

Regular MeetingNovember 29, 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, November 29, 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 J.D. Nelson.

Council members absent: Councillor 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, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Director of Works & Utilities, J. Vos\*; Drainage/Solid Waste Manager, A. Newcombe\*; Transportation Manager, R.W. Westlake\*; Wastewater Manager, W.J. Berry\*; Inspection Services Manager, K. Skinner\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Roads & Equipment Superintendent, D. Beaudry\*; 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 Cannan was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

3.1 Regional Curbside Recycling Program (5360)

- Information Report from Solid Waste Manager, dated November 23, 1999
- Regional Solid Waste Management Committee, dated September 29, 1999

The Solid Waste Manager presented his information report on the feedback from Kelowna residents indicating 78% support the curbside recycling program and advising that the anticipated diversion of volume from the landfill would assist in meeting the 50% waste reduction target.

Responding to questions of Council, Jan Enns, Waste Reduction Coordinator for the Regional District explained that multi-family and commercial developments are not being targeted as part of this program because they are serviced by the private sector. However, regional staff are working to educate and encourage them to participate in recycling programs. She also noted that recycling depots would continue at Kirschner Road, the Glenmore and Westside Landfills, and at the Crown Packaging Facility at Reid's Corner.

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R933/99/11/29** THAT Council receive the report dated November 23, 1999 from the Solid Waste Manager outlining public feedback regarding the blue bag recycling proposal and the potential impacts on the waste reduction goals and future landfill capacity.

Carried

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Moved by Councillor Hobson/Seconded by Councillor Day

**R934/99/11/29** THAT the Regional District of Central Okanagan be advised that Kelowna City Council supports implementation of a blue bag recycling collection program at the blended collection rate with all costs for recycling being shared equally by all residents in the Central Okanagan.

Carried

The Transportation Manager and the Roads & Equipment Superintendent entered the Council Chamber and the Drainage/Solid Waste Manager left at 1:58 p.m.

3.2 Transportation Manager, dated November 23, 1999 re: Roadside Memorial Program (5400-01)

The Roads & Equipment Superintendent outlined the report recommending the City not implement a roadside memorial program and instead install the 6 “Don’t Drink and Drive” signs.

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R935/99/11/29** THAT Council receive the report of the Transportation Manager dated November 23, 1999 recommending that Council not adopt a policy for the establishment of a roadside memorial program;

AND THAT the City continue its present day practice of leaving Roadside Memorials that have been installed in a safe location and are being maintained;

AND THAT Council approve the installation of six “Don’t Drink and Drive” signs to be paid for by the City and installed at locations mutually agreed upon between the City Transportation Division and Mothers Against Drunk Driving (MADD);

AND THAT the signs bear the logo of MADD on the bottom right hand corner;

AND FURTHER THAT Council provide a letter of support for MADD in their pursuit of approval from the Province to allow the installation of similar signs on provincial highways.

Carried

The Director of Planning & Development Services entered the Council Chamber and the Director of Works & Utilities, the Transportation Manager, and the Roads & Equipment Superintendent left at 2:02 p.m.

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- 4.1 Planning & Development Services Department, dated November 23, 1999 re: Agricultural Land Reserve Appeal No. A99-109 – Elsie & Carl Gardner – 2389-2455 Walburn 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 seeking permission to subdivide a 5.08 ha property into two parcels to allow for a homesite severance. The proposed .40 ha homesite severance parcel contains an existing single family dwelling and one accessory building. The parcel remainder also contains an existing single family dwelling and one accessory building in addition to an apple orchard. The Agricultural Advisory Committee recommends support as do staff.

Moved by Councillor Hobson/Seconded by Councillor Day

**R936/99/11/29** THAT Agricultural Land Reserve Appeal No. A99-109, that part of Lot B shown on Plan B3238, Sec. 12, Twp. 26, ODYD, Plan 1639, located on 2389-2455 Walburn 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 the Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 4.2 Planning & Development Services Department, dated November 23, 1999 re: Soil Removal Application No. SRA99-001 – British Columbia Society for the Prevention of Cruelty to Animals (Murray Weeks/Prominence Development Ltd.) – 3785 Casorso Road (6635-20)

The Subdivision Approving Officer indicated the property on maps displayed on the overhead projector and outlined the report for Council noting this is a soil placement application. The applicant proposes to place 552 cubic metres of fill on the property to allow for expansion of the exterior kennels and dog runs for the SPCA shelter. The Agricultural Advisory Committee recommends support of the application subject to provision of a hydrogeotechnical report to address the effects of fill on the drainage pattern on adjoining lands. Works & Utilities Department staff are satisfied that a hydrogeotechnical report is not required and Planning Department staff recommend support of the application provided that site drainage is contained on-site.

