

Regular MeetingOctober 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, October 25, 1999.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day*, R.D. Hobson*, J.D. Leask, J.D. Nelson* and S.A. Shepherd.

Council members absent: Council M.I. Bremner.

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*; Subdivision Approving Officer, R.G. Shaughnessy*; Current Planning Manager, A.V. Bruce*; Long Range Planning Manager, L.V. Foster*; Urban Design Planner, P.J. McCormick*; Development Engineering Manager, S. Muenz*; Deputy Director of Finance, P.A. Macklem*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Footlights Playhouse re: Invitation for Council to Attend Initial Viewing of the Footlights Playhouse Theatre

Withdrawn from the agenda.

4. UNFINISHED BUSINESS

4.1 Planning & Development Services Department, supplementary report dated October 20, 1999 re: Bylaw No. 8458 (Z98-1021 – Grant Gaucher for Emil Anderson, et al, 5150 & 5120 Frost Road); Bylaw No. 8459 (Z98-1029 – New Town Planning Services for Pendulum Enterprises Ltd. – 5065 Frost Road) and Bylaw No. 8460 (Z98-1032 – New Town Planning Services for Hilltop Sand & Gravel Co. Ltd. – 5065 Frost Road and 611 & 625 Barnaby Road) – Neighbourhood Two – Southwest Mission Sector Plan

The Special Projects Planning Manager indicated the boundary of the Area Structure Plan area and of Neighbourhood Two on maps displayed on the overhead projector and outlined the report responding to concerns raised at the Public Hearing regarding traffic impacts.

Responding to questions of Council, the Special Projects Planning Manager confirmed that construction of the ultimate Frost Road alignment would be triggered by development; the Killdeer Road extension would be built before the start of construction traffic for the proposed new development; and if need be, access to Frost Road would be closed in order to get traffic from the new development to use the Killdeer Road extension.

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R867/99/10/25 THAT Council endorse the financial staging plan (roads sequencing plan) for Neighbourhood Two, South West Mission Sector Plan attached as Schedule 1 and the supporting methodology contained in the report of the Director of Planning & Development Services dated October 20, 1999;

AND THAT Zone Amending Bylaw Nos. 8458, 8459, and 8460 be advanced for second and third reading consideration by Council;

AND THAT the Mayor and City Clerk be authorized to execute Servicing Agreements for each zone amending bylaw;

AND FURTHER THAT final adoption of each zone amending bylaw be considered subsequent to the execution of a Servicing Agreement by the owners specific to each zone amending bylaw.

Carried

The Deputy Director of Finance, the Development Engineering Manager, and the Special Projects Planning Manager left the Council Chamber at 2:01 p.m.

5. PLANNING

5.1 Planning & Development Services Department, dated October 19, 1999 re: Extension of Approval for Issuance of DVP98-10.071 – Mark Kayban – 1316 Pheasant Street (3090-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and briefly outlined the report noting that April 27, 2000 deadline coincides with the date of the second extension to the Preliminary Layout Review for the proposed subdivision of the property.

Moved by Councillor Leask/Seconded by Councillor Shepherd

R868/99/10/25 THAT Municipal Council authorize an extension of the previously approved Development Variance Permit DVP98-10,071, for Lot B, D.L. 137, O.D.Y.D., Plan 19734, located on Pheasant Street to April 27, 2000.

Carried

The Current Planning Manager entered the Council Chamber at 2:03 p.m.

5.2 Planning & Development Services Department, dated October 19, 1999 re: Agricultural Advisory Committee Replacement Member (0540-20)

The Subdivision Approving Officer outlined the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Hobson

R869/99/10/25 THAT Ed Henkel be appointed to the City of Kelowna Agricultural Advisory Committee to complete the term ending July 27, 2000 as a replacement to Graeme James who has resigned.

Carried

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The Long Range Planning Manager and the Urban Design Planner entered the Council Chamber and the Subdivision Approving Officer left at 2:05 p.m.

- 5.3 Planning & Development Services Department, dated October 20, 1999
re: Z97-1021 – Marona Housing Agreement

Councillor Day declared a conflict of interest because the agreement involves direct family members and left the Council Chamber at 2:05 p.m.

The Current Planning Manager advised the same housing agreement was presented to Council at the Public Hearing for the subject application. The purpose of this report is to advance the bylaw needed to authorize entering into the agreement for reading consideration by Council.

Moved by Councillor Leask/Seconded by Councillor Nelson

R870/99/10/25 THAT Council authorize a Housing Agreement with Marona Estates Ltd. for Phase One of The Conservatory Project as shown in Schedule "A" attached to the report from the Planning and Development Services Department dated October 20, 1999;

AND THAT the required Housing Agreement Authorizing Bylaw No. 8477 be advanced for reading consideration by Council.

