

Regular Meeting

January 10, 2000

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, January 10, 2000.

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

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce\*; Community Planning Manager, T. Eickler\*; Planner-Long Range, G. Routley\*; Inspection Services Manager, K. Skinner\*; Director of Finance & Corporate Services, C.P. Kraft\*; Deputy Director of Finance, P.A. Macklem\*; Director of Parks & Leisure Services, D.L. Graham\*; Parks Manager, J. Creron\*; Recreation Manager, R. Oddleifon\*; 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. PLANNING

- 3.1 Planning & Development Services Department, dated December 21, 1999 re: Extension of the Period of Issuance of Development Permit Application No. DP98-10,048 – Reynold Epp (Mainline Rent-All) – 1822 Spall Road (3060-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and briefly outlined the report for Council. The applicant is proposing to build an addition to the existing building and is requesting that the period for commencement of construction be extended for one year.

Responding to questioning by Council, the Current Planning Manager advised that when this application was initially presented to Council, the staff recommendation was negative because the applicant was not willing to dedicate a strip along the laneway. The Council of the day approved the alternate recommendation that did not include the lane widening so that is no longer a requirement.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R01/00/01/10** THAT Municipal Council authorize the extension of the one year period of issuance of Development Permit No. DP98-10,048; for Lot 1, D.L. 129, O.D.Y.D., Plan 22647, located on 1822 Spall Road, Kelowna, B.C., for a further one year period, to lapse January 7, 2001.

Carried

Regular Meeting

January 10, 2000

- 3.2 Planning & Development Services Department, dated January 4, 2000 re: Extension to the Deadline for Adoption of Bylaw No. 8337 (TA98-008 to create the CD11 zone) and Bylaw No. 8338 (Z98-1031 & OCP98-017) – Fydell Properties Ltd. (John McAfee/CPAC [Care] Holdings Ltd.) – 654 Cook Road (3360-20)

The Current Planning Manager indicated the property on maps displayed on the overhead projector and briefly outlined the report for Council. A 274 bed seniors housing and care facility is proposed for construction. The requested extension would allow the applicant more time to firm up the development proposal. Staff recommend favourable consideration.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R02/00/01/10** THAT Municipal Council authorize an extension to Text Amendment Application TA98-008 (Bylaw No. 8337), Rezoning Application No. Z98-1031 and Official Community Plan Amendment No. OCP98-017 (Bylaw No. 8338) for a period of not more than 180 days from January 10, 2000.

Carried

- 3.3 Planning & Development Services Department, dated January 4, 2000 re: Development Permit Application No. DP99-10,093 – Gallaghers Canyon Golf Resort Ltd. (Tony Markoff/CRC Developments Ltd.) – 4320 Gallaghers Drive (3060-20)

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 construct a 16-unit multi-family strata housing development. The eight duplex buildings would be adjacent to the 17<sup>th</sup> fairway on the south side of McCulloch Road. The restrictive covenant is to ensure the City incurs no liability for allowing the golf cart underpass under McCulloch Road. Staff recommend favourable consideration.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R03/00/01/10** THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,093, CRC Developments Ltd. (Tony Markoff) for Gallaghers Canyon Golf Resort Ltd., on lands described as part of Lot 3, Sec. 2, Twp. 26, O.D.Y.D., Plan KAP63646 and an undivided ½ share in Lot 1, Plan KAP6f3646 (see Plan as to limited access) and an undivided 1/24 share in Lot G, Plan KAP53116 (see plan as to limited access), as shown on Map "A" attached to the report of the Planning & Development Services Department dated January 4, 2000, located on Gallaghers Boulevard South, Kelowna, B.C., subject to the following terms and conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125%

Regular Meeting

January 10, 2000

of the estimated value of the landscaping, as determined by a professional landscaper;

5. The applicant register a Section 219 Restrictive Covenant for the golf cart underpass that crosses McCulloch Road;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 3.4 Planning & Development Services Department, dated January 5, 2000 re: Rezoning Application No. Z99-1041 – William & Sharon Ridinger – 200 Barber Road (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 construct a secondary suite within the basement of an existing house. Staff recommend the application be advanced to a Public Hearing.

