

Regular MeetingMarch 20, 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 20, 2000.

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

Council members absent: Councillor R.D. Cannan.

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*; Planner-Long Range, G.D. Routley*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Parks Manager, J. Creron*; Drainage/Solid Waste Manager, A. Newcombe*; 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

Mayor Gray read a proclamation declaring March 21, 2000 as the International Day for the Elimination of Racial Discrimination.

3.0 1999/2000 Lady of the Lake Royalty – Visit to Japan

Miss Kelowna, Kelley Olinger and Shi-Ann Martin, Princess:

- Spoke briefly about their recent visit to Japan and presented the Mayor with a token gift of appreciation.

3.1 Kettle Valley Properties re: Development of a Playground in Kettle Valley

Staff:

- Kettle Valley Properties have initiated a Partners in Parks project with the City for construction of a children's playground at a cost of \$125,000. This brings their total commitment to parks development to \$375,000 of which the City has contributed \$50,000.

Lloyd Nestman, Kettle Valley Properties:

- A Community Built Play Structure will be built over a 5 day period, September 13-17, 2000, in partnership with the City of Kelowna and volunteers all working together.
- This is a play structure for all the residents of the City of Kelowna, not just residents of Kettle Valley.
- Kettle Valley will look after maintenance of the structure for about 10 years, until their development is built-out.
- Off-street parking will be provided.

Dennis Culic, project coordinator:

- Gave a slide presentation to show the type of structure that is proposed for construction.

Marie Stevenson, volunteers coordinator:

- Approximately 1,500 volunteers of all ages are needed, skilled and non-skilled.

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- 4.1 Planning & Development Services Department, dated March 10, 2000 re: Rezoning Application No. Z00-1016 – Joseph & Catherine Neilson (Lawrence Josey) – 998 Laurier Avenue (3360-20)

Staff:

- The applicant is proposing to construct a Boarding and Lodging House.
- The zone allows up to 10 residents; the proposed development would be restricted to maximum 8 units plus the manager's suite because of parking requirements.
- The number of residents is controlled through the business license and occupancy permit, with enforcement based on complaints.

Council:

- Concern at the number of these facilities being developed on unpaved lanes with no requirement for lane improvements.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R226/00/03/20 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 138, O.D.Y.D., Plan 4187, located on 998 Laurier Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding and Lodging House zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

- 4.2 Planning & Development Services Department, dated March 14, 2000 re: Rezoning Application No. Z00-1017 – Rob Richardson/Shada Enterprises – 442 Christleton Avenue (3360-20)

Staff:

- The applicant is proposing to develop a secondary suite in the basement of the existing residence.

Moved by Councillor Shepherd/Seconded by Councillor Given

R227/00/03/20 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 14, Sec. 13, Twp. 25, O.D.Y.D., Plan KAP60634, located on 442 Christleton Avenue, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

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4.3 Planning & Development Services Department, dated January 21, 2000
re: Kelowna Heritage Register (6800-02)

Staff:

- Council last considered adopting a Kelowna Heritage Register in June 1999 when further action was delayed for staff to address issues raised by Council.
- The intent of the Heritage Register is to identify properties of historical significance and flag them to allow dialogue between the City and a property owner if changes are proposed that would have an impact on the heritage buildings.
- Processing of development applications that may affect buildings listed in the Heritage Register could be delayed by up to maximum 60 days to consider refinements to the proposal or consider other development options.
- The owner of the heritage building would not be bound to follow through with any alternate development options and could still proceed with the original proposed development. For this reason it is not necessary to obtain permission from the owner of a heritage property in order to include their property on a Heritage Register.
- Including a property on the Heritage Register does not constitute heritage designation or any other form of heritage protection of the property and does not impede the property owner from redeveloping the property in accordance with the permitted uses and density of the existing zone of that property.
- There is no notation registered on title to indicate that a property is on the Heritage Register.
- There are currently 3 sites on the Kelowna Heritage Register and if this is approved today, and additional 128 buildings would be added to the list.
- If a landowner wishes to proceed with redevelopment of a heritage property without recognizing its heritage value, and if the property is deemed to be of significant community benefit, then the City could initiate a bylaw to designate the building and if approved by Council, that could involve a form of compensation to the owner.
- Designating a property as a municipal heritage site would require a public hearing.

