

Regular MeetingMay 3, 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, May 3, 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; Acting-City Clerk, G.D. Matthews; Director of Planning & Development Services, R.L. Mattiussi*; Subdivision Approving Officer, R.G. Shaughnessy*; Acting-Current Planning Manager, A. Bruce*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Parks Coordinator, R. Zahara*; Development Engineering Manager, S. Muenz*; Drainage/Solid Waste Manager, A. Newcombe*; Financial Planning & Systems Manager, K. Grayston*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Nelson 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 Beryl Itani, Emergency Services Director re: Emergency Preparedness

Beryle Itani advised this is Emergency Preparedness Week and the focus this year is on Y2K. She circulated brochures and a lapel pin to members of Council and encouraged City Hall employees to be ready for year 2000.

Sid LeBeau, Assistant Coordinator for Emergency Services, discussed flood preparation measures and advised that the level of Okanagan Lake has been drawn down in anticipation of high run-off; however, if the melt continues as it has without a long hot or wet spell the lake should rise to full pool without flooding. The provincial government's position is that residents who have experienced flooding in the past are responsible for taking the action necessary to protect their property. The Province will not be releasing sand bags to our area unless flooding is imminent but residents needing sand bags can purchase them locally. Concern that sand bags the Province has stockpiled could be diverted from our area to another area will be discussed with the regional manager in Kamloops.

3.2 Aaron Dinwoodie, President of Okanagan Mainline Municipal Association re: OMMA

Aaron Dinwoodie, Regional District director and president of the Okanagan Mainline Municipal Association gave a presentation to raise awareness of OMMA and the function OMMA serves to ensure regional representation with the Union of British Columbia Municipalities and the Ministry of Municipal Affairs.

Mayor Gray entered the Council Chamber at 1:56 p.m. and assumed the Chair.

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- (a) Presentation by Mothers Against Drunk Drivers
- (b) Transportation Manager's report dated April 15, 1999

Withdrawn.

5. PLANNING5.1 Planning & Development Services Department, dated April 27, 1999 re: Rezoning Application No. Z99-1018 – Lance Pilott – 1277 Houghton Road (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report for Council. He noted the report indicates the land is currently vacant, however, construction of the house is almost complete.

Responding to questions of Council, the Acting-Current Planning Manager advised that there is likely subdivision potential for the remainder of the lot, although the applicant has given no indication of intent to subdivide. If this application is approved and the applicant subsequently decides to subdivide, the new lot would already be zoned for a secondary suite.

Council directed staff to identify the potential for two dwellings each with a secondary suite on the site when sending out the notice for the public hearing on this application.

Moved by Councillor Hobson/Seconded by Councillor Day

R348/99/05/03 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, Sec. 27, Twp. 26, O.D.Y.D., Plan 4558 Except Plans B6628 and 12644, located on Houghton Road, 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.

Carried5.2 Planning & Development Services Department, dated April 28, 1999 re: Rezoning Application No. Z99-1013 – The Newmans – 412 McLennan Crescent (3360-20)

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting the existing suite has been under investigation by City bylaw enforcement staff since before the new owners purchased the property in December 1998. This application was prompted by a demand letter issued in January 1999 advising the new owners to vacate the illegal suite or apply for rezoning.

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Moved by Councillor Nelson/Seconded by Councillor Cannan

R349/99/05/03 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP51596, located on McLennan Crescent, 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

5.3 Planning & Development Services Department, dated April 28, 1999 re: Rezoning Application No. Z99-1012 – R89 Enterprises Ltd. (Marty Van Mulder – 954 Friesen Road (3360-20))

The Acting-Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting the house is substantially constructed but is not occupied.

Moved by Councillor Leask/Seconded by Councillor Shepherd

R350/99/05/03 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 26, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP52738, located on Friesen Road, 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

5.4 Planning & Development Services Department, dated April 27, 1999 re: Agricultural Land Reserve Appeal No. A99-104 – John & Terry Whittaker – 2547 Belgo Road (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council. The applicant is requesting permission to subdivide the property into two parcels to facilitate a homesite severance. There is one dwelling and three accessory farm buildings on the proposed homesite severance lot and orchard on the balance of the property. The applicant would be required to either decommission all three of the accessory buildings or decommission two and rezone the homesite severance property to A-1s to allow for use of one of the accessory buildings as a secondary suite. The stream protection corridor requirements would be addressed through the subdivision application.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R351/99/05/03 THAT Council hear from the applicant.

