

Regular Meeting – P.M.March 13, 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, March 13, 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*; Deputy Clerk, G.D. Matthews*; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Long Range Planning Manager, L.V. Foster*; Planner-Long Range, G.D. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, H.R. Hyatt*; Parks Manager, J. Creron*; Financial Planning & Systems Manager, K. Grayston*; Development Engineering Manager, S. Muenz*; Wastewater Manager, W.J. Berry*; Transportation Manager, R.W. Westlake*; Roads & Equipment Superintendent, D. Beaudry*; Traffic Engineer, K. Gauthier*; Environment Manager, M. Watt*; Environmental Technician, F. Schaad*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Chamber of Commerce re: 2000 Business Plan for Tourism

Todd Sanderson, President, and Bonnie Bates-Gibbs, General Manager, Chamber of Commerce:

- Presented their 3-year strategy for tourism and asked for renewal of their contract.

Staff:

- Clarified the budget implications of including the additional funding for sports tourism.

Moved by Councillor Blanleil/Seconded by Councillor

R204/00/03/13 THAT the City enter into a 3-year contract renewal with the Chamber of Commerce for 2000-2002 including a continuation of funding toward the sports tourism initiative over the 3 years.

Carried

Mayor Gray welcomed the young men of the Order of DeMolay and their advisors to the meeting and read a proclamation declaring March 12-18, 2000 as Canadian DeMolay Week.

3.2 Kelowna Secondary School Parent Advisory Council (PAC) re: KSS Rebuild

Deferred to after 6.9 in the minutes.

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Bylaw No. 8499 (Z99-1026) – Park Avenue Properties Inc., Brian Draper and Dale Draper (Pauline Draper) – 2034, 2046 and 2056 Pandosy Street
(Deferred from the January 25, 2000 Regular Meeting)

Councillor Nelson declared a conflict of interest as part owner of a property within the notification radius of the subject property and left the Council Chamber at 2:00 p.m.

Staff:

- If this application is defeated, the applicant could still pursue a group home with licensed care for 6 people and 4 people not under care, as that is a permitted use under the existing zoning. However, they would still require approval of a minor Heritage Alteration Permit.
- In order to protect the heritage buildings, the buildings would have to be officially designated and that could mean some compensation due to lost value in the land.

Moved by Councillor Blanleil/Seconded by Councillor Given

R205/00/03/13 THAT Bylaw No. 8499 be read a second and third time.

DEFEATED

Councillors Cannan, Clark, Day, Hobson and Shepherd opposed.

Councillor Nelson returned to the meeting at 2:21 p.m. and took his place at the Council Table.

4.2 Director of Planning & Development Services, dated February 29, 2000 re: Agricultural Land Reserve Appeal No. A00-101 – Gabriel & Linda Coupal – 3683 Berard Road (6635-20) **(Deferred from the March 6/00 Regular Meeting)**

Staff:

- The subdivision servicing requirements include road improvements along the Berard Road frontage at an estimated cost of \$20,000 and along the Spiers Road frontage at estimated cost of \$22,000. No improvements would be required along the north property boundary.
- The applicant has indicated desire to still proceed with this application.
- Council's approval of this application could be precedent setting.
- If this appeal is approved by Council and the Land Reserve Commission, then the applicant could ask Council to waive the road requirements as a variance to the Subdivision, Development and Servicing Bylaw.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R206/00/03/13 THAT Council hear from the applicant.

Carried

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Gabriel Coupal, applicant:

- The changes between this application and the 1989 application are that the boundary between the two lots has been moved further east to follow the toe of the slope and further south to encompass the entire arable portion of the land.
- The cost of road improvements would make the proposed subdivision non-viable.
- The City's rural road standards need to be reviewed because they are unfair.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R207/00/03/13 THAT Agricultural Land Reserve Appeal No. A00-101; Lot 1, Sec. 9, Twp. 26, O.D.Y.D., Plan 1765 except Plans B4874 and 28797, located on Berard Road, Kelowna, BC, for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council.

DEFEATED

Councillors Clark, Day, Given, Hobson and Shepherd opposed.

- 4.3 Councillor Item Raised by Councillor Cannan re: Kelowna Secondary School Site **(Further consideration of the following motion deferred from the March 6/00 Regular Meeting):**

Moved by Councillor Cannan/Seconded by Councillor Shepherd

THAT a letter be sent to the Ministry of Education and the Ministry of Finance advising that the City believes that the existing Kelowna Secondary School site will be required for education purposes at a future date and asking that no school properties within the downtown area be sold so as to retain the option for future school uses;

AND THAT a copy of the letter be sent to the School Board.