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 2:08 p.m. and took his place at the Council Table.

Councillor Blanleil left the Council Chamber at 2:08 p.m.

- 5.4 Planning & Development Services Department, dated October 20, 1999
re: Kelowna Downtown Plan (6530-12)

The Long Range Planning Manager briefly outlined the report for Council.

The Urban Design Planner presented the key initiatives of the plan, relevant to physical form and character, parking, transportation, housing, culture and public art, heritage resources, social and natural environment, and utilities infrastructure.

Dave Lang, consultant with Urban Systems, presented the urban design concept plan which focuses on making the downtown people friendly.

The Urban Design Planner gave a brief overview of the proposed framework to oversee implementation of the plan and the Long Range Planning Manager presented the staff recommendation to Council.

Councillor Blanleil returned to the Council Chamber at 2:53 p.m. and took his place at the Council Table.

Members of Council commented on the importance of heritage conservation in the downtown, good pedestrian connections from parking lots to facilities, parking signage, quality street furniture and trees, and stepping back taller buildings so as to maintain the pedestrian character.

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Other comments from Council included introducing a special trolley bus that would just circulate around the downtown area, reconsidering eliminating left turns from the Okanagan Lake bridge onto Abbott Street, allowing metered parking on one side of downtown alleys and using the revenue from the meters to help pay for additional garbage pick-up so garbage can be stored inside buildings instead in dumpsters.

Councillor Nelson left the Council Chamber at 3:28 p.m.

Council suggested that the owners of each property in the downtown area be contacted for input, not just the tenants. Council also suggested that staff review the need for the parking-in-lieu levy and its impact on economic development in the downtown.

A member of Council asked that staff report back on the outcome of their consultation with stakeholders and the public before upcoming budget discussions so that implementation costs relevant to the plan can be highlighted at budget time. The Long Range Planning Manager advised that the intent is to hold the public forum in mid-November and report back to Council on the input received hopefully by year end.

Mayor Gray acknowledged and thanked the individuals who worked on the plan.

Moved by Councillor Shepherd/Seconded by Councillor Day

R871/99/10/25 THAT City Council receive the *Kelowna Downtown Plan*, dated October 1999, and advance the Plan for further review and comment by the Kelowna Downtown Association and other stakeholders, and at a forum for members of the public, after which staff will report the findings toward Council consideration of approval of the Plan.

Carried

The Long Range Planning Manager and the Urban Design Planner left the Council Chamber at 3:49 p.m.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

- 6.1 Bylaw No. 8458 (Z98-1021) – 379736 B.C. Ltd., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management, and Gillen Investments (Grant Gaucher) - 5150 & 5120 Frost Road

Moved by Councillor Day/Seconded by Councillor Shepherd

R872/99/10/25 THAT Bylaw No. 8458 be read a second and third time.

Carried

- 6.2 Bylaw No. 8459 (Z98-1029) – Pendulum Enterprises Ltd. (New Town Planning Services) - 5065 Frost Road

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R873/99/10/25 THAT Bylaw No. 8459 be read a second and third time.

Carried

The Financial Planning & Systems Manager entered the Council Chamber at 3:52 p.m.

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- 6.3 Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R874/99/10/25 THAT Bylaw No. 8460 be read a second and third time.

Carried

7. RESOLUTIONS

- 7.1 Draft Resolution re: Cancellation of November 2, 1999 Council Meetings (0550-01)

The City Clerk read the resolution and advised that there are no items for either agenda.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R875/99/10/25 THAT the Public Hearing and Regular Meeting scheduled for Tuesday, November 2, 1999 be cancelled.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 8477 – Housing Agreement Authorization Bylaw – Marona Estates Ltd. – Valley/Glenmore Roads

Councillor Day declared a conflict of interest because the agreement involves direct family members and left the Council Chamber at 3:53 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Leask

R876/99/10/25 THAT Bylaw No. 8477 be read a first, second and third time.

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 3:54 p.m. and took his place at the Council Table.

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8.2 Bylaw No. 8478 – 2000 Tax Exemption Bylaw – Foursquare Gospel Church **requires 2/3 majority vote of full Council (6)**

The City Manager informed Council that staff still recommend non-support for this tax exemption request; however, the applicant has been told he could present his case for Council to decide.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R877/99/10/25 THAT Council hear from the applicant.

Carried

Brian Adams, applicant, advised that a group of churches are working together to operate the former Agapi's Greek restaurant building at 375 Leon Avenue as a church outreach and ministry facility. The facility would be a church-related ministry not to compete with other restaurants in their hours of operation. Food services would be offered around the programs they are running, only to participants in the program, and there would be a charge for the food. There would be no exterior signage for the restaurant.

