

Regular MeetingFebruary 21, 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, February 21, 2000.

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

Council members absent: Councillor B.A. Clark.

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*; Planner-Spatial Data Analyst, D. Huang*; Inspection Services Manager, K. Skinner*; 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. PUBLIC IN ATTENDANCE

3.1 Alice Lundy and Dorothy Zoellner, Okanagan Historical Society re: History of Farming in the Kelowna Area

Councillor Given joined the meeting at 1:33 p.m.

Dorothy Zoellner and Alice Lundy:

- Gave a presentation on the history of agriculture in Kelowna aided by photos displayed on the overhead projector.

3.2 Michael Hill, President, Kelowna Heritage Foundation re: Presentation of Plaques to 1999 Kelowna Heritage Foundation Grant Recipients

- Michael Hill presented plaques to the 1999 Kelowna Heritage Foundation grant recipients.
- Showed photos of the homes and advised the plaques will be mounted on the exterior of the buildings.

Council:

- Mayor Gray read a proclamation declaring February 21-27, 2000 as Heritage Week.

4. CORRESPONDENCE

4.1 Letter dated February 16, 2000 from Rutland Community Society re: Request for Support to Keep the "Free Spirit" Centre Open

Staff:

- Read the letter advising of the community services that volunteers at this centre provide to help get children off the street and into organized recreation and arts activities and asking for Council's support to keep the centre open.

Council:

- Directed staff to meet with the Free Spirit Centre to explore the options available for funding for this facility and report back to Council at the earliest opportunity.

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- 5.1 Planning & Development Services Department, dated February 15, 2000 re: Extension of Deadline for Adoption of Zone Amending Bylaw No. 8353 [Z98-1006 – Gallaghers Canyon Land Developments Ltd. (Tony Markoff/CRC Devel. Ltd.) – 3980 & 4150 Field Road (3360-20)

Staff:

- The recommendation before Council should state that the renewal is for a period of 6 months rather than 1 year in order to comply with the procedure bylaw.

Moved by Councillor Nelson/Seconded by Councillor Given

R118/00/02/21 THAT in accordance with Council Policy No. 236, the deadline for adoption of Zone Amending Bylaw No. 8353 (Z98-1006 – Gallaghers Canyon Land Developments Ltd./CRC Developments Ltd. – Field Road) be extended for 6 months to August 23, 2000.

Carried5.2 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8497 (Z99-1057) - Nirmal & Madan Kanda and Devinder & Narinder Johal (Len Suchocki/Chriscan Enterprises Ltd.) – 4049 Lakeshore Road, and City of Kelowna Official Community Plan Amendment No. OCP99-020 **requires majority vote of full Council (5)**

Moved by Councillor Nelson/Seconded by Councillor Given

R119/00/02/21 THAT Bylaw No. 8497 be adopted.

Carried

- (b) Planning & Development Services Department, dated February 15, 2000 re: Development Permit Application No. DP99-10,088 – Nirmal & Madan Kanda and Devinder & Narinder Johal (Len Suchocki/Chriscan Enterprises Ltd.) – 4049 Lakeshore Road (3060-20)

Staff:

- A 6-unit row house development is proposed for construction.
- The units will be stratified and used for rental purposes, with ownership retained by the applicant and other family members.

Moved by Councillor Given/Seconded by Councillor Shepherd

R120/00/02/21 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,088; for Lot A, Sec. 6, Twp. 26, O.D.Y.D, Plan 38749 located on 4049 Lakeshore Road, Kelowna, B.C., subject to the following:

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";

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

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.

Carried6. REPORTS

- 6.1 Inspection Services Manager, dated February 10, 2000 re: Splash's Nite Club – Sunday Extended Hours (0540-20)

Staff:

- Recommended that the Liquor Control and Licensing Branch be advised that Council objects to the proposal by Splash's Nite Club to change the hours of sale on Sundays from a 12:00 midnight closing to a 2:00 a.m. closing, and that City staff be authorized to provide an "objection" comment for all other Class "C" Cabarets located in the Downtown Area requesting extended Sunday closing hours.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**R121/00/02/21** THAT Council hear from the applicant.Carried

Deidra Mercer, Splash's Cabaret:

- Provincial regulations have changed to allow a 2:00 a.m. closing time on Sundays and so this will be an issue in every city now.
- If the later closing hour is not approved in Kelowna and it is approved in surrounding municipalities, people will go to those towns on Sundays to drink and then drive home afterward.
- Theatres and other entertainment venues are staying open later so cabaret clientele often do not arrive until 11 p.m. and later making the 12:00 a.m. closing time difficult to enforce.
- There are municipalities outside the Okanagan Valley that allow the 2:00 a.m closing and people visiting from those areas expect the same hours in Kelowna.
- It is better to have people drinking in controlled establishments than in the parks, etc.
- Other Class "C" license holders are in attendance to show support for the later closing time.