Councillor Cannan:

- Withdrew the motion on the table, based on recent discussions between himself and the Chair of the School Board, and initiated the following motion.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R208/00/03/13 THAT Kelowna City Council and the School Board meet to determine a strategy, to take in unison to Victoria, to try to accomplish the School District's goals with respect to the rebuild of Kelowna Secondary School and the City's objective to keep schools within town centre areas.

Carried

- 4.4 Request for a Grant-in-Aid for the Okanagan Mission Community Hall Association (1850-20) **(Considered at the March 6/00 Regular Meeting and referred back to staff to identify funding sources for up to \$50,000)**

Staff:

- Ordinarily this type of grant request would be considered as part of the annual budget review but since an earlier commitment is required, staff recommend that Council consider funding all or a portion of the requested \$50,000 from the 1999 general surplus.

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Moved by Councillor Hobson/Seconded by Councillor Clark

R209/00/03/13 THAT Council approve allocating \$50,000 to the Okanagan Mission Community Hall Association to assist with restoration of the Okanagan Mission Community Hall and Scout Hall;

AND THAT the funding be appropriated from the 1999 budget surplus.

Carried

5. PLANNING

5.1 Planning & Development Services Department, dated March 8, 2000 re: Rezoning Application No. Z00-1002 – Brian & Lillian Berry (New Town Planning Services) – 1571 Sutherland Avenue (3360-20)

Staff:

- The applicant is proposing to construct a medical eye clinic or “vision centre” on the site which is the last of two residential-zoned properties on Sutherland Avenue.
- A variance would be required to allow one less parking stall than required and a reduced side yard setback along the westerly property boundary.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R210/00/03/13 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, D.L. 141, O.D.Y.D., Plan 3736, located on 1571 Sutherland Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C3 – Community Commercial 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 applicant's submission of a Building Permit application for the subject property.

Carried

5.2 Planning & Development Services Department, dated March 8, 2000 re: Rezoning Application No. Z99-1002 (OCP99-003) – Excalibur Enterprises Ltd. and Carey Road Properties Ltd. (Al Kleinfelder) – 2650 and 2590 Highway 97 North (3360-20)

Staff:

- Two property owners are jointly developing the four properties and are proposing to create 9 Service Commercial lots along the south side of the new Leathead Road frontage and 4 Business Industrial lots accessed by a cul-de-sac also on the south side of the Leathead Road extension.
- The plan of subdivision indicates an extension of Leathead Road and the dedication of park land adjacent to Mill Creek. Almost 1/3 of the site is lost through public dedication for roads and creek dedications.
- The Advisory Planning Commission recommends support subject to conditions that will be addressed.

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Moved by Councillor Given/Seconded by Councillor Hobson

R211/00/03/13 THAT Map 15.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, D.L. 125, O.D.Y.D., Plan KAP64644, Lot 4, D.L. 125, O.D.Y.D., Plan 7319, Lot 4, D.L. 125, O.D.Y.D., Plan 3522 and that part of Lot B shown on Plan B5087, D.L. 125, O.D.Y.D., Plan 2042, located on Highway 97, Kelowna, BC, from Industrial to Commercial, as shown on Map “A” attached to the report of the Planning & Development Services Department dated March 8, 2000;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 125, O.D.Y.D., Plan KAP64644, Lot 4, D.L. 125, O.D.Y.D., Plan 7319 and Lot 4, D.L. 125, O.D.Y.D., Plan 3522 and that part of Lot B shown on Plan B5087, D.L. 125, O.D.Y.D., Plan 2042, located on Highway 97, Kelowna, BC from the A1 – Agriculture 1 zone to the I1 – Business Industrial, C9 – Tourist Commercial, C10 – Service Commercial and P3 – Park and Open Space zones as shown on Map “A” attached to the report of the Planning & Development Services Department dated March 8, 2000;

AND THAT the Official Community Plan and 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 Subdivision Approval application being submitted to the Subdivision Approving Officer;

AND FURTHER THAT prior to final adoption of the zone amending bylaw, the Mayor and City Clerk be authorized to sign and seal, on behalf of the City of Kelowna, the Servicing Agreement to the applicant's credit.

Carried

5.3 Planning & Development Services Department, dated March 8, 2000 re: Application to the B.C. Heritage Trust for a Grant Toward a Conservation and Feasibility Plan for the Relocation/Restoration of Brent’s Grist Mill Buildings (6800-20)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R212/00/03/13 THAT the City of Kelowna apply to the British Columbia Heritage Trust for a Community Heritage Management Program grant in the amount of \$7,500, with matching funds to be provided as allocated for heritage activities in the City’s year 2000 budget, for purposes of initiating a Conservation and Feasibility Plan for the relocation and restoration of the historic Brent’s Grist Mill buildings to the City-owned property located at the northwest corner of Leckie Place and Dilworth Drive;

AND THAT the Conservation and Feasibility Plan be initiated by the Planning & Development Services Department in co-operation with the Community Heritage Commission, the Central Okanagan Heritage Society and the Parks & Leisure Services Department.