Carried

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Mr. John Whittaker, applicant, complained that he is required to pay a Development Cost Charge levy (for the vacant parcel being created) and he will also lose rental income from the accessory farm buildings that have to be decommissioned. In addition, he is being punished with creek dedication requirements because his property is along Mission Creek and the taking of that land will impact the sale price of the residual parcel. Mr. Whittaker suggested that if the City wants the Mission Creek dedications then the City should buy the entire westerly portion of the property.

Moved by Councillor Hobson/Seconded by Councillor Day

R352/99/05/03 THAT Agricultural Land Reserve Appeal No. A99-104 Lot 4, Blk. 17, Sec. 11, Twp. 26, O.D.Y.D., Plan 1380, Except Plan H17537 located at 2547 Belgo Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

5.5 Planning & Development Services Department, dated April 27, 1999 re: Agricultural Land Reserve Appeal No. A99-105 – George Boer (City of Kelowna) – 2340 Glenmore Road (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The property is being jointly acquired by the City of Kelowna and the Regional District of Central Okanagan (RDCO) for use as park and to achieve road reserves for the future realignment of McKinley and Glenmore Roads.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R353/99/05/03 THAT Agricultural Land Reserve Appeal No. A99-105, Lot 4, Sec. 21, Twp. 23, O.D.Y.D., Plan 16293 except Plan 19441, located at 2340 Glenmore Road, Kelowna, B.C.; for a partial exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Commission Act and for a subdivision and non-farm use within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

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- 5.6 Planning & Development Services Department, dated April 28, 1999 re: Agricultural Land Reserve Appeal No. A99-101 – Mill Creek Development Ltd. and Yale County Capital Ventures Ltd. (Rene Dureault) – 4275 and 4355 Highway 97 North (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and reviewed the report for Council. The requested exclusion proposal would facilitate an extension of the industrial subdivision located directly south of the subject property.

Moved by Councillor Shepherd/Seconded by Councillor Day

R354/99/05/03 THAT Agricultural Land Reserve Appeal No. A99-101, Parcel A (DD39702E and Plan B6145) of Lot 4, D.L. 123, O.D.Y.D., Plan 4138 except Plans H764 and H16596; and Lot 4, D.L. 123, O.D.Y.D., Plan 4183 except Plans B6145 and H16596, located at 4275 and 4355 Highway 97, Kelowna, BC; for a partial exclusion from the Agricultural Land Reserve pursuant to Section 15(1) of the Agricultural Land Commission Act and for approval to subdivide along the proposed new Agricultural Land Reserve boundary pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

The Drainage/Solid Waste Manager and the Development Engineering Manager entered the Council Chamber and the Director of Planning & Development Services, the Subdivision Approving Officer, and the Acting-Current Planning Manager left at 2:48 p.m.

6. REPORTS

- 6.1 Drainage/Solid Waste Manager, dated April 26, 1999 re: Amendments to Garbage Collection Bylaw No. 7173 (B/L 8226)

The Drainage/Solid Waste Manager reviewed the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Day

R355/99/05/03 THAT Council approve a reduction in the 1999 residential garbage and yard waste collection rates from \$32.53 to \$30.72 per household;

AND THAT Schedule "E" of Garbage Collection Bylaw No. 7173 be amended to reflect changes regarding the acceptance of treated liquid biomedical waste at the Glenmore Landfill;

AND THAT, effective July 1, 1999, the following rates be charged for tires brought to the Glenmore Landfill:

Tires up to 16" (with rims)	\$ 1.00 each
Tires 16" to 25½" (no rims)	\$ 5.00 each
Tires 16" to 25½" (with rims)	\$10.00 each;

AND FURTHER THAT bylaw No. 8226 to incorporate these amendments in the Garbage Collection Bylaw be advanced for reading consideration by Council.

Carried

The Drainage/Solid Waste Manager left the Council Chamber at 2:54 p.m.