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R937/99/11/29** THAT Soil Removal Application No. SRA99-001; Lot 11, Block 1, D.L. 133, O.D.Y.D., Plan 515, located on 3785 Casorso Road, Kelowna, B.C., for the placement of fill on lands within the Agricultural Land Reserve pursuant to Section 2 of the Soil Conservation Act be supported by Municipal Council;

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

Carried

The Subdivision Approving Officer left the Council Chamber at 2:10 p.m.

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- 4.3 Planning & Development Services Department, dated November 24, 1999 re: Rezoning Application No. Z99-1055 – Jeanine Reiss – 372 Christleton Avenue (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and outlined the report noting the proposed 2-storey garage is already under construction at the rear of the site. The requested rezoning would allow a suite to be included in the upper floor. Staff recommend favourable consideration.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R938/99/11/29** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Plan 3451, Sec. 13, Twp. 25, O.D.Y.D., located on 372 Christleton Avenue, 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;

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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

- 4.4 Planning & Development Services Department, dated November 23, 1999 re: Rezoning Application No. Z99-1052 – Al Lawrence/447402 BC Ltd. – 3989 Bluebird Road

Councillor Day declared a conflict of interest as the owner of property within the notification radius and left the Council Chamber at 2:12 p.m.

The Current Planning Manager indicated the property on maps displayed on the overhead projector and reviewed the report noting a previous proposal by the applicant to develop a 4-plex on the site was unsuccessful due to neighbourhood opposition. The applicant is now proposing to develop a side-by-side duplex on the site. The applicant would be required to finish the lane to a gravel standard but it would continue to be used informally for storage of boats, etc. rather than as the primary access. That is in keeping with what the neighbours want and a variance would be required to allow access from Bluebird Road rather than from the rear lane. The Advisory Planning Commission recommends support subject to a building scheme being registered by covenant, however, the City is not in a position to enforce such a covenant. In general, staff do not support taking access off the street when there is a lane available, however, because that request has come from the neighbourhood, staff recommend support for the application.

Regular MeetingNovember 29, 1999Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R939/99/11/29** THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Plan 54767, Sec. 1, Twp. 25, O.D.Y.D., located on 3989 Bluebird Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing 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;

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

Carried

- 4.5 Planning & Development Services Department, dated November 24, 1999 re: Rezoning Application No. Z97-1021 (TA99-009; OCP97-024) – Marona Estates Ltd. (Warren Neufeld) – 720 Valley Road and 780 Glenmore Road

The City Clerk advised that the applicant was not able to get his survey plan submitted on time for the City Planners to review it before this meeting and has asked that this report and the three bylaws next on the agenda be deferred to tomorrow night.

Moved by Councillor Bremner/Seconded by Councillor Nelson

**R940/99/11/29** THAT Council consideration of agenda items No. 4.5 and 5.1, 5.2 and 5.3 be deferred to the Regular Meeting of Tuesday, November 30, 1999.

Carried

Councillor Day returned to the Council Chamber at 2:23 p.m.

The Inspection Services Manager and the Current Planning Manager left the Council Chamber at 2:23 p.m.

## 5. BYLAWS (ZONING & DEVELOPMENT)

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

- 5.1 Bylaw No. 8448 – City of Kelowna Official Community Plan Amendment No. OCP97-024 – Marona Estates Ltd. (The Conservatory) **requires majority vote of full Council (5)**

Deferred to the Regular Meeting of Tuesday, November 30, 1999.

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- 5.2 Bylaw No. 8449 – City of Kelowna Zoning Bylaw Text Amendment No. TA99-009 to Add the CD3 – Comprehensive Development Three Zone (Marona Estates – The Conservatory)

Deferred to the Regular Meeting of Tuesday, November 30, 1999.

- 5.3 Bylaw No. 8450 (Z97-1021) – Marona Estates Ltd. (Warren Neufeld) – 780 Glenmore Road

Deferred to the Regular Meeting of Tuesday, November 30, 1999.

## 6. REPORTS

- 6.1 Inspection Services Manager, dated November 23, 1999 re: Proposed Class “D” Brew Pub Liquor Licence – 3699 Highway 97 North (0540-20)

The Inspection Services Manager briefly outlined the report for Council.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R941/99/11/29** THAT the Liquor Control and Licensing Branch be advised that Council considers the majority of residents to be in favour of the Class “D” Brew Pub Liquor Licence at 3699 Highway 97 North as proposed by Tom Smithwick for 466050 B.C. Ltd.;

AND THAT Councils view on the proposed location are as follows:

