamber at 1:45 p.m.

- 4.2 Planning & Development Services Department, dated March 12, 1999 re: Rezoning Application No. Z98-1045 – Okanagan Sikh Temple & Cultural Society (R. Turik/Turik Neumann Architects) – 1125 & 1145 Rutland Road North (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The rezoning would facilitate the construction of a new Sikh Temple. The existing temple would be retained and used as an educational building or a similar use related to the church, the class 'c' heritage building on the site would be demolished, and access issues are still being negotiated. The Society has requested that the Public Hearing not be held on this application before May 18, 1999.

A member of Council asked that staff work with the applicant to retain the heritage trees at the northwest corner of the property.

Moved by Councillor Leask/Seconded by Councillor Bremner

R207/99/03/22 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots A & B, Sec. 26, Twp. 26, O.D.Y.D., Plan 32402, located on Rutland Road North, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

Carried

The Inspection Services Manager entered the Council Chamber and the Current Planning Manager left at 2:00 p.m.

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4.3 Planning & Development Services Department, dated March 19, 1999 re: Zoning Bylaw Text Amendment No. TA99-006 - Supplementary Report

The Special Projects Planning Manager reviewed the proposed amendments noting they will be added to the bylaw scheduled for consideration at the April 6, 1999 Public Hearing.

Council noted that not all flea markets require the *renting* of tables and not all flea markets are *in an enclosed building* and asked that the wording of the bylaw be amended appropriately before first reading.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R208/99/03/22 THAT City of Kelowna Zoning Bylaw No. Bylaw No. 8000 be amended as outlined in the report of the Director of Planning & Development Services dated March 19, 1999 in order to clarify definitions, provide consistency with other bylaws, and clearly differentiate pawn shops and second hand dealers from other types of consignment uses;

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

Carried

The Roadways Engineer entered the Council Chamber and the Director of Planning & Development Services and the Special Projects Planning Manager left at 2:09 p.m.

5. REPORTS

5.1 Inspection Services Manager, dated March 12, 1999 re: Hours of Sale – Black Mountain Pub (0540-20)

The Inspection Services Manager briefly outlined the report noting the Liquor Licensing Advisory Committee recommends in support of the application.

A member of Council suggested that the Liquor Licensing Advisory Committee consider setting up a procedure for inviting comments from the neighbourhood on this type of application.

Mr. Sandy Baker, applicant, advised the Liquor Control Board (LCB) has the authority to change the hours without having to post the intended change on the site, he has never received any complaints from the neighbourhood regarding the hours of sale, and he would start operating under the new hours as soon as approval is received from the LCB.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R209/99/03/22 THAT Municipal Council does not object to the request from the Black Mountain Pub to change the hours of sale for Friday and Saturday from 10:00 a.m. – 12:00 p.m. to 11:00 a.m. – 1:00 a.m.

Carried

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5.2 Inspection Services Manager, dated March 17, 1999 re: Class "A" Liquor Licence – Funtrain Canada Inc. (0540-20)

The Inspection Services Manager reviewed the report noting the Liquor Licensing Advisory Committee recommends support.

Mr. David Lynch, applicant, advised that the owners have been in the tour business for 22 years and know the type of tourists that come into Kelowna. The Funtrain will start with 11 cars but 22 cars will be available and the agreement with CN provides the option to run 7 days a week if they have the bookings. The locomotive would be run by CN employees and the engine will either push or pull the train, depending on the direction travelled. A parking lot, managed by Funtrain Canada, will be available in the area of departure for shuttling people back and forth.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R210/99/03/22 THAT the Provincial Liquor Control and Licencing Branch be advised that Council supports the licencing of the Class "A" Liquor Licence proposed by Funtrain Canada Inc. and operated by Okanagan Valley Wine Train.

Carried

The Director of Parks & Leisure Services entered the Council Chamber and the Inspection Services Manager left at 2:30 p.m.

5.3 Transportation Manager, dated March 18, 1999 re: Award of Construction Contract TE99-01 – Water Street Reconstruction (8330-20)

The Roadways Engineer presented the report and reviewed the tender qualification requirements on which the recommendation is based and the works included in the contract.

Moved by Councillor Blanleil/Seconded by Councillor Day

R211/99/03/22 THAT Council hear from the project manager for Peters Brothers Construction Ltd.

Carried

Mr. Greg Cruickshank responded to questioning about the project and advised that he is confident the project can be finished by the June 30th completion date.