The Financial Planning & Systems Manager explained that the staff recommendation for this tax exemption request was negative because staff understood that the facility was going to be operated as a restaurant from 9 a.m to 2 p.m. and that the restaurant would be open to anyone on the street with the proceeds being used to operate the outreach program.

Moved by Councillor Cannan/Seconded by Councillor Leask

R878/99/10/25 THAT Bylaw No. 8478 be read a first, second and third time.

Carried

The Financial Planning & Systems Manager left the Council Chamber at 4:13 p.m.

SPECIAL ANNOUNCEMENT

Senator Ross Fitzpatrick announced the Federal Government's approval of a grant in the amount of \$979,964 through the Canada Millennium Partnership Program to help establish Kelowna's cultural legacy. The grant goes toward the restoration of the former Growers Supply building for use as the Kelowna Visual and Arts Centre

Mayor Gray thanked the Senator for his role in securing the funding for this project.

Ken Thom, campaign chairman, advised that another \$750,000 is still required for the arts centre project.

The Director of Planning & Development Services left the Council Chamber at 4:23 p.m.

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- 8.3 Bylaw No. 8472 – Amendment No. 2 to Council Remuneration & Expense
Bylaw No. 7547

Moved by Councillor Hobson/Seconded by Councillor Day**R879/99/10/25** THAT Bylaw No. 8472 be adopted.Carried

- 8.4 Bylaw No. 8473 – 2000 Tax Exemption Bylaw requires **2/3 majority vote of full Council (6)**

Moved by Councillor Leask/Seconded by Councillor Cannan**R880/99/10/25** THAT Bylaw No. 8473 be adopted.Carried9. COUNCILLOR ITEMS

- (a)
- Weekend Parking – Library Parkade

Councillor Cannan suggested that signage is needed at the gate of the Library parkade to let people know that weekend parking is free when there is no event scheduled at Skyreach Place. Councillor Day advised that the Parking Committee are working with City staff on appropriate wording for the signage and that an information pamphlet is also being put together that will inform the public of downtown parking options.

- (b)
- Curbside Recycling

Councillor Hobson noted it has been almost a month since Council deferred considering implementation of a 'blue-bag' curbside recycling collection program in order to receive input from the public. He advised that the public has been responding but many of the comments would indicate they do not understand that the additional cost for the service would be less than \$11 per year, not per month, or that the rate would not increase for the duration of the 4½ year contract. The public also needs to know that the clear bags are recyclable, and will be recycled, and that for people who like using the depots, the Kirschner site will remain open and continue to be manned. Councillor Hobson suggested that Council consider a further deferral of the deadline for receiving input from the public on this matter, in order to ensure that the public have the correct information on which to base their comments.

Moved by Councillor Hobson/Seconded by Councillor Day

R881/99/10/25 THAT the deadline for receiving input from the public regarding the implementation of a curbside recycling program in year 2000 be extended to November 17, 1999 with a report back from staff by November 29, 1999.

Carried

(c) Painted Centreline – K.L.O. Road

Councillor Hobson advised that the centreline needs to be repainted on the curve of K.L.O. past the Harvest Golf Course going up the hill to McCulloch Station. Vehicles going around the corner that stray out of the lane are creating a safety hazard. He suggested that a temporary line be painted to guide traffic around the corner for now, and that the centreline on the entire hill be repainted next year.

(d) Remembrance Day – Wave of Silence

Mayor Gray urged the public on behalf of the Royal Canadian Legion to stop what they are doing on November 11th at 11 a.m. and observe 2 minutes of silence to think about peace, war and those who sacrificed their lives for us. The intent is to create a wave of silence that will spread across the country as each province in the 6 time zones takes time out to remember at 11 a.m.

Councillor Hobson left the Council Chamber at 4:52 p.m.

(e) Second Hand Dealer and Pawnbroker Regulation Bylaw

The City Manager explained that staff have not reported back to Council by the October 1st deadline on the level of compliance to the pawnshop bylaw because the RCMP did not have the resources during the summer months to monitor the pawnshop situation. City bylaw enforcement staff and the RCMP are working together on it now the intent is to monitor compliance and enforcement of the bylaw for the next several weeks and report back to Council in early December. That will provide sufficient time for staff to monitor the situation and still report back to Council on time to meet the goal of setting the business license fee before the end of the year.

(f) Televising of Council Meetings on Shawcable

The City Manager announced that after today's Council meeting, Shawcable will not be televising any further Council meetings until after the civic election on November 20th so as not to give the incumbent Councillors an unfair advantage. Council meetings will be back on the air for the Regular Meeting of November 22, 1999.

10. TERMINATION

The meeting was declared terminated at 4:55 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am