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- 6.2 Development Engineering Manager, dated April 28, 1999 re: Latecomer Charges – Bennett Contracting Ltd. – Adams Road Lane (2250-70-56)

Moved by Councillor Hobson/Seconded by Councillor Day

R356/99/05/03 THAT the Municipal Council require the owner of Lot 1, Plan 34016 which is to be subdivided or developed, provide the excess or extended services shown on Exhibit "1", attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Municipal Council consider the cost to provide the extended services shown on Exhibit "1", in whole or in part, to be excessive;

AND THAT the cost of providing these services shall be paid for by the owner of the land being subdivided or developed;

AND THAT the Latecomer charges be imposed for extended services, as shown on Exhibit "1", which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Exhibit "6" attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Mayor and City Clerk be authorized to enter into a Latecomer Agreement with the referenced developer, incorporating Exhibits "1" and "6" into the agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

- 6.3 Development Engineering Manager, dated April 28, 1999 re: Latecomer Charges – MKS Resources Inc. – Benvoulin Road (2250-70-55)

Moved by Councillor Hobson/Seconded by Councillor Day

R357/99/05/03 THAT the Municipal Council require the owner of Lots A and B, Plan KAP55836 which is to be subdivided or developed, provide the excess or extended services shown on Exhibit "1", attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Municipal Council consider the cost to provide the extended services shown on Exhibit "1", in whole or in part, to be excessive;

AND THAT the cost of providing these services shall be paid for by the owner of the land being subdivided or developed;

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AND THAT the Latecomer charges be imposed for extended services, as shown on Exhibit "1", which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Exhibit "6" attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Mayor and City Clerk be authorized to enter into a Latecomer Agreement with the referenced developer, incorporating Exhibits "1" and "6" into the agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

6.4 Development Engineering Manager, dated April 28, 1999 re: Latecomer Charges – Cary Road Joint Venture – Cary Road (2250-70-58)

Moved by Councillor Bremner/Seconded by Councillor Shepherd

R358/99/05/03 THAT the Municipal Council require the owner of Lot 1, D.L. 125, Plan 10995 which is to be subdivided or developed, provide the excess or extended services shown on Exhibit "1", attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Municipal Council consider the cost to provide the extended services shown on Exhibit "1", in whole or in part, to be excessive;

AND THAT the cost of providing these services shall be paid for by the owner of the land being subdivided or developed;

AND THAT the Latecomer charges be imposed for extended services, as shown on Exhibit "1", which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Exhibit "6" attached to the report of the Development Engineering Manager dated April 28, 1999;

AND THAT the Mayor and City Clerk be authorized to enter into a Latecomer Agreement with the referenced developer, incorporating Exhibits "1" and "6" into the agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

The Director of Parks & Leisure Services and the Parks Coordinator entered the Council Chamber and the Development Engineering Manager left at 2:56 p.m.

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6.5 Parks Manager, dated April 28, 1999 re: Status Report – Dogs in Parks Program (6140-02)

The Director of Parks & Leisure Services summarized the recommendations in the report.

The Parks Manager entered the Council Chamber at 2:58 p.m.

The Parks Manager presented the report for Council and advised it would take approximately \$15,000 in capital funds to modify the site proposed as a dog off-leash park and about \$6,000 annually to maintain the site.

Council discussed the report at length and agreed to a friendly amendment of the motion to delete reference to the proposed new off-leash dog park being developed in the year 2000 in hopes that, if the proposed changes are approved, funding can be found in the community to develop the park this year, and to ensure there is no conflict with other plans proposed for lands along Mill Creek.

Staff were requested to notify the area businesses as well as the residential properties overlooking the proposed site, in writing, of the intent to develop the site as an off-leash dog park.

Moved by Councillor Leask/Seconded by Councillor Shepherd

R359/99/05/03 THAT the status report dated April 28, 1999 from the Parks Manager regarding the Dogs in Parks Program be received as information;

AND THAT the public be advised through media releases of the following proposed changes to the Dogs in Parks Program:

- delete the portion of Sutherland Park, north of the boat launch and Government Campground Park as "dog off leash" parks and designate those same lands as "dog walking parks";
- provided there would be no conflict with other plans proposed for lands along the Mill Creek Corridor, designate the City-owned land west of Dilworth Drive between the CN tracks and Leckie Road, as indicated on Map 1 attached to the Park Manager's report of April 28, 1999, as an "off leash dog park" with development of the park subject to funding availability;

AND THAT the Parks Manager receive written submissions from the general public regarding the above-noted proposed changes and report back with a recommendation for Council within 4 weeks.

Carried

The Financial Planning & Systems Manager entered the Council Chamber and the Director of Parks & Leisure Services, the Parks Manager, and the Parks Coordinator left at 3:52 p.m.