Moved by Councillor Day/Seconded by Councillor Shepherd

R212/99/03/22 THAT Council award the contract for the reconstruction of Water Street to Peters Brothers Construction Ltd. in the amount of One Million, Four Hundred Sixty-Seven Thousand, Seven Hundred Twenty-Six Dollars and Ninety-Two Cents (\$1,467,726.92), including GST;

AND THAT The Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

The Roadways Engineer left the Council Chamber at 2:50 p.m.

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Mayor Gray altered the order of business and advised that agenda item No. 5.6 would be dealt with at this time.

5.6 Arts Development Officer, verbal report re: Summary – Arts & Culture (7800)

The Arts Development Officer said that when he assumed his position with the City in the summer of 1995 his challenge was to change how the community thinks about the arts so as to see the opportunity which the arts present to the community. Over the past years infrastructure has been created to allow the arts community to contribute and make a difference in the community. The Parks Alive Program animates the downtown with outdoor entertainment during the summer, a manager has been hired to manage the community theatre, a public art policy has been approved by Council to enrich and beautify our urban landscape, Council substantially increased the investment in the Arts Foundation and created a Festivals Fund and a Cultural Tourism Marketing Fund to assist non-profit groups put their products on the market. The Community Arts Centre Project will be key to developing our cultural district and will be the anchor.

The Arts Development Officer advised that arts and culture in Kelowna is now ready to advance beyond the beginning stages, and the community and the community's artists will now be able to build the future the City has invested in. He thanked Council for the opportunity to help put Kelowna on the map for the Pacific Northwest for arts and culture and added that he will look forward to participating as a cultural tourist in future.

Members of Council acknowledged that Mr. Thorne has made a difference in Kelowna, expressed appreciation for the contribution, and wished him well in his endeavours to do the same for Greater Victoria.

The Environment Manager and the Environmental Technician entered the Council Chamber at 3:01 p.m.

5.4 Director of Parks & Leisure Services, dated March 17, 1999 re: Millennium Project (0330-20)

The Director of Parks & Leisure Services presented the report noting Council's recognition of the Community Arts Centre as the Millennium Project for Kelowna will be of assistance in seeking corporate funding and in fundraising for the project at the political level. No commitment is implied by this resolution other than support at this time, and although it is in the best interests of the community to complete the project as soon as possible, the City is not taking on any obligation to begin or complete the project by year 2000.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R213/99/03/22 THAT the City of Kelowna support the Community Arts Centre as the Millennium Project for Kelowna.

Carried

The Director of Parks & Leisure Services left the Council Chamber at 3:11 p.m.

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- 5.5 Environment Manager, dated March 9, 1999 re: 1999 Vehicle Emissions Clinic and 1998 Vehicle Emissions Clinic Summary (5280-02)

The Environment Manager presented the recommendation to Council noting that this year there will also be a heavy-duty emissions clinic in addition to the auto emissions clinic.

The Environmental Technician summarized the results from the 1998 free voluntary vehicle emissions clinic.

Moved by Councillor Leask/Seconded by Councillor Shepherd

R214/99/03/22 THAT Council and the Regional Board endorse the free Voluntary Vehicle Emissions Clinic for May 11th – May 13th, 1999;

AND THAT Council and the Regional Board receive, for their information, a summary of the free Vehicle Emissions Inspection Clinic, held May 13th – May 15th, 1998.

Carried

The Environment Manager and the Environmental Technician left the Council Chamber at 3:25 p.m.

- 5.6 Arts Development Officer, verbal report re: Summary – Arts & Culture (7800)

See after 5.3.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8360 – Amendment No. 1 to Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611

The City Manager recommended that Council defer further consideration of this bylaw for 2 weeks because staff have a few minor amendments to propose before giving the bylaw final reading. This will also provide the pawnbrokers an opportunity to comment on the bylaw.

Moved by Councillor Day/Seconded by Councillor Cannan

R215/99/03/22 THAT adoption consideration of Bylaw No. 8360 (amendment No. 1 to Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611) be deferred to the Regular Meeting of Tuesday, April 6, 1999.

Carried

7. COUNCILLOR ITEMS

- (a) Spruce Bud Worm – Knox Mountain Park

Councillor Cannan requested a report from the Parks Department outlining what they intend to do to control the Spruce Bud Worm in Knox Mountain Park.

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8. TERMINATION

The meeting was declared terminated at 3:34 p.m.

Certified Correct:

Mayor

Acting-City Clerk

BLH/bn