Carried

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6. REPORTS

- 6.1 Development Engineering Manager, dated March 8, 2000 re: Amendment to Council Policy No. 263 – Building Permit Works and Services Requirements (0530-01)

Moved by Councillor Nelson/Seconded by Councillor Cannan

R213/00/03/13 THAT Municipal Council amend Council Policy 263 “Building Permit Works and Services Requirements” by adding the following wording after the first paragraph of the policy:

“Where existing buildings are damaged or destroyed due to natural or other disasters, the Works and Services requirements identified in this policy will be waived, provided that:

1. The original footprint is not exceeded*; and,
2. The original floor area of all floors is not exceeded*; and,
3. The original usage will not change; and,
4. No more than five (5) years has lapsed since the building was damaged or destroyed.

*Modifications that are required to satisfy current Building Code requirements will be allowed.”

Carried

- 6.2 Transportation Manager, dated March 8, 2000 re: Asphalt Recycler Upgrade (5400-01)

Moved by Councillor Cannan/Seconded by Councillor Clark

R214/00/03/13 THAT Council receive the report of the Transportation Manager dated March 8, 2000;

AND THAT the City Budget be amended to include \$25,000 for the purchase of an upgraded asphalt recycler with funding from the Equipment Replacement Reserve.

Carried

- 6.3 Transportation Manager, dated March 6, 2000 re: Rutland Urban Centre Transportation Plan (8330-20)

Staff:

- The final open house opportunity for public input would be held March 29th.
- Finalization/approval of the plan is targeted for April 10, 2000

Moved by Councillor Nelson/Seconded by Councillor Day

R215/00/03/13 THAT Council receive the report of the Transportation Manager dated March 6, 2000;

AND THAT Council direct staff to review the draft Rutland Urban Centre Transportation Plan with the public prior to advancing it to Council for final approval.

Carried

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- 6.4 Wastewater Manager, dated March 7, 2000 re: 2000 Sewer Rates (1824-02)

Moved by Councillor Hobson/Seconded by Councillor Given

R216/00/03/13 THAT Council approve an increase to both residential and Industrial/Commercial/Institutional (ICI) Sewer rates effective on the May 16th, 2000, billing as follows:

	<u>Existing 1999</u>	<u>New 2000</u>
Residential - Flat Rate	\$11.00/month	\$ 11.25 /month
Commercial (I/C/I)	\$11.00/month	\$ 11.25 /month
- Minimum charge for 0-8 m ³	\$ 0.74 / m ³	\$ 0.75 / m ³
- Usage in excess of 8 m ³		
Sewer Strength Surcharge Rates		
- BioChemical Oxygen Demand	\$ 0.350/kg	\$ 0.355 /kg
- Suspended Solids	\$ 0.350/kg	\$ 0.355 /kg
- Oil and Grease	\$ 0.151/kg	\$ 0.153 /kg
- Volume	\$ 0.452/kg	\$ 0.459 /kg

AND THAT staff prepare the necessary amending bylaw for reading consideration by Council.

Carried

- 6.5 Environment Manager, dated March 7, 2000 re: Environmental Indicators (5260-08)

Moved by Councillor Shepherd/Seconded by Councillor Given

R217/00/03/13 THAT the Environment Manager's report dated March 7, 2000 be received for Council's information;

AND THAT the Environmental Indicators identified in the report be provided to the public on the City's Web Page to inform the public about environmental conditions in the City of Kelowna.

Carried

- 6.6 Civic Properties Manager, dated March 8, 2000 re: Management of Mobile Vendor Licences to Use at Kerry Park by the Downtown Kelowna Association (5880-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R218/00/03/13 THAT Municipal Council approve the continuation of the existing partnership with the Downtown Kelowna Association (DKA) to manage on behalf of the City of Kelowna the three mobile concession sites located in Kerry Park to December 31, 2000.

Carried

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- 6.7 Parks Manager, dated March 9, 2000 re: Video Surveillance Project (2640-01)

Staff:

- A surveillance camera will be installed by City staff for operation by the RCMP in the area of the Bennett Clock on Queensway Avenue in an effort to make the area on Queensway adjacent to the Bennett Clock, Transit Mall and Kasugai Gardens a safer space for the public.
- The RCMP are developing a Video Surveillance Policy for the Kelowna detachment and once they are ready to proceed, staff will install the camera and signs.
- The total cost is estimated at \$20,000 and that is already approved in the budget.