Council:

- Members of Council receive complaints on a regular basis about people leaving the downtown cabarets drunk at 2 a.m. and about the broken glass and litter they leave behind.

Staff:

- The downtown cabarets could enter into a Social Contract with the City and/or RCMP to deal with the problems that occur after closing time. Social Contracts put some responsibility on the cabarets for their patrons after they leave the establishment and can include some defined responsibility for cleaning up glass and other litter.

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Moved by Councillor Blanleil/Seconded by Councillor Given

R122/00/02/21 THAT the application by Splash's Nite Club for Council support of extended hours on Sundays be deferred for 2 weeks for the downtown club owners to meet with the Director of Planning & Development Services to discuss entering into a Social Contract.

Carried

6.2 Inspection Services Manager, dated February 10, 2000 re: Relocation of Port of Vancouver Tourist Wine Shop Licence to Grand Creations (Kelowna) Located at the Grand Hotel (0540-20)

Staff:

- The Liquor Control and Licencing Branch does not require Council to comment on this type of application; the applicant has requested a letter of support from the City anyway.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

- THAT Council provide a letter of support for the relocation of the Tourist Wine Shop Appointment (Licence) from the Port of Vancouver to Grand Creations located at the Grand Hotel proposed by Patti Custaloe of Creations by Mom & Me.

Council:

- The B.C. Wine Institute and the Wine Museum at 1304 Ellis Street have both submitted letters of concern regarding this request.
- The proposed location is within the 1.5 km radius from existing L.R.S. locations.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Cannan

R123/00/02/21 THAT the motion be amended to add "AND THAT the applicant be encouraged to look at the opportunities of a joint license with the Wine Museum."

Carried

Councillors Given and Nelson opposed.

The amended motion was then voted on and carried, as follows:

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R124/00/02/21 THAT Council provide a letter of support for the relocation of the Tourist Wine Shop Appointment (Licence) from the Port of Vancouver to Grand Creations located at the Grand Hotel proposed by Patti Custaloe of Creations by Mom & Me;

AND THAT the applicant be encouraged to look at the opportunities of a joint license with the Wine Museum.

Carried

Mayor Gray and Councillor Hobson opposed.

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- 6.3 Councillor Day, Chair, Council Policy Review Committee, dated February 17, 2000 re: Proposed New Council Policies (0110)

Council:

- Noted that technically, the Council Bylaw under agenda item No. 8.2 should be adopted before Council considers this item or agenda item No. 7.1.
- Agreed to defer agenda items No. 6.3 and 7.1 to after agenda item No. 8.2.

7. RESOLUTIONS

- 7.1 Draft Resolution re: 2000/01/02 Deputy Mayor Appointments

Deferred to after agenda item No. 8.2.

- 7.2 Draft Resolution re: Travel Authorization (1800-01)

Moved by Councillor Blanleil/Seconded by Councillor Given

R125/00/02/21 THAT Councillor Nelson be authorized to travel to attend the Vancouver Wood Solutions Fair, sponsored by the Canadian Wood Council, being held April 4, 2000 in Vancouver, B.C. with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001;

AND THAT Councillor Nelson be authorized to travel to attend a Restorative Justice/Diversion Retreat, hosted by Chilliwack Restorative Justice & Youth Diversion Association, being held April 14-16, 2000 in Chilliwack, B.C., with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 8504 – Soil Deposit Bylaw

Staff:

- Clarified that homeowners wanting to finish off back yards could do so without a permit as long as they stayed within the level in the site grading plan that forms a part of every approved plan of subdivision. If they wanted to go above the level in the site grading plan, they would need a permit for soil deposit.

