

Regular MeetingApril 12, 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, April 12, 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. Nelson and S.A. Shepherd.

Council members absent: Councillor J.D. Leask.

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\*; Community Planning Manager, T. Eichler\*; Planning & Development Officer, D. Huang\*; Licensing & Bylaw Enforcement Supervisor, M.A. McCorkell\*; Director of Works & Utilities, J. Vos\*; Water Manager, D. Degen\*; Director of Finance & Corporate Services, C.P. Kraft\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Director of Parks & Leisure Services, D.L. Graham\*; Recreation Manager, R. Oddleifson\*; City Solicitor, B. Henderson\*; 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. PUBLIC IN ATTENDANCE

3.1 Presentation by Blair Baldwin re: Operation I.D. School Zone

Mr. Blair Baldwin gave an update on the Operation I.D. School Zone anti-smoking youth campaign and thanked Council for their support of the program.

Councillors Hobson and Bremner entered the Council Chamber at 1:34 p.m. and 1:39 p.m. respectively, and took their place at the Council Table.

3.2 Councillor Hobson, Chairman, Council Water Committee, dated April 6, 1999 re: Water Quality Task Force Report (5600-05)

Councillor Hobson introduced the task force report and advised that the Council Water Committee supports the recommendations of the task force.

Mr. Bob Whitehead presented the report and outlined the recommendations which focus on enhanced watershed protection and water system improvements in order to mitigate the level of health risk from Giardia and Cryptosporidium organisms in the water system.

The Licensing & Bylaw Enforcement Supervisor and the City Solicitor entered the Council Chamber at 2:03 p.m.

Council noted that the Kelowna Joint Water Committee has an extensive public relations program already underway to enhance the water in the watersheds, and that the City has already taken a number of actions to improve its water quality and provide a safer water system.

Regular Meeting

April 12, 1999

Mr. Whitehead responded to questions of Council regarding aspects of the report.

Moved by Councillor Hobson/Seconded by Councillor Day

**R270/99/04/12** THAT Council support in principle the report of the Water Quality Task Force and the recommendations therein as attached to the report dated April 6, 1999 from the Council Water Committee;

AND THAT staff be directed to report back with an implementation strategy for the recommendations raised by the Task Force;

AND THAT staff be directed to inform all City of Kelowna Water Utility customers through an issue of the Pipeline newsletter of the work and recommendations of the Task Force;

AND THAT the Water Quality Task Force be maintained to provide a public review role as the City implements these recommendations;

AND FURTHER THAT Council formally thank the members of the Task Force for its work.

Carried

Mayor Gray altered the order of business on the agenda and advised that item No. 6.7 would be dealt with at this time.

6.7 Water Manager/Kelowna Joint Water Committee, dated April 12, 1999 re: Industrial Fire Flows within the City of Kelowna (5600)

The Water Manager presented the report and reviewed the actions proposed to address industrial fire flow shortfalls that have been identified.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R271/99/04/12** THAT Council receive for information the report dated April 12, 1999 from the Kelowna Joint Water Committee regarding a review, carried out in conjunction with the Fire Department, of industrial fire flow capabilities within industrial areas of all five water purveyors servicing the City of Kelowna;

AND THAT Council approve the recommendations brought forward in the report to address industrial fire flow shortfalls that have been identified in the Kelowna Water Utility.

Carried

The Director of Planning & Development Services and the Current Planning Manager entered the Council Chamber and the Director of Works & Utilities and the Water Manager left at 2:41 p.m.

Regular MeetingApril 12, 1999

3.3 Miles Vucicevic - Appeal re Suspension of Business Licence for Money Mike Pawn Shop

The City Manager explained the suspension was as a result of convictions with respect to municipal bylaw contraventions. The license holder has the right under the Municipal Act to appeal to Council regarding the length of the suspension period.

Mr. Miles Vucicevic advised that he has not filed an appeal of the convictions in the Provincial Court of Appeals. He indicated he found it difficult to follow the reporting procedures because of his poor English and expressed concern that finding another job would likely be difficult at his age.