Council:

- The initial evaluation of these properties was done in a closed Community Heritage Commission meeting. Subsequent changes to provincial legislation now require these evaluations to be done in open meeting. The six owners that have expressed opposition to having their properties included on the register should have an opportunity to have their property re-evaluated in an open meeting.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R228/00/03/20 THAT Council hear from the dissenting property owner in the public gallery.

DEFEATED

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

Regular MeetingMarch 20, 2000Moved by Councillor Hobson/Seconded by Councillor Nelson

R229/00/03/20 THAT the properties included in the Kelowna Heritage Register dated January 2000 be included on the Kelowna Heritage Register with the exception of the following properties:

- 1590 Belgo Road (ID #326)
- 282/288 Bernard Avenue (ID #35)
- 375/387 Bernard Avenue (ID #46)
- 3430 Pooley Road (ID #221)
- 1470 Water Street (ID #356)
- 1473 Water Street (ID #355);

AND THAT the owners of the above six properties be offered the opportunity to have their properties re-evaluated by the Community Heritage Commission in an open meeting format;

AND THAT the Community Heritage Commission report back to Council with the results of their re-evaluation and a further recommendation for Council:

AND THAT the owners of those properties approved for inclusion in the Kelowna Heritage Register dated January 2000 be notified in accordance with Sections 954 and 974 of the Municipal Act;

AND THAT the Minister responsible for the Heritage Conservation Act be notified in accordance with Sections 954 and 977 of the Municipal Act;

AND FURTHER THAT the Heritage Procedures Bylaw No. 7776 be amended to add the provisions as outlined in Appendix 2 of the Planning & Development Services Department report of January 21, 2000.

Carried

Councillor Blanleil opposed.

5. REPORTS

5.1 Mayor Gray, Chair of Regional Transportation Sub-Committee – Transit, dated March 15, 2000 re: Approval of Transit Annual Operating Agreements (0360-20)

Staff:

- Kelowna Bus & Transportation has commenced legal action that will be before the Courts next week.
- It will be necessary for Council to deal with this report on March 27th in order that operating agreements are in place for April 1, 2000.

Council:

- The net municipal share breakdown of the total budget amount may not be as indicated on the last page of the report. The report should be amended to so indicate before coming back to Council on March 27th.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R230/00/03/20 THAT Council consideration of the report dated March 15, 2000 from the Chair of the Regional Transportation Transit Sub-Committee be deferred to the Regular Meeting of March 27, 2000.

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- 5.2 City Manager, dated March 15, 2000 re: Hosting of UBCM Conventions (0230-20-160)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R231/00/03/20 THAT the City of Kelowna re-confirm our interest and commitment to host responsibilities for hosting UBCM Conventions in Kelowna in the years 2004 and 2012;

AND THAT staff be directed to complete and submit the “host confirmation” form by March 31, 2000.

Carried

- 5.3 Drainage/Solid Waste Manager, dated March 15, 2000 re: Appliance Recovery Program (5380-02)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R232/00/03/20 THAT Council approve the waiver of tipping fees for the disposal of used appliances brought to the Glenmore Landfill under the PowerSense appliance recovery program.

Carried

- 5.4 Recreation Manager, dated March 15, 2000 re: Liquor Licenses in Parks – Council Policy No. 223 (8110-00; 0550-06)

Moved by Councillor Clark/Seconded by Councillor Hobson

R233/00/03/20 THAT the proposed amendments to Council Policy No. 223 (Liquor Licenses in Parks) attached to the Recreation Manager’s report dated March 15, 2000 be referred back to the Outdoor Events Committee to review the policy with RCMP and Liquor Control Board staff in view of the following comments from Council:

- Regulations should be more liberal about liquor license provisions for events in parks;
- Consider deleting b) vi) from the policy re capping the amount of alcohol that could be sold on each day of an event;
- Reference to policing costs should preferably be deleted completely from the policy or alternatively the wording amended under g) of the policy to read “any costs including **incremental** policing related to the licensed area...”;
- Consider revising the wording under d) of the policy to say “defined area” or something more friendly than “fenced” which suggests barbed wire;

AND THAT when the proposed amendments to Council Policy No. 223 come back to Council, the report also address whether a special fund should be established for sports tourism.