The City Clerk confirmed that all requirements would have to be completed for Council to consider adoption of the bylaw and the applicant is aware of that.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R04/00/01/10** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, Sec. 22, Twp. 26, O.D.Y.D., Plan 25464, located on Barber 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;

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

The Community Planning Manager entered the Council Chamber at 1:46 p.m.

- 3.5 Planning & Development Services Department, dated January 5, 2000 re: Appointment of Advisory Planning Commission Members (0360-20)

The Current Planning Manager briefly outlined the report for Council.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R05/00/01/10** THAT Municipal Council appoint the following candidates to the Advisory Planning Commission for the respective terms, effective January 1, 2000:

Roger Cottle	3 year term, expiring December 31, 2002
Barry Braden	3 year term, expiring December 31, 2002
Rolli Cacchioni	2 year term, expiring December 31, 2001.

Regular Meeting

January 10, 2000

Carried

Regular Meeting

January 10, 2000

- 3.6 Planning & Development Services Department, dated January 5, 2000 re: Social Planning Board Appointment (0540-20)

The Community Planning Manager outlined the report for Council.

Moved by Councillor Given/Seconded by Councillor Blanleil

**R06/00/01/10** THAT City Council appoint Michael Loewen as a new member of the Social Planning Board to September 30, 2000, when membership can be re-considered.

Carried

- 3.7 Planning & Development Services Department, dated January 4, 2000 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth (1850-20)

The Community Planning Manager reviewed the report for Council.

Council discussed whether there should be an appeal process when groups approve grants on behalf Council.

The Community Planning Manager advised that there must be sufficient grounds for an appeal and that the letter advising applicants of the Board's decision would also set out the criteria for an appeal.

Moved by Councillor Nelson/Seconded by Councillor Given

**R07/00/01/10** THAT Kelowna City Council authorize the following changes to the Community Social Development Grant Program (Council Policy 218) and the Grants to Address the Sexual Exploitation of Youth (Council Policy 277) and that these changes be made to the corresponding Council policies governing the grant programs:

1. An information session is to be provided by the City for applicants prior to the deadline for receiving the grants;
2. Only those applicants that are interviewed will be sent letters advising of a decision;
3. Interviewed applicants will be given the opportunity to appeal the decision of the City to the Social Planning Board, but must submit their appeal within 2 weeks of the date of the notification letter from the City;
4. The Social Planning Board will review the appeal request and make a decision to reject the appeal or recommend additional funding;
5. Any recommendation for additional funding, resulting from an appeal to the Social Planning Board, must be approved by Council;
6. The decision of the Social Planning Board regarding the appeal is final, subject to approval of any additional funding by Council, and the applicant will not have further opportunity for appeal.

Carried

The Director of Finance & Corporate Services and the Inspection Services Manager entered the Council Chamber and the Community Planning Manager left at 2:14 p.m.

Regular Meeting

January 10, 2000

4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

4.1 Bylaw No. 8368 (Z98-1053) – Stephen Vines – 624 McClure Road

Council discussed the dilemma new Councillors are faced with when the public hearing on development applications was held prior to their taking office yet they are required to vote when the bylaws are brought forward for adoption, particularly when the vote at second and third readings of the bylaw was close and one more negative vote could result in a defeated application.

Council was assured that there is no legal obligation for them to adopt a bylaw at fourth reading, although it could raise a moral question if a member of Council was to vote in support for first, second and third readings, and then vote in opposition at fourth reading. When members of Council indicate opposition to a bylaw from the onset, the applicant is put on notice that there is a level of risk and based on that indication it is up to the applicant to decide whether to take a chance and proceed.

Council agreed that in future when development bylaws are brought forward for adoption and there are new members of Council that did not attend the public hearing on the applications, staff will provide the new Councillors with not only copies of the relevant Public Hearing minutes but also a copy of the Regular Meeting minutes that indicate Council's recorded vote at second and third readings of the bylaw.

Moved by Councillor Nelson/Seconded by Councillor Given

**R08/00/01/10** THAT Bylaw No. 8368 be adopted.

Carried

The Current Planning Manager left the Council Chamber at 2:27 p.m.