Responding to questions of Council, the Licensing & Bylaw Enforcement Supervisor clarified that in the event that the licensee was to formally appeal the convictions, then the business license would be reinstated until a determination is made by the Courts. If the charges are upheld by the Courts, then the 3-month license suspension period would resume.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R272/99/04/12 THAT Council support the Licencing & Bylaw Enforcement Supervisor's decision to impose a suspension of Business License No. 29697 (Money Mike – 3945 Lakeshore Road) for 3 months from March 30, 1999.

Carried

Councillor Blanleil opposed.

The Director of Planning & Development Services, the Licensing & Bylaw Enforcement Supervisor, and the City Solicitor left the Council Chamber at 3:02 p.m.

4. PLANNING

4.1 Planning & Development Services Department, dated March 30, 1999 re: Rezoning Application No. Z99-1006 (OCP99-005) – Eric & Lidia Baumgart (Walter Baumgart) – 1024 Laurier Avenue (3360-20)

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 increase the number of care units in the existing 10-bedroom Group Living Home by developing 4 additional units in the lower level. Multi-family zoning is required in order to increase the number of bedrooms to more than 10. Parking requirements would be addressed at the Development Permit stage and a Development Variance Permit would be required to permit a reduced lot width.

Council noted that the new zone would allow up to a 3 storey building height and suggested that the applicant be asked to consider registering a covenant to restrict the development to that which is being proposed. Council agreed to add signing authorization to the motion in the event that the applicant agrees to the covenant.

Regular MeetingApril 12, 1999Moved by Councillor Cannan/Seconded by Councillor Nelson

**R273/99/04/12** THAT the Future Land Use Designation of Map 15.1 of the City of Kelowna Official Community Plan for Lot 5, D.L. 138, O.D.Y.D., Plan 3999 located on Laurier Avenue, Kelowna, BC, be changed from Multiple Family Residential – low density to Multiple Family Residential – low density transition;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, D.L. 138, O.D.Y.D., Plan 3999, located on Laurier Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone;

AND THAT prior to a Public Hearing, the Mayor and City Clerk be authorized to sign and seal, on behalf of the City of Kelowna, a Restrictive Covenant to limit the use, form and character of the development on the subject property to that proposed by Development Permit No. DP99-10,010;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property.

Carried

- 4.2 Planning & Development Services Department, dated March 30, 1999 re: Rezoning Application No. Z99-1008 – Braunfel Engineering & Construction Ltd. (New Town Planning) – 8038 Highway 97 North (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. A jam processing factory is proposed for development along with associated retail uses and in conjunction with a demonstration orchard. The property is within the Agricultural Land Reserve and the Agricultural Land Commission have provided written support for the proposal. The Current Planning Manager showed sketches provided by the applicant indicating the form and character of the building that is proposed and advised that staff recommend forwarding the application to public hearing.

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R274/99/04/12** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 34, Twp. 23, O.D.Y.D., Plan 500 Except Plans 19420 and 44031, located on Highway 97 North, Kelowna, B.C., from the C1 – Local Commercial zone to the A1 – Agricultural 1 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

Regular MeetingApril 12, 1999

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Medical Health Officer 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 Director of Planning & Development Services returned to the Council Chamber with the Planning & Development Officer at 3:24 p.m.

- 4.3 Planning & Development Services Department, dated April 7, 1999 re: Rezoning Application No. Z99-1001 – Eric Fefer/Petro-Canada Inc. – 715 & 735 Harvey Avenue (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. The additional lot being acquired along with the north/south portion of the adjacent lane would be consolidated with the existing property to facilitate redevelopment of the site with a new gas station and convenience store. Staff recommend forwarding the application to public hearing.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R275/99/04/12** THAT the Future Land Use Designation on Map 15.1 of the City of Kelowna Official Community Plan for Lot 1, D.L. 138, O.D.Y.D., Plan 3784, located on Harvey Avenue, Kelowna, B.C., be changed from Multiple Family Residential – Medium Density to Commercial;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 138, O.D.Y.D., Plan 3784, located on Harvey Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the adoption of a road exchange bylaw and the registration of a lot consolidation plan that incorporates the subject properties and the portion of closed road into one legal title, and registration concurrent with the lot consolidation plan of a reciprocal access easement with the property to the south.

Carried

Regular Meeting

April 12, 1999

Mayor Gray altered the order of business on the agenda and advised that item No. 6.5 would be dealt with at this time.