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5.5 Recreation Manager, dated March 15, 2000 re: Directory of Terms & Conditions, Rental Rates, Fees & Charges 2000 (1810-01)

Staff:

- The Parks & Facilities Committee have reviewed this in detail and are in support of the recommendations before Council. The emphasis this year is to promote sports tourism during spring and fall shoulder seasons.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R234/00/03/20 THAT Council approve the *Parks & Leisure Services Policy & Procedure Manual for Recreation Facilities & Parks*, as attached to the report from the Recreation Services Manager dated March 15, 2000;

AND THAT long-term rental rate plans for the following areas be approved:

| | |
|------------------------------|--|
| Arenas (previously approved) | effective September 1, 2000 to August 31, 2003 |
| Sportsfields (adult fees) | effective April 1, 2000 to 2004 |
| Apple Bowl | effective April 1, 2000 to 2004; |

AND THAT rental rates at all other locations be reviewed annually and a recommendation be brought forward to Council if changes are proposed;

AND THAT a 3% increase in rates, effective April 1, 2000, be approved for:

Parkinson Recreation Centre Banquet/Meeting Rooms/Equipment/Tennis Courts
 Arena Meeting Rooms/Equipment/Setup-Takedown Costs
 Seniors Centres
 Kinsmen Fieldhouse/Media Centre
 Outdoor areas in parks utilized for non-profit outdoor events, wedding ceremonies, picnics and related activities;

AND THAT a new fee for the use of outdoor areas in parks and sportsfields be established for commercial organizations, at two times the prevailing non-profit rate;

AND THAT a new fee for use of sporting facilities, including arenas, stadiums, sportsfields, swimming pools, be established for out-of-town users, at one and one-half times the prevailing rate;

AND THAT in the interests of Sport Tourism, the City will, on a two year trial basis, pay the appropriate fees for tournament play in the spring shoulder season - from mid-March to the normal opening of these facilities and the fall shoulder season - from mid-September to the closure of these facilities, weather and field conditions permitting, for tournaments on City sportsfields and stadiums, exclusive of the Apple Bowl;

AND FURTHER THAT in the interest of Sport Tourism, the Director of Parks & Leisure Services will have authority to modify user fees under special and unique circumstances.

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- 5.6 City Clerk, dated March 15, 2000 re: Helicopter Landing – Trinity Baptist Church – April 1 & 2, 2000 (8400-01)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R235/00/03/20 THAT Municipal Council grant approval to Osimas Helicopters Ltd. to land a helicopter on the parking lot of Trinity Baptist Church, 1905 Springfield Road, at approximately 10:00 a.m. on April 1st, 2000 and noon on April 2nd, 2000 subject to approval of Transport Canada and compliance with related flight requirements.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8524 – Road Exchange Bylaw – Enterprise Way & Hunter Road

Moved by Councillor Nelson/Seconded by Councillor Given

R236/00/03/20 THAT Bylaw No. 8524 be read a first, second and third time.

Carried

7. COUNCILLOR ITEMS

- (a) Travel Authorization – Councillor Day (1800-01)

Moved by Councillor Hobson/Seconded by Councillor Nelson

R237/00/03/20 THAT Councillor Day be authorized to travel on March 16 & 17, 2000 to visit biosolids composting facilities in Cheney, Washington and Coeur d'Alene, Idaho, 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. TERMINATION

The meeting was declared terminated at 4:41 p.m.

Certified Correct:

 Mayor

BLH/bn

 City Clerk