

Regular MeetingDecember 13, 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, December 13, 1999.

Council members in attendance were: Acting-Mayor S.A. Shepherd, Councillors A.F. Blanleil\*, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and J.D. Nelson.

Council members absent: Mayor Walter Gray.

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\*; Long Range Planning Manager, L.V. Foster\*; Special Projects Planning Manager, H.M. Christy\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Water Manager, D. Degen\*; Electrical Manager, R. Carle\*; Airport General Manager, R. Sellick\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Shepherd 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 Chamber of Commerce re: Exceptional Service Under the Sun Award Presentation

Shelley Paynter, on behalf of the Exceptional Service Under the Sun Award Committee, recognized their sponsoring organizations and announced that Leanne Wilson of Okanagan Mission Regional Library Branch was the award winner for the month of November. Acting-Mayor Shepherd presented the award.

4. CORRESPONDENCE

4.1 Kelowna Visitors and Convention Bureau, dated December 1, 1999 re: Funding of Promotional Highway Signs for B.C. Seniors Games (8100-20)

The City Manager outlined the correspondence advising that the Kelowna Visitors and Convention Bureau have committed to contribute \$2,000 toward the cost of the signs and they are asking that the City contribute the other half of the cost. If approved by Council, these funds would be over and above the \$30,000 already budgeted for services in kind for the Seniors Games.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R971/99/12/13** THAT \$2,000 be allocated toward the production and installation of promotional highway signs for the 2000 B.C. Seniors Games;

AND THAT this funding be appropriated from 1999 Council Contingency.

Carried

The Airport General Manager entered the Council Chamber at 1:37 p.m.

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- 5.1 Planning & Development Services Department, dated December 9, 1999  
re: Public Art Committee Annual Report for 1999 (2300)

The Special Projects Planning Manager introduced the Public Art Committee members that were present in the public gallery.

Mr. Doug Kirk, Chairman of the committee, presented the report outlining their accomplishments and future initiatives.

Moved by Councillor Hobson/Seconded by Councillor Day

**R972/99/12/13** THAT the report dated December 9, 1999 from the Public Art Committee outlining their 1999 activities and proposed future initiatives be received for the information of Council.

Carried

The Deputy Director of Finance and the Financial Planning & Systems Manager entered the Council Chamber and the Special Projects Planning Manager and the Director of Planning & Development Services left at 1:52 p.m.

- 5.2 Planning & Development Services Department, dated December 8, 1999  
re: Request for Extension of Rezoning Application No. Z98-1014 – Kenneth and Colin Thomson (New Town Planning Services) - 4091 Lakeshore Road

The Current Planning Manager briefly outlined the report for Council.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R973/99/12/13** THAT Municipal Council authorize an extension to Rezoning Application No. Z98-1014 and Official Community Plan Amendment No. OCP98-023 (Bylaw No. 8315) for a period of not more than 30 days from December 15, 1999.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Bylaw No. 8421 (Z99-1013) - David & Tanya Newman and David Eric Newman – 412 McLennan Crescent

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R974/99/12/13** THAT Bylaw No. 8421 be adopted.

Carried

Councillors Cannan and Day opposed.

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- 6.2 Bylaw No. 8479 (Z99-1051) – R354 Enterprises Ltd. (Bob Callahan) –  
Portion of 2455 Acland Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R975/99/12/13** THAT Bylaw No. 8479 be adopted.

Carried

The Current Planning Manager left the Council Chamber at 1:55 p.m.

7. REPORTS

- 7.1 City Manager, dated December 8, 1999 re: 2000 Provisional Budget  
(1700-20)

The Financial Planning & Systems Manager advised that effective January 1, 2000 changes to the Municipal Act will require municipalities to adopt a 5-year financial plan that includes both capital and operating items. Adoption of a Provisional Budget Bylaw prior to the end of 1999 will provide expenditure authority for the first part of January before provisional budget discussions on January 6 & 7<sup>th</sup>, 2000.

The Deputy Director of Finance explained the legislation changes which include implementation of a public consultation process prior to adoption of the 5-year plan.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R976/99/12/13** THAT the 2000 Provisional Budget be adopted as summarized on Schedule A attached to the report dated December 8, 1999 from the City Manager, in the amount of \$180,972,000 reflecting net operating and total capital costs;

AND THAT Bylaw No. 8492 (2000 Provisional Budget Bylaw) be advanced for reading consideration by Council;

AND FURTHER THAT the 2000 Provisional Budget be amended after the Council review meetings of January 6 and 7, 2000.

Carried

The Water Manager and the Electrical Manager entered the Council Chamber and the Deputy Director of Finance and the Financial Planning & Systems Manager left at 2:10 p.m.