The Director of Parks & Leisure Services and the Recreation Manager entered the Council Chamber and the Director of Planning & Development Services and the Current Planning Manager left at 3:35 p.m.

- 6.5 Recreation Manager, dated March 26, 1999 re: Sport Tourism – Interim Report (0230-20)

The Recreation Manager presented the report noting the draft Strategic Plan identifies the action steps necessary to create a sports tourism infrastructure.

Mr. Robert Fine, Economic Development Commission, discussed the formula used to assess the economic impacts of sports tourism in the City of Kelowna.

The Director of Planning & Development Services returned to the Council Chamber at 4:02 p.m.

Members of Council indicated they would be prepared to entertain specific recommendations from the committee over time and that they could support providing seed money to get the program going but that partnerships are needed.

Moved by Councillor Bremner/Seconded by Councillor Hobson

**R276/99/04/12** THAT the Recreation Manager's interim report dated March 26, 1999 on the Sport Tourism initiative be received for the information of Council.

Carried

The Community Planning Manager and the Special Projects Planning Manager entered the Council Chamber and the Director of Parks & Leisure Services left at 4:06 p.m.

- 4.4 Planning & Development Services Department, dated April 7, 1999 re: Wetland Habitat Management Strategy – Supplemental Report No. 2 (5280-13)

The Planning & Development Officer presented the report addressing the concerns raised by Council and recommended that Lot 43 be removed from the bylaw, that wetland No. 123 remain identified as a 'high' rated wetland, and that the two unconfirmed wetlands on the Rezansoff property continue to be so identified until after completion of the drainage study that is currently underway.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R277/99/04/12** THAT the Planning Department's supplemental report dated April 7, 1999 regarding the Wetland Habitat Management Strategy be received for Council's information;

Regular MeetingApril 12, 1999

AND THAT Bylaw No. 8327 (OCP98-025 – Wetland Habitat Management Strategy) be amended as follows:

- Change the wording of policy .15 being added as 1(e) of Bylaw 8327 to read as follows:
 

**"Wetland Guidelines.** Where a Natural Environment/Hazardous Condition Development Permit is required for land disturbances within the leave strip of a Protected Wetland, the development shall comply with the Wetland Guidelines, attached as Appendix 16 to this OCP";
- Delete section 2(c)(iv) of the Bylaw (removing Lots 31, 42, and 43, Sec. 35, Twp. 26, O.D.Y.D. Plan 425 from the proposed Natural Environment/Hazardous Condition Development Permit designation);
- Revise Map 2.1 to reflect new boundaries of wetland site 124a and 124b and remove site 110;
- Delete Map 4;
- Revise Map 7 to reduce the size of the wetland area for 124a and 124b;
- Re-number Section 2 and corresponding maps accordingly.

Carried

The Planning & Development Officer left the Council Chamber at 4:23 p.m.

- 4.5 Planning & Development Services Department (Community Planning Manager), dated April 6, 1999 re: Membership – Community Housing Needs Committee (0540-20)

The Community Planning Manager briefly outlined the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Day

**R278/99/04/12** THAT City Council appoint the following new members to the Community Housing Needs Committee for a term ending June 30, 2000, when membership can be re-considered:

Jean-Jacques Clermont-Ferrand                      John Schlosser;

AND THAT City Council accept, with regret, the resignation of Marsali McIver from the Community Housing Needs Committee.

Carried

The Community Planning Manager left the Council Chamber at 4:25 p.m.

Regular MeetingApril 12, 1999

- 4.6 Planning & Development Services Department, dated April 7, 1999 re: Response to Provincial White Paper on Gaming (6410-09)

The Special Projects Planning Manager briefly summarized the report noting the deadline for comments has been extended to April 15, 1999.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R279/99/04/12** THAT Council express its concerns to the Hon. Michael Farnworth, Minister in charge of Gaming, regarding the following impacts of the recommendations in the Province's White Paper on Gaming:

- The loss of local jurisdiction over location and the impacts of new, expanded or re-located gaming facilities as zoning, building, licensing, noise, signs, parking, street and traffic regulations may be over-ridden by provincial authority;
- The adequacy of the proposed policing and prosecutorial program proposed at \$1.5 million;
- The social impacts of increased gambling opportunities on the estimated 4% of British Columbians that are problem gamblers, and the adequacy of the proposed \$2 million to address these social issues;