Amendment Moved by Councillor Clark/Seconded by Councillor Hobson

R219/00/03/13 THAT Council be given an opportunity to review the RCMP's Video Surveillance Policy prior to implementation of video cameras.

Carried

Councillors Cannan and Nelson opposed.

Council:

- Agreed that staff can proceed with installation of the pole and surveillance camera as long as the camera is not activated until after Council's review of the policy.

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

Moved by Councillor Nelson/Seconded by Councillor Given

R220/00/03/13 THAT the Park Manager's report dated March 9, 2000 regarding the Video Surveillance Project be received for the information of Council;

AND THAT the video camera proposed in the area of the Bennett Clock on Queensway Avenue not be activated until after Council has had an opportunity to review the RCMP's Video Surveillance Policy.

Carried

- 6.8 Parks Manager, dated March 9, 2000 re: Urban Forest Health Assessments and Management Plans (5280-05) **Full report available for viewing in the City Clerk's Department**

Ian Wilson of Phero Tech Consulting:

- Presented the plan recommendations.

Moved by Councillor Hobson/Seconded by Councillor Day

R221/00/03/13 THAT the Parks Manager's report dated March 9, 2000 outlining highlights of the Urban Forest Health Assessments and Management Plans prepared by Phero Tech Inc. be received as information;

AND THAT the recommendations of Phero Tech Inc. be implemented to apply an integrated pest management approach to City-owned forests;

AND FURTHER THAT Parks staff monitor the areas where trees are removed to determine if and when replanting is necessary.

Carried

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- 6.9 Director of Finance & Corporate Services, dated March 9, 2000 re: Overwidth Road Acquisition Through Development (0915-00)

Moved by Councillor Clark/Seconded by Councillor Blanleil

R222/00/03/13 THAT Council Policy No. 127 be amended by adding the following new sub-section (g):

Standard Land Registry Document	Approving Position
(g) The securing of road rights-of-way by either dedication on a plan of subdivision or registration against title of a highway reserve agreement where the acquisition cost does not exceed Council policy, the road need is as a result of development and there is funding in the current year's budget.	Land Agent

Carried

Mayor Gray advised that the Kelowna Secondary School Parents Advisory Council representatives are now in the public gallery and that Council agenda item No. 3.2 would be dealt with at this time.

- 3.2 Kelowna Secondary School Parents Advisory Council (PAC) re: KSS Rebuild

Don McEachern, president of the KSS PAC:

- The KSS PAC represents about 45,000 constituents with a direct and indirect interest in the KSS school.
- Submitted a summary of reasons why the KSS PAC wants to keep KSS in the downtown area.
- Submitted budget information obtained from the School Board through a Freedom of Information (FOI) request and a Cost Analysis prepared by the KSS PAC.
- The KSS PAC have asked that a mediator be appointed to examine the OUC site.
- The KSS PAC would like the rebuild process to temporarily stop until the environmental and ownership issues are resolved since cost is a factor in deciding what site is appropriate.

Dr. Francois Theriault, KSS PAC Relocation Committee member:

- Reviewed the environmental and financial details of the proposed KSS rebuild.
- The School Board has no budget for remediation of the landfill portion of the OUC site.
- Budget information obtained through an FOI request last week clearly indicates that the OUC site may cost as much or be more expensive than the downtown site.
- The public is being misinformed.

Leslie Vass, KSS PAC member:

- The School Board has already received \$20 million from the sale of other school properties and apparently it is all part of the KSS deal.

Council:

- Would not want to jeopardize the KSS rebuild project.
- Getting a new school is the number 1 issue for Council; it is up to the Province to determine the location.

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R223/00/03/13 THAT the information provided by the Kelowna Secondary School Parents Advisory Council (PAC) be received for use by Council in their meeting with the School Board and if necessary in Victoria in efforts to resolve issues surrounding the rebuild of Kelowna Secondary School and the City's objective to keep schools in town centre areas.

Carried

Councillor Nelson left the meeting at 5:47 p.m.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 8509 – Amendment No. 13 to Garbage Collection Bylaw No. 7173 (add provisions for Recycling Collection program)

Moved by Councillor Given/Seconded by Councillor Shepherd**R224/00/03/13** THAT Bylaw No. 8509 be adopted.Carried8. COUNCILLOR ITEMS

- (a)
- Kelowna Foodbank Society – Request for Funding

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R225/00/03/13 THAT \$121.50 be allocated to cover the cost of a building permit required in conjunction with the relocation of the Kelowna Community Food Bank to the IGA Wholesale Warehouse building at 1141 Lawson Avenue;

AND THAT the funds be appropriated from Council Contingency.

Carried9. TERMINATION

The meeting was declared terminated at 5:50 p.m.

Certified Correct:_____
Mayor

BLH/bn

Deputy City Clerk