5. REPORTS

5.1 Inspection Services Manager, dated December 16, 1999 re: ST99-07 – Application to Stratify Commercial Building at 591 Bernard Avenue (3760-10)

The Inspection Services Manager briefly outlined the report for Council.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R09/00/01/10** THAT the application to stratify the commercial building on Lot 1, Plan 22398 be approved in the name of Richard Wengenmeier with no conditions.

Carried

The Inspection Services Manager left the Council Chamber at 2:28 p.m.

Regular Meeting

January 10, 2000

5.2 Deputy Director of Finance, verbal report re: 2000 Provisional Budget Highlights (1700-20)

The Director of Finance & Corporate Services gave a brief introduction noting the details of the provisional budget will be available to the public in the next couple of weeks.

The Deputy Director of Finance gave a powerpoint presentation of the 2000 provisional budget highlights resulting in \$53.8 million tax demand or a net average property owner impact of 2.6%, subject to change at final budget in early May.

The Parks Manager entered the Council Chamber at 2:49 p.m.

Council discussed the role of the Audit Committee, the benefits of having funds in reserve, the major projects having an impact on the budget, and the level of tax increase proposed by the provisional budget.

Moved by Councillor Nelson/Seconded by Councillor Day

**R10/00/01/10** THAT the presentation of the 2000 provisional budget highlights be received by Council.

Carried

The Director of Parks & Leisure Services and the Planning & Development Officer entered the Council Chamber and the Director of Finance & Corporate Services and the Deputy Director of Finance left at 3:43 p.m.

5.3 Parks Manager, dated December 31, 1999 re: 865 Bernard Avenue (6140-20)

The Parks Manager presented the report and the guiding principles for entering into the lease with KSAN and asked that the recommendation before Council also include a motion to replenish the Parks DCC reserve for the portion of the original purchase price that was appropriated from DCCs.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R11/00/01/10** THAT Council approve an appropriation to the Parks DCC Reserve from the taxation portion of the year 2000 parkland acquisition budget, in order to replenish this reserve for past expenditures incurred, conditional on completion of a lease agreement;

AND THAT the City of Kelowna enter into a lease with the Kelowna South Central Association of Neighbourhoods (K.S.A.N.) for the property located at 865 Bernard Avenue, based on the guiding principals outlined by Enclosure I.

Carried

The Recreation Manager entered the Council Chamber and the Planner – Long Range and the Parks Manager left at 4:13 p.m.

Regular Meeting

January 10, 2000

- 5.4 Recreation Manager, dated January 4, 2000 re: Gymnastics Facility – Okanagan Kokanees Gymnastics Club (0760)

The Recreation Manager reviewed the report advising the contractor's cost estimate for the facility is \$1,030,000. The City would fund construction and Kokanees would repay \$1 million of that cost.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R12/00/01/10** THAT Council hear from Jennifer Charles, chair of the Okanagan Kokanees Gym Club building committee.

Carried

Jennifer Charles advised that the Okanagan Kokanees Gym Club (OKGC) is a non-profit organization that does not rely on municipal funding other than receiving an exemption of the municipal portion of their property taxes annually. She estimated that the Club would generate \$1.5 million in annual revenue to the community from events that could be hosted in a new facility. OKGC is asking for a \$1 million interest-free loan amortized over 20 years; the loan period from the City would be shortened if grants being applied for are approved. At the end of the amortization period, the City would have ownership of the facility. OKGC would take all responsibility for operation of the facility and continue to be self-sufficient at no expense to the taxpayers.

Ms. Charles showed photos of their existing facility and advised that the Rutland Sportsfield site would be a good location to facilitate cross training. She noted she has talked to a number of other organizations in the community that could also use the facility and they have indicated support for the proposed location. She also added that the OKGC no longer has a lease at their existing location and are now renting on a month-to-month basis.

Councillor Given left the Council Chamber at 4:33 p.m.

Ron McLeod, manager of the gym club, advised that the facility is used 7 days a week. He cited partnerships that gym clubs have entered into in other Lower Mainland communities and advised that OKGC only has until the end of this month to show support for this partnership or lose opportunities for grant monies.