AND THAT the Province be requested to provide funding for the policing program commensurate with the problem, and to index proportionately the amount of funding for programs dealing with problem gamblers as the government revenues increase;

AND THAT Council endorse the White Paper recommendation that local government approval should be sought for all new gambling facilities, *as well as* expansions or re-locations to existing gambling facilities (not presently included in White Paper recommendations);

AND FURTHER THAT additional clarification be requested from the Province on the proposal for revenue sharing for destination and charity casinos.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.1 Bylaw No. 8327 – City of Kelowna Official Community Plan Amendment No. OCP98-025 – Wetland Habitat Management Strategy **requires majority vote of full Council (5)**

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R280/99/04/12** THAT Bylaw No. 8327 be read a second and third time, and be adopted.

Carried



Regular MeetingApril 12, 19996. REPORTS

- 6.1 Public Art Committee, dated March 31, 1999 re: Appointments – Public Art Committee (0540-20)

The Special Projects Planning Manager briefly outlined the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R281/99/04/12** THAT Council appoint the following citizens to the Public Art Committee to serve a three year term in accordance with the Terms of Reference for the Public Art Committee:

Robert Belton  
Mark Dyck;

AND THAT Council extend the terms of Paul Skutshek and Margaret Dryden for an additional three years.

Carried

The Director of Finance & Corporate Services, the Deputy Director of Finance, and the Financial Planning & Systems Manager entered the Council Chamber and the Director of Planning & Development Services and the Special Projects Planning Manager left at 4:33 p.m.

- 6.2 Deputy Director of Finance, dated April 8, 1999 re: 1999 Tax Distribution Policy (1970-00)

The Deputy Director of Finance used charts displayed on the overhead projector to assist with presentation of an assessment of market conditions between property classes and a comparison of the tax ratio for 1998 versus 1999.

Moved by Councillor Nelson/Seconded by Councillor Day

**R282/99/04/12** THAT Council approve a Municipal Tax Distribution Policy for the year 1999 which will result in a modification of the 1998 Tax Class Ratios to reflect the uneven market value increases which have been experienced between property classes, as follows:

<u>Property Class</u>	<u>Description</u>	<u>1999 Tax Class Ratios</u>	<u>1998 Tax Class Ratios</u>
01/08	Residential/Recreation/Non-Profit	1:0000:1	1.0000:1
02	Utilities	3.2410:1	3.3279:1
04	Major Industrial	2.6819:1	3.2492:1
05/06	Light Industrial/Business/Other	1.9183:1	1.9810:1
09	Farm Land	.0800:1	.0800:1
91	Farm Improvements	.4834:1	.4736:1;

AND THAT Council approve a revision of 1999 tax rates to reflect the 1999 assessment changes in property market values.

Carried

Regular MeetingApril 12, 1999

6.3 City Manager dated April 8, 1999 re: 1999 Final Budget Recommendation (1700-20)

The City Manager introduced the report for Council.

The Director of Finance & Corporate Services commented that the 1999 final budget represents a great deal of cooperative effort between the departments in order to keep the tax increase to the recommended level. The 2.9% represents only the municipal portion of the budget; a comprehensive overview of the impacts of the average 2.9% increase will be brought back when staff report back with the final tax rates.

The Financial Planning & Systems Manager reviewed the supplementary budget requests included in the 1999 budget recommendation and asked for guidance from Council regarding the starred items. Council agreed they would remain priority two for this year. The Financial Planning & Systems Manager also pointed out that the schedule of ongoing supplementals will already result in a net 2.6% increase for the year 2000.

Council expressed concern that the City is not following up on the commitment to maintain the South Pandosy revitalization area to a level of maintenance for street sweeping and litter removal similar to that in the downtown area. Staff were asked to report back regarding the standard of maintenance within the next two weeks.