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7.2 Airport General Manager, dated December 9, 1999 re: Proposed Kelowna Flightcraft/B.C.I.T. Training Facility (2380-20-8024; 0550-05)

The Airport General Manager outlined the report advising that a partnership has been struck with Kelowna Flightcraft, BCIT and School District No. 23 for the establishment of an aerospace training program for students wishing to pursue a career in aviation technology.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R977/99/12/13** THAT Council approve a three-year lease with Kelowna Flightcraft Ltd. for approximately 7,000 square feet of property adjacent to Kelowna Flightcraft's west side parking facility at a nominal rent of \$1.00;

AND THAT Council authorize the Mayor and City Clerk to sign the required lease document.

Carried

The Airport General Manager announced that unofficially, the first flights tomorrow morning will operate out of the new part of the airport terminal building, providing an additional 40,000 sq. ft. of space. Construction will continue over the next 3-4 months and the official opening of the expanded airport will be the spring.

The Airport General Manager left the Council Chamber at 2:26 p.m.

7.3 Water Manager, dated December 10, 1999 re: Energy Management Committee Activities (0360-20)

The Water Manager presented the report providing an overview of initiatives completed to date as well as initiatives proposed for 2000.

Council agreed to amend the recommendation to also direct staff to incorporate the primary objectives of the Energy Management Committee in the Official Community Plan and to broaden the definition of energy management and ensure that energy management forms part of the City's review process.

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R978/99/12/13** THAT the report dated December 10, 1999 outlining the activities of the City of Kelowna Energy Management Committee be received for the information of Council;

AND THAT the following primary objectives of the Energy Management Committee be incorporated into the City of Kelowna Official Community Plan:

- To promote the wise use of energy within City of Kelowna facilities and operating areas by identifying, prioritizing and acting upon cost reduction opportunities;
- To use any energy rebates received or energy cost savings achieved to fund additional projects that result in further reductions whenever possible;

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- To use energy rebates received to assist in funding the cost to identify opportunities through facility audits;
- To ensure all opportunities undertaken are consistent with rebate opportunities and result in value for money for both the City of Kelowna as a company and WKP as a utility;

AND FURTHER THAT the Energy Management Committee be asked to broaden the definition of energy management and ensure that energy management is included as part of the City's OCP review process to ensure optimum energy efficiency.

Carried

The Director of Planning & Development Services returned to the Council Chamber with the Licensing & Bylaw Enforcement Supervisor and the Water Manager and the Electrical Manager left at 2:35 p.m.

Acting-Mayor Shepherd altered the order to business and advised that agenda item No. 7.6 would be dealt with next.

- 7.6 Director of Planning & Development Services, and License & Bylaw Enforcement Supervisor, dated December 9, 1999 re: Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611 – Compliance and Enforcement (4320-20)

The Director of Planning & Development Services presented the report noting that a number of meetings have been held with the Pawnbroker Association to try to find a better way to administer a monitoring program. He advised that the Association has been very helpful and supports the City's effort to ensure a level playing field in their industry and to have rules in place and enforcement of those rules. However, other priorities within the RCMP over the summer months have resulted in only a limited amount of monitoring and enforcement work being carried out. Consequently, staff have not been able to assess the level of compliance to the regulations or determine the manpower requirements necessary to enforce the regulations. Without that information to justify implementation of the \$3,000 business license fee in 2000, staff recommend that the fee be reduced to \$1,000.

Acting-Mayor Shepherd noted for the record that members of Council received some written information prior to the meeting providing business license costs for pawnbrokers in other B.C. municipalities and comparing the license costs of other types of businesses that also increase the workload of the RCMP.

Responding to questions of Council, the Licensing & Bylaw Enforcement Supervisor advised that in the last 6 months only one pawnshop was prosecuted as a result of enforcement and that he was not aware of any second hand dealer handling stolen goods. Staff anticipate being able to report back in 6 months time with a recommendation for a fee based on the actual costs of monitoring and enforcement.

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Council expressed concern that the definition of second hand dealer may be too broad and indicated they would not support an increase in the license fee for second hand dealers until they can know exactly what businesses would be affected.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R979/99/12/13** THAT Council direct Planning & Development Services staff to review zoning and other regulations related to second hand businesses to ensure a level playing field;

AND THAT the business license fee for Pawnbrokers be set at \$500 per year.

Carried

The Long Range Planning Manager entered the Council Chamber at 3:18 p.m.

Acting-Mayor Shepherd altered the order of business and advised that agenda item No. 7.5 would be dealt with next.