1. Proximity of the establishment to other social facilities  
The proposed Brew Pub is located approximately 1.1 km to the closest church or Rutland Road and 0.7 km to the closest school site on Penno Road;
2. Traffic, road access and availability of parking  
The access to the property is via Lansdowne Place as approved by Works and Utilities Department when the University Business Park was subdivided. The submitted drawings show the provision for 53 parking spaces. The Zoning Bylaw requires 42 parking spaces, therefore the off-street parking meets the requirements of the Zoning Bylaw;
3. Noise and appearance of the establishment  
Noise should not be a problem as there are not any residential developments in the immediate vicinity. It is proposed that the brew pub building will be complimentary to the existing University Business Park buildings. A Development Permit is required prior to construction therefore Council will have the opportunity to see the final details of the proposed building;
4. Any other local issue local government considers relevant  
Council has no objection to:
  - a. the sale of packaged beer, cider and wine coolers for off-premises consumption,
  - b. a 300 sq. ft. games room in the licenced area, and
  - c. a closing time of 1:00 a.m., Friday and Saturday nights instead of 12:00 midnight.

Carried

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Councillor Cannan opposed.

The Director of Works & Utilities returned to the Council Chamber with the Wastewater Manager and the Director of Planning & Development Services and the Inspection Services Manager left at 2:25 p.m.

6.2 Wastewater Manager, dated November 23, 1999 re: Sewer Area Charges (5340-07)

The Wastewater Manager reviewed the report for Council advising that there has been no indication from the province that a grant will be available to assist homeowners with the costs. The proposed sewer connection charge would allow the costs to be equalized between the different developers as well as between the developers and the residents because everyone would pay the same costs per Equivalent Development Unit (EDU). The proposed sewer service area would represent about \$10 million worth of mains which, divided by the number of units would equate to a \$6,800 charge per EDU. The upper bench area is included in the proposed service area because otherwise high costs would prohibit them from ever being sewered. The Wastewater Manager advised that there is development potential in this area as well as health demand for sanitary sewer. The people know there is no grant available and it is their choice whether or not to connect at the \$6,800 fee.

Council asked that staff investigate putting a policy in place that would allow developers/property owners who extend mains and connect to sanitary sewer in advance of a specified area, to be credited for the difference between their cost and the cost to the other property owners if provincial funding gets approved to allow the area to be sewered as a specified area.

Council also suggested that the bylaw be advertised to give the public an opportunity to respond with input before the bylaw is advanced for adoption consideration.

A member of Council asked that staff be prepared to advise, at fourth reading of the bylaw, the cost for the McKenzie area to connect to the sewer main on Highway 33.

Moved by Councillor Day/Seconded by Councillor Hobson

**R942/99/11/29** THAT Sewer Connection Charge Bylaw No. 8469 be forwarded for reading consideration by Council.

Carried

Councillor Blanleil opposed.

The Deputy Director of Finance and the Financial Planning & Systems Manager entered the Council Chamber and the Director of Works & Utilities and the Wastewater Manager left at 3:25 p.m.

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- 6.3 Director of Finance & Corporate Services, dated November 23, 1999 re: 1999/2000 Insurance Renewals (1895-07)

The Deputy Director of Finance outlined the report for Council.

Moved by Councillor Hobson/Seconded by Councillor Day

**R943/99/11/29** THAT the City of Kelowna renew its 1999/2000 liability and all risks insurance with Lombard Insurance Company through AON Reed Stenhouse as per **Alternative 3** on **Appendix 1** attached to the report dated November 23, 1999 from the Director of Finance & Corporate Services;

AND THAT Council approve an increase in the insurance premium budget for 2000 of \$100,000, such funding currently being provided for in year 2000 budget estimates;

AND FURTHER THAT, in conjunction with the insurance agent of record, a thorough market review of liability and property insurance carriers, premiums and coverage be undertaken prior to scheduled renewals on October 31, 2000.

Carried

- 6.4 Deputy Director of Finance, dated November 24, 1999 re: Amendment No. 1 to 1999 Annual Budget Bylaw No. 8410 (B/L 8486)

The Financial Planning & Systems Manager reviewed the proposed budget changes.

Councillor Day advised that one of the budget transfer items is an item he gifted to the City. The City Manager advised that would not place him in a conflict of interest position.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R944/99/11/29** THAT Council approve amendment #1 to the Annual Budget Bylaw 8410 as required by Section 328 of the Municipal Act, to reflect an increase in the Operating Budget and Capital Expenditure Program for 1999.

Carried

- 6.5 Deputy Director of Finance, dated November 24, 1999 re: Water Capital Projects Funding (1700-20)

The Financial Planning & Systems Manager outlined the report for Council.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R945/99/11/29** THAT unexpended borrowed funds within the Water Utility be transferred to fund other Water Utility capital projects which were budgeted to be debenture borrowed;

AND THAT the 1999 budget be amended to fund Highway 97 Improvement costs of \$43,180 from Water Utility reserves rather than from debenture borrowing.