Council agreed that the City could provide the Gym Club with a letter indicating support for this partnership for grant application purposes.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

**R13/00/01/10** THAT Council authorize staff to actively pursue a partnership with the Okanagan Kokanees Gymnastics Club to build a recreation facility specifically designed for gymnastics;

AND THAT this new facility be located on City property including possibly the Rutland Sportsfield sites;

AND THAT Council consider this project during the ten year capital plan review scheduled in the year 2000.

Carried

Councillor Blanleil left the Council Chamber at 4:43 p.m.



Regular Meeting

January 10, 2000

The Director of Parks & Leisure Services and the Recreation Manager left the Council Chamber at 4:43 p.m.

6. RESOLUTIONS

- 6.1 Draft Resolution re: Council Appointments to Regional Transportation/Transit Committee

The City Clerk advised that these appointments reflect the amalgamation of the City's Transit Committee and the Regional District's Transportation Committee.

Moved by Councillor Nelson/Seconded by Councillor Clark

**R14/00/01/10** THAT Mayor Gray and Councillors Day and Hobson be appointed as the City of Kelowna representatives on the Regional Transportation/Transit Committee for the 2000/01/02 term.

Carried

Councillor Blanleil returned to the Council Chamber at 4:45 p.m. and took his place at the Council Table.

The Deputy Director of Finance returned to the Council Chamber at 4:44 p.m.

7.0 BYLAWS

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

- 7.0.1 Bylaw No. 8498 – Amendment No. 1 to Provisional Budget Bylaw 2000, No. 8492

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R15/00/01/10** THAT Bylaw No. 8498 be read a first, second and third time.

Carried

Councillors Blanleil and Cannan opposed.

The Deputy Director of Finance left the Council Chamber at 4:48 p.m.

7. COUNCILLOR ITEMS

- (a) Order of Canada Award Winners

Councillor Clark noted that before Christmas he had attended a dinner where he was pleased to learn that we now have a number of Order of Canada award winners now residing in the Okanagan Valley. For Council's interest and that of the general public, the award winners include Mrs. Gert Beadle, Mr. John Denison, Mr. Russell Charles Goodman, Ms. Leona Pedosuk, Mr. John Woodworth, and Madam Marie Woolridge.

Regular MeetingJanuary 10, 2000(b) CBC Application – CBC Radio Two Transmitter

Councillor Clark asked that a letter be sent from the Mayor to the CRTC in support of the CBC application for an FM radio license in the Okanagan. He advised that if approved, it could bring classical music to the community as early as October.

Moved by Councillor Clark/Seconded by Councillor Hobson

**R16/00/01/10** THAT the Mayor send a letter to the Canadian Radio/Telecommunications Commission in support of the CBC application to install a transmitter for CBC Radio 2 in the Okanagan.

Carried

(c) Celebration 2000 New Years Eve Event in Downtown Kelowna

Members of Council commented on the successful New Years Eve celebrations in downtown Kelowna and suggested that the Celebration 2000 committee be invited to make a presentation to Council on the evening's festivities and to provide a follow-up written financial report when it is available.

(d) Dilworth Drive - Barricades

Councillor Blanleil noted there was an accident over Christmas where a light standard was all that saved a motorist from going over the cliff on Dilworth Drive and suggested that barricades be installed on the hill before there is a fatality. The City Manager advised that the matter has already been referred to Transportation Division staff for consideration.

(e) Community Use Hours – Multi-Purpose Facility

Councillor Cannan asked for a report from staff outlining how the community use hours are being allocated at the Multi-Purpose facility.

(f) First Nations Self-Government Agreement

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R17/00/01/10** THAT Westbank First Nations Chief Ron Derrickson be invited to make a presentation to Council on the First Nations Self-Government agreement.

Carried

(g) Cedar Creek Park – Slope Regrading

Councillor Hobson questioned whether City staff obtained an Environmental Development Permit for the slope regrading work being done in Cedar Creek Park. He advised that there was no consultation with the neighbouring residents even though the work will result in major changes to the park and suggested that in projects such as this where major changes are proposed, staff should be consulting with the neighbouring residents to explain what is proposed and give them an opportunity for input before the work proceeds. He asked that Leisure Services staff consider implementing such a consultation process as policy.

Regular Meeting

January 10, 2000

8. TERMINATION

The meeting was declared terminated at 5:05 p.m.

Certified Correct:

---

Mayor

City Clerk

BLH/bn