7.5 Director of Planning & Development Services and License & Bylaw Enforcement Supervisor, dated December 9, 1999 re: Lake City Casino – Business License (4320-20)

Councillor Blanleil declared a conflict of interest as a shareholder in Lake City Casino and left the Council Chamber at 3:18 p.m.

The Director of Planning & Development Services outlined the report recommending that the business license fee for the casino be reduced to the original amount of \$125.01 that now municipalities receive a portion of casino revenues.

The City Manager confirmed that the City of Kelowna will receive in the area of \$1.7 million from the revenue generated by Lake City Casino.

A member of Council clarified that the revenue received by the municipality comes out of the share that goes to the province, not from the casino operator's profits.

Amendment Moved by Councillor Hobson/Seconded by Councillor Day

**R980/99/12/13** THAT the business license fee for Casinos be retained at the current amount of \$3,000.

Carried

Councillor Blanleil returned to the Council Chamber at 3:29 p.m. and took his place at the Council Table.

The Licensing & Bylaw Enforcement Supervisor left the Council Chamber at 3:29 p.m.

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- 7.4 Councillor Robert Hobson, Chair, Town Centre Implementation Committee, dated November 29, 1999 re: Town Centre Implementation Committee Activities and Mandate (0540-20)

Councillor Hobson presented the report and highlighted the recommended changes to the Terms of Reference.

Moved by Councillor Hobson/Seconded by Councillor Day

**R981/99/12/13** THAT the Town Centre Implementation Committee's Activity Summary 1997–1999 be received as attached to the report dated November 29, 1999 from the Committee Chairman;

AND THAT the Town Centre Implementation Committee be retained as an advisory committee to Council for the 2000–2002 period;

AND FURTHER THAT the Terms of Reference for the Committee be revised as attached to the report dated November 29, 1999 from the Committee Chairman.

Carried

- 7.6 Director of Planning & Development Services and License & Bylaw Enforcement Supervisor, dated December 9, 1999 re: Lake City Casino – Business License (4320-20)

Dealt with after agenda item No. 7.6.

- 7.6 Director of Planning & Development Services, and License & Bylaw Enforcement Supervisor, dated December 9, 1999 re: Second Hand Dealer and Pawnbroker Regulation Bylaw No. 7611 – Compliance and Enforcement (4320-20)

Dealt with after agenda item No. 7.3.

The Director of Planning & Development Services and the Long Range Planning Manager left the Council Chamber at 3:32 p.m.

## 8. RESOLUTIONS

- 8.1 Draft Resolution re: Highway Reserve Agreement – 3430 Benvoulin Road (Anderton/Lequime House)

The City Clerk explained that the Highway Reserve would be registered on title before the property is sold so that any prospective purchaser would know that they would have to give the land up for \$1.00 when the land is needed by the City for construction of the road.

Moved by Councillor Nelson/Seconded by Councillor Given

**R982/99/12/13** THAT Municipal Council enter into a Section 539(1) Agreement with the registered owners of Lot 1, D.L. 132, O.D.Y.D. Plan 8996 for consideration of \$1.00;

AND THAT the Mayor and City Clerk be authorized to sign the Highway Reserve Agreement and affix the corporate seal of the City of Kelowna to same.

Carried

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The City Clerk advised that the need for the road was identified through the development process and the developer will dedicate and construct the road at some point in their development.

Moved by Councillor Day/Seconded by Councillor Cannan

**R893/99/12/13** THAT Municipal Council enter into a Section 539(1) Agreement with the registered owners of Lot 4, Sec. 6, Twp. 26, O.D.Y.D. Plan KAP46027 for consideration of \$1.00;

AND THAT the Mayor and City Clerk be authorized to sign the Highway Reserve Agreement and affix the corporate seal of the City of Kelowna to same.

Carried

8.3 Draft Resolutions re: Appointments to Regional District Committees

Moved by Councillor Day/Seconded by Councillor Hobson

**R984/99/12/13** THAT the following appointments to Regional District Committees be approved by Council for the 2000 term:

Air Quality Committee - Councillors Sharon Shepherd and Barrie Clark;

Linear Parks Committee – Councillor Sharon Shepherd;

Planning Committee – Councillor Colin Day;

Growth Management Steering Committee – Mayor Walter Gray and Councillors Colin Day, Robert Hobson and Sharon Shepherd.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**9.1 Bylaw No. 8492 – Provisional Budget Bylaw, 2000

Moved by Councillor Day/Seconded by Councillor Cannan

**R985/99/12/13** THAT Bylaw No. 8492 be read a first, second and third time.

Carried



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- 9.2 Bylaw No. 8494 – Amendment No. 11 to Business Licence and Regulation Bylaw No. 7878

The City Clerk clarified that in keeping with Council's discussion earlier in this meeting, the bylaw is presented for first reading with the reference to the Casino category (No. 1301) deleted and the fee for the Pawnbroker category (No. 3800) reduced from \$1,000 to \$500.