Council also suggested that the public needs to know what the municipal tax impact could have been had the City dealt with the provincial downloading differently, and that the public also should be reminded that municipalities deal with a balanced budget each year rather than a deficit budget like other levels of government. Staff were asked to report back with a recommendation on how this can be achieved.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R283/99/04/12** THAT Council approve the formulation of 1999 Property Tax Rates which will raise the required funds in 1999, from General Taxation, of \$51,450,000 resulting in an average net property owner impact of 2.9%.

Carried

The Recreation Manager returned to the Council Chamber and the Director of Finance & Corporate Services, the Deputy Director of Finance, and the Financial Planning & Systems Manager left at 5:16 p.m.

6.4 Recreation Manager, dated April 6, 1999 re: Community Spirit Grant Application – Ben Lee Park

The Recreation Manager briefly outlined the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R284/99/04/12** THAT City Council authorize staff to apply for a Community Spirit Grant through the *British Columbia 2000 – Making the Millennium* in the amount of \$200,000 for Ben Lee Park.

Carried

Regular MeetingApril 12, 1999

- 6.5 Recreation Manager, dated March 26, 1999 re: Sport Tourism – Interim Report (0230-20)

Dealt with after agenda item No. 4.3.

- 6.6 Recreation Manager, dated April 6, 1999 re: Parks Alive! – Committee Appointment (6130)

The Recreation Manager asked that Council approve the terms of reference for the committee and the appointments being recommended.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R285/99/04/12** THAT Council approve the terms of reference for the Parks Alive! Committee, as attached to the report dated April 6, 1999 from the Recreation Manager;

AND THAT the following individuals be appointed to this committee for the inaugural two year term:

Councillor Marion Bremner	- Chair
Alex Johnston	- Vice-Chair, Safety & Security, Co-Chair
Rosemary Jean Thompson	- Marketing & Sponsorship
Ken Davidson	- Programming
Cst. Doug Bricknell	- Turf Constable, Safety & Security Co-Chair
(Vacant)	- Volunteer Administration
Renata Mills	- Parks Alive! Coordinator, DKA
Dorothee Birker	- Public Relations Coordinator, DKA.

Carried

- 6.7 Water Manager/Kelowna Joint Water Committee, dated April 12, 1999 re: Industrial Fire Flows Within the City of Kelowna (5600)

Dealt with after agenda item No. 3.2.

## 7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 8086 – A bylaw to limit registration of electors for General Local Government Elections to registration at the time of voting.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R286/99/04/12** THAT Bylaw No. 8086 be adopted.

Carried

- 7.2 Bylaw No. 8364 – Amendment No. 5 to Kelowna Development Cost Charges Bylaw No. 7728 (revise definitions of Commercial, Industrial, Institutional A & B)

Moved by Councillor Day/Seconded by Councillor Shepherd

**R287/99/04/12** THAT Bylaw No. 8364 be adopted.

Regular Meeting

April 12, 1999

Carried

8. COUNCILLOR ITEMS

(a) 24<sup>th</sup> Annual City of Kelowna Civic Awards

Councillor Nelson announced the names of the awards finalists and advised awards night is Thursday, April 22, 1999 at the Capri Hotel and tickets are available at the Chamber of Commerce.

(b) Rutland – Does the Name Create a Negative Image?

Councillor Shepherd commented that at a recent Health Advisory Committee meeting, a number of residents from the Rutland area had indicated they feel the name Rutland creates a negative image and that perhaps the name should be changed. Councillor Shepherd asked for feedback from the Rutland community on how they feel about changing the name of Rutland.

The Recreation Manager left the Council Chamber at 5:28 p.m.

(c) Need for Outside Ashtrays for Butting Cigarettes

Councillor Shepherd noted that although people are required to go outside to smoke, no ashtrays are being provided and cigarette butts are becoming an issue during clean-up. Mayor Gray commented that in Regina there are attractive and even theme oriented ashtrays attached to the fronts of buildings, and that presumably the ashtrays are provided as a partnership with the building owner. Staff were asked to investigate and report back with a recommendation for Council.

(d) Auxiliary Policing

Council agreed to send letters to the Auxiliary police thanking those who feel they cannot continue under the new rules and thanking those who will return, for the significant hours of work they have contributed to the community.

9. TERMINATION

The meeting was declared terminated at 5:38 p.m.

Certified Correct:

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Mayor

Acting-City Clerk

BLH/bn