

Regular Meeting – P.M.April 17, 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, April 17, 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; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Director of Finance & Corporate Services, C.P. Kraft*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Parks Coordinator, R. Zahara*; Director of Works & Utilities, J. Vos*; Traffic & Transportation Planning Engineer, K. Gauthier*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; 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 Shepherd was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 David Mapleton, President, Kelowna Arts Foundation re: 2000 Arts Foundation Grants (0230-20-70)

David Mapleton:

- The Arts Foundation is responsible for distributing taxpayer dollars to arts groups in the City of Kelowna.
- The Foundation has completed its deliberation process and has approved year 2000 grants totalling \$161,300.

Moved by Councillor Hobson/Seconded by Councillor Day

R339/00/04/17 THAT Kelowna Arts Foundation chairman's presentation advising of the 2000 Arts Foundation grant recipients of General Grants totalling \$82,300 and Professional Grants totalling \$79,000 be received for the information of Council.

Carried

Councillor Cannan opposed.

3.2 Dr. Eugene Krupa, Community Action Toward Children's Health (CATCH) and Penny Lane, representing Okanagan Similkameen Health Board re: Update of CATCH Activities

Dr. Krupa:

- CATCH focuses on working together as a community to optimize the health and development of our children in their early years.
- Outlined the past year's activities.

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Penny Lane:

- Reviewed the approach they have taken for finding resources for leadership, implementation of specific initiatives and accessing funding for research and evaluation for the CATCH initiative.

Dr. Krupa:

- Outlined their requests from the City of Kelowna, including a contribution of \$5,000 per year for 6-10 years.

Council:

- Future funding requests to be reviewed each year based on information being received on how the money is spent.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R340/00/04/17 THAT the partnership between the City of Kelowna and Community Action Toward Children's Health (CATCH) be endorsed by Council;

AND THAT \$5,000 be allocated to CATCH with funds appropriated from 2000 Council Contingency.

Carried

4. PLANNING

- 4.1 Planning & Development Services Department, dated April 10, 2000 re: Rezoning Application No. Z00-1015 – Chuan Guan & Poh-Tin Teh (Keith Funk/New Town Planning Services) – 155 Nickel Road (3360-20)

Staff:

- A 90-seat, single story church is proposed for construction on the site.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R341/00/04/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 27, Twp. 26, O.D.Y.D., Plan KAP56177, at 155 Nickel Road, Kelowna, B.C., from the RM4 – Transitional Low Density Housing zone to the P2 – Education and Minor Institutional zone;

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

Carried

- 4.2 Planning & Development Services Department, dated April 7, 2000 re: Rezoning Application No. Z00-1005 – Christian Bond – 565 Coronation Avenue (3360-20)

Staff:

- The rezoning would legalize an illegal suite that was developed in an accessory building on the site.
- Renovations are proposed to the principal dwelling in addition to the changes needed to correct building infractions for the suite in the accessory building.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R342/00/04/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 36, D.L. 139, O.D.Y.D., Plan 1303, located on Coronation 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;

AND FURTHER 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

4.3 Planning & Development Services Department, dated April 12, 2000 re: Development Permit Application No. DP00-10,019 – Ted Berg/Glen Park Village Inc. – 1940 Kane Road (3060-20)

Withdrawn by the applicant.

4.4 Planning & Development Services Department, dated April 10, 2000 re: Rezoning Application No. Z00-1021 – Perry & Noemi Koleba – 1085 Waldie Court (3360-20)

Staff:

- The rezoning is requested to allow for the completion of a suite within the basement of the existing residence.

Moved by Councillor Blanleil/Seconded by Councillor Day

R343/00/04/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot E, Sec. 30, Twp. 26, O.D.Y.D., Plan KAP 47035, located on 1085 Waldie Court, 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.

Carried

4.5 Planning & Development Services Department, dated April 10, 2000 re: Rezoning Application No. Z00-1024 – Egon & Rita Kulak – 593 Sherwood Road (3360-20)

Staff:

- The rezoning is requested to allow for the completion of a suite within the basement of a residence proposed for construction on the site.

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Moved by Councillor Nelson/Seconded by Councillor Given

R344/00/04/17 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 167 and 358, O.D.Y.D., Plan KAP60832, located on 593 Sherwood 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.

Carried

4.6 Planning & Development Services Department, dated April 12, 2000 re: Development Permit Application No. DP00-10,001 - The Good Samaritan Society (FWS Community Partners Inc.) – 1540 KLO Road (3060-20)

Staff:

- The applicant is proposing to develop a 3½ -storey, 99-unit senior's housing project on the site with 25 assisted living units and 74 independent living units.
- 35 units would be subsidized by the Good Samaritan Housing Society.
- With the assisted living component, a Housing Agreement will be required to indicate how the special needs housing units will be provided. That tool allows for reduced on-site parking.
- The housing agreement would be brought back for approval by Council.
- A previously approved Development Permit for the subject property incorporated the plantation manor house within the development; this application proposes demolition of the manor house.

Council:

- Staff to consider a shared middle lane or a turning lane to facilitate left turns onto KLO Road in this area.

Moved by Councillor Given/Seconded by Councillor Shepherd

R345/00/04/17 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,001; for Lot 1, D.L. 131, O.D.Y.D., Plan KAP62685, located on K.L.O. 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";
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;
5. The applicant enter into a Housing Agreement satisfactory to the City of Kelowna to authorize a reduction in the parking required;

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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

5. REPORTS

- 5.1 Airport General Manager, dated April 12, 2000 re: Assignment of E & D Aircraft Services