Moved by Councillor Hobson/Seconded by Councillor Day

**R986/99/12/13** THAT Bylaw No. 8494 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 9.3 Bylaw No. 8447 – City of Kelowna Officers and Employees Bylaw

Moved by Councillor Given/Seconded by Councillor Nelson

**R987/99/12/13** THAT Bylaw No. 8447 be adopted.

Carried

- 9.4 Bylaw No. 8462 – Council, Officer and Employee Indemnification Bylaw

Moved by Councillor Nelson/Seconded by Councillor Given

**R988/99/12/13** THAT Bylaw No. 8462 be adopted.

Carried

- 9.5 Bylaw No. 8486 – Amendment No. 1 to Annual Budget Bylaw 1999, No. 8410

Moved by Councillor Clark/Seconded by Councillor Given

**R989/99/12/13** THAT Bylaw No. 8486 be adopted.

Carried

- 9.6 Bylaw No. 7887 – Municipal Employees Financial Disclosure Bylaw

Moved by Councillor Clark/Seconded by Councillor Given

**R990/99/12/13** THAT Bylaw No. 7887 be adopted.

Carried

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10. COUNCILLOR ITEMS

(a) Safety Concerns – Summit/Glenmore Intersection

Councillor Hobson referred to a letter from the Glenmore Elementary Parents Advisory Committee (PAC) regarding safety concerns at the intersection of Summit/Glenmore. He asked that staff discuss the concerns with PAC and inform Council of the outcome of the discussions.

(b) United Way – Funding Approval

Moved by Councillor Day/Seconded by Councillor Hobson

R991/99/12/13 THAT \$529.76 be allocated from 1999 Council Contingency to cover the rental fee for the United Way to use the Apple Room at Parkinson Recreation Centre for a volunteer recognition reception on December 13, 2000.

Carried

(c) Tower Ranch Development

Councillor Cannan asked about the status of the Tower Ranch development which he noted has been active for three years now and enquired how long a rezoning application can remain at third reading. Councillor Day suggested it might be because the original zoning application for Tower Ranch was received prior to the development of a Sunset Clause for rezonings. Staff will investigate.

(d) Advertising Council Committee Meetings in City Highlights

Councillor Cannan suggested that to encourage public participation, all Council committee meetings be advertised in the local newspapers under City Highlights so that the general public is aware of the date, time and location should they wish to participate.

(e) Televising of Council Meetings Prior to Civic Elections

Councillor Shepherd advised that in response to staff enquiries, Shaw Cable has advised that the decision to not televise Council meetings during the month of November until after the general election was based on a CRTC circular/bulletin. Shaw Cable also advised that the CRTC is a reactive body that reacts to complaints. Councillor Shepherd asked whether Council feels strongly enough on this issue to want to register their concern with the CRTC.

Councillor Hobson commented that he raised this concern because he feels strongly that the public business should be conducted in public right up to the election date. He noted that last election Council voluntarily agreed not to bring Councillor Items to the Table during the election period and that effectively eliminated the opportunity for Council members to grandstand on election issues.

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Councillor Clark suggested that Council ask Shaw Cable to televise all Council meetings including those during election campaigns and let Shaw Cable investigate with the CRTC whether that presents a problem.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R992/99/12/13 THAT a letter be sent to Shaw Cable asking them to televise *all* Council meetings, including meetings after nominations in a general election year;

AND THAT the letter be copied to the Canadian Radio/Telecommunications Commission (CRTC).

Carried

(f) Demolition Permits

Councillor Shepherd expressed concern that Demolition Permits can be issued over the counter provided certain criteria is met and, as a result some Class "C" heritage homes are being demolished without opportunity for input. She asked that staff report back with recommendations on how to deal with processing of applications for demolition permits, particularly for Class "C" homes on the heritage list.

(g) Council Meeting Agendas after General Election

Councillor Clark commented that he would have preferred not to have had to vote on the two zone amending bylaws on this agenda so soon after assuming Councillor duties. He advised that he read the public hearing minutes on both rezoning applications, as was necessary in order to vote, but suggested that in future, staff wait for a couple of weeks after new Councillors take office before scheduling rezoning bylaws for fourth reading consideration by Council.

11. TERMINATION

The meeting was declared terminated at 4:00 p.m.

Certified Correct:

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Acting-Mayor Shepherd

City Clerk

BLH/bn