Carried

- 6.6 Deputy Director of Finance, dated November 24, 1999 re: Community Health Advisory Committee Financial Support (1700-20)



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The Financial Planning & Systems Manager outlined the report advising how the 1998 grant funds have been allocated and asking for a similar grant to be approved for 1999.

A member of Council clarified that the money is spent on health promotion initiatives and is an amount equal to the per capita assessment levy formerly provided to the South Okanagan-Similkameen Union Board of Health. He suggested that Council approve this as on-going funding with a request that the Committee report back annually on how the funds are spent.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R946/99/11/29** THAT Council approve a 1999 funding allocation in the amount of \$4,632.95 to the Central Okanagan Community Health Advisory Committee (COCHAC);

AND THAT COCHAC be required to provide a copy of their Statement of Revenue and Expenditures within 90 days of their year end – March 31, 2000;

AND FURTHER THAT Council direct staff to include this funding allocation as a base budget item.

Carried

The Deputy Director of Finance and the Financial Planning & Systems Manager left the Council Chamber at 3:45 p.m.

6.7 City Clerk, dated November 24, 1999 re: Bylaw No. 8447 – City of Kelowna Officer Positions Establishment Bylaw; Bylaw No. 7887 – Municipal Employees Financial Disclosure Bylaw; and Bylaw No. 8462 – Council, Officer and Employee Indemnification Bylaw

The City Clerk presented the report noting all three bylaws have been impacted by changes to the Municipal Act.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R947/99/11/29** THAT City of Kelowna Officer Positions Establishment Bylaw No. 8447 be forwarded for reading consideration;

AND THAT the Municipal Employees Financial Disclosure Bylaw No. 7887 be forwarded for reading consideration;

AND THAT the Council, Officer and Employee Indemnification Bylaw No. 8462 be forwarded for reading consideration.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

7.1 Bylaw No. 7887 – Municipal Employees Financial Disclosure Bylaw

Moved by Councillor Nelson/Seconded by Councillor Leask

**R948/99/11/29** THAT Bylaw No. 7887 be read a first, second and third time.

Carried

7.2 Bylaw No. 8447 – City of Kelowna Officer Positions Establishment Bylaw

Moved by Councillor Leask/Seconded by Councillor Nelson

**R949/99/11/29** THAT Bylaw No. 8447 be read a first, second and third time.

Carried

7.3 Bylaw No. 8462 – Council, Officer and Employee Indemnification Bylaw

Moved by Councillor Bremner/Seconded by Councillor Cannan

**R950/99/11/29** THAT Bylaw No. 8462 be read a first, second and third time.

Carried

7.4 Bylaw No. 8469 – Sewer Area Charges Bylaw

Moved by Councillor Cannan/Seconded by Councillor Bremner

**R951/99/11/29** THAT Bylaw No. 8469 be read a first, second and third time.

Carried

Councillor Blanleil opposed.

7.5 Bylaw No. 8486 – Amendment No. 1 to Annual Budget Bylaw 1999 No. 8410

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R952/99/11/29** THAT Bylaw No. 8486 be read a first, second and third time.

Carried

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- 7.6 Bylaw No. 8487 – Unexpended Funds Bylaw – Water System Improvements – Poplar Point

Moved by Councillor Day/Seconded by Councillor HobsonR953/99/11/29 THAT Bylaw No. 8487 be read a first, second and third time.Carried

- 7.7 Bylaw No. 8488 – Unexpended Funds Bylaw – Water System Improvements – Poplar Point and Highway 97

Moved by Councillor Day/Seconded by Councillor BlanleilR954/99/11/29 THAT Bylaw No. 8488 be read a first, second and third time.Carried

- 7.8 Bylaw No. 8489 – Unexpended Funds Bylaw – Water System Improvements – Central Mission, Uplands Drive and Highway 97

Moved by Councillor Blanleil/Seconded by Councillor DayR955/99/11/29 THAT Bylaw No. 8489 be read a first, second and third time.Carried

## 8. COUNCILLOR ITEMS

### (a) McCurdy Road Opening

Councillor Cannan advised he has received calls from residents wondering why the barricades are not being removed to open the new section of McCurdy Road to the public. Referred to staff.

### (b) RU6 – Two Dwelling Housing Zone

Councillor Cannan expressed concern that the RU6 zone basically allows a subdivision without improvements and as a result some areas are getting to look unsightly. Referred to staff.

## 9. TERMINATION

The meeting was declared terminated at 4:05 p.m.

Certified Correct:

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 Mayor

BLH/am

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 City Clerk