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8226 – Amendment No. 12 to Garbage Collection Bylaw No. 7173 (amend garbage pick-up rates for 1999)

Moved by Councillor Nelson/Seconded by Councillor Leask

R360/99/05/03 THAT Bylaw No. 8226 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8409 - 1999 Tax Structure Bylaw

Moved by Councillor Leask/Seconded by Councillor Nelson

R361/99/05/03 THAT Bylaw No. 8409 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 8410 – 1999 Annual Budget Bylaw

The Acting-City Clerk advised that the revised version of the bylaw reflects the actual school levy.

Moved by Councillor Nelson/Seconded by Councillor Leask

R362/99/05/03 THAT Bylaw No. 8410 be read a first, second and third time.

Carried

- 7.4 Bylaw No. 8411 – 1999 Annual Rates Bylaw

Moved by Councillor Bremner/Seconded by Councillor Cannan

R363/99/05/03 THAT Bylaw No. 8411 be read a first, second and third time.

Carried

- 7.5 Bylaw No. 8412 – 1999 Capital Expenditure Program Bylaw

Moved by Councillor Cannan/Seconded by Councillor Bremner

R364/99/05/03 THAT Bylaw No. 8412 be read a first, second and third time.

Carried

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- 7.6 Bylaw No. 8413 – A bylaw to authorize the expenditure of monies in the parking Reserve Fund for 1999

Moved by Councillor Shepherd/Seconded by Councillor Day

R365/99/05/03 THAT Bylaw No. 8413 be read a first, second and third time.

Carried

- 7.7 Bylaw No. 8414 – A bylaw to authorize the expenditure of monies in the Sale of City-Owned Land Reserve Fund for 1999

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R366/99/05/03 THAT Bylaw No. 8414 be read a first, second and third time.

Carried

- 7.8 Bylaw No. 8415 – A bylaw to authorize the expenditure of monies in the Capital Works, Machinery and Equipment Reserve Fund for 1999

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R367/99/05/03 THAT Bylaw No. 8415 be read a first, second and third time.

Carried

- 7.9 Bylaw No. 8416 – A bylaw to authorize the expenditure of monies in the Development Cost Charge Reserve Fund for 1999

Moved by Councillor Day/Seconded by Councillor Leask

R368/99/05/03 THAT Bylaw No. 8416 be read a first, second and third time.

Carried

The Financial Planning & Systems Manager left the Council Chamber at 3:55 p.m.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.10 Bylaw No. 8401 – Amendment No. 1 to Annual Budget Bylaw 1998, No. 8229 (increase in Operating Budget and Capital Expenditure Program for 1998)

Moved by Councillor Hobson/Seconded by Councillor Day

R369/99/05/03 THAT Bylaw No. 8401 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Parking Restrictions – Clement/Martin Avenue Area

Councillor Day reported that a notice regarding proposed parking restrictions in the Clement/Martin Avenue area was circulated to obtain feedback from the area residents. The restrictions are proposed to deal with parking needs resulting from the Multi-Purpose Facility. The Parking Committee will consider feedback received from the area residents and bring back a recommendation to Council for dealing with parking in the north end of the city.

Councillor Bremner left the Council Chamber at 4:05 p.m.

(b) Air Traffic Control Tower – Kelowna International Airport

Councillor Day noted that only a temporary permit has been issued for operation of the air traffic control tower because of visibility concerns. He asked that the Airport General Manager report back with an update of the problem. The City Manager indicated staff would report back at the May 17, 1999 Regular Meeting.

(c) Parking Committee

Councillor Day asked Mayor Gray to consider expanding the number of appointees to the Parking Committee to include a representative from the Rutland Town Centre.

(d) Regulations for Fencing/Hedges at Intersections

Councillor Hobson suggested that with the increased enforcement of bylaw requirements to ensure safe sight-lines at intersections and lanes, it would be timely for the Licensing & Bylaw Enforcement Supervisor to provide a report informing the public of the current policy for fencing and hedges at intersections and any changes in policy that may be forthcoming. The City Manager advised staff will report back in the near future.

(e) Proclamations

Mayor Gray read a proclamation declaring the week of May 3-9, 1999 as Emergency Preparedness Week.

Mayor Gray read a proclamation declaring May 8, 1999 as Kelowna Veterans Day.

9. TERMINATION

The meeting was declared terminated at 4:22 p.m.

Certified Correct:

Mayor

Acting-City Clerk

BLH/am