Moved by Councillor Shepherd/Seconded by Councillor Given

R126/00/02/21 THAT Bylaw No. 8504 be read a first, second and third time.

Carried

Councillor Blanleil opposed.

Regular MeetingFebruary 21, 2000**(BYLAWS PRESENTED FOR ADOPTION)**8.2 Bylaw No. 7906 – Council BylawMoved by Councillor Blanleil/Seconded by Councillor Cannan**R127/00/02/21** THAT Bylaw No. 7906 be adopted.Carried6.3 Councillor Day, Chair, Council Policy Review Committee, dated February 17, 2000 re: Proposed New Council Policies (0110)

Council:

- These policies are triggered by recent changes to the Municipal Act that come into effect with Council's adoption of the new Council Bylaw under agenda item No. 8.2.
- Presenters can always address Council a further time after everyone has had an opportunity to speak.

Staff:

- The Neighbourhood Associations will be advised of the 5 minute time limitation on presentations at Public Hearings and staff will suggest that they prepare their submission in writing and then have a single spokesperson present it.

Moved by Councillor Day/Seconded by Councillor Cannan**R128/00/02/21** THAT Council Policies No. 284 – Public Hearing Presentations, No. 285 – Standing and Select Council Committees, and No. 286 – Minutes of Select and Standing Committee Meetings be adopted by Council.Carried7. RESOLUTIONS7.1 Draft Resolution re: 2000/01/02 Deputy Mayor AppointmentsMoved by Councillor Shepherd/Seconded by Councillor Nelson**R129/00/02/21** THAT Council Resolution No. ST967/99/12/06 adopted at the Statutory Inaugural Meeting of December 6, 1999 be revised to read, in part, "THAT the 2000 through 2002 **Deputy** Mayors for the City of Kelowna Municipal Council be as follows:"Carried8.3 Bylaw No. 8309 – Amendment No. 1 to Advisory Planning Commission Bylaw No. 7022 (Open Meetings and Conflict of Interest)Moved by Councillor Cannan/Seconded by Councillor Blanleil**R130/00/02/21** THAT Bylaw No. 8309 be adopted.Carried

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- 8.4 Bylaw No. 8501 – Amendment No. 2 to City of Kelowna Board of Variance Bylaw No. 5944-88 (Open Meetings and Conflict of Interest)

Moved by Councillor Hobson/Seconded by Councillor Day**R131/00/02/21** THAT Bylaw No. 8501 be adopted.Carried

- 8.5 Bylaw No. 8502 – Amendment No. 1 to Community Heritage Commission Bylaw No. 7816 (Open Meetings and Conflict of Interest)

Moved by Councillor Day/Seconded by Councillor Hobson**R132/00/02/21** THAT Bylaw No. 8502 be adopted.Carried

- 8.6 Bylaw No. 8503 – Amendment No. 3 to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Day/Seconded by Councillor Hobson**R133/00/02/21** THAT Bylaw No. 8503 be adopted.Carried

9. COUNCILLOR ITEMS

(a) Closure of Central School

Councillor Shepherd asked whether the School District has agreed to delay their discussion regarding closure of Central until after they meet with Council on February 29, 2000. The City Manager advised the School Board will make the decision whether or not to delay at their meeting this Wednesday evening.

(b) Letter of Recognition

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R134/00/02/21 THAT Madame Marie Woolridge, Order of Canada award recipient, be sent a letter of recognition for having conducted 17 ceremonies, as a volunteer, swearing in 844 new Canadian citizens.

Carried

(c) Maude Roxby Bird Sanctuary

Councillor Cannan advised that Maude Roxby Bird Sanctuary is in immediate need of remedial work on the walkway where pilings are eroding away.

(d) Surveillance Camera Policy

Councillor Cannan asked about the Surveillance Camera policy and was informed that the policy will come forward to Council in 2 weeks time.

Councillor Given left the meeting at 3:47 p.m.

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(e) Line of Vision Complaints

Councillor Hobson noted that from time to time Council receives letters about hedges and line of vision complaints and suggested that staff meet with other local governments with a view to dealing with the concerns on a regional basis. The City Manager advised that the City of Kelowna has the staff resources to review the different options to address line of vision concerns internally.

10. TERMINATION

The meeting was declared terminated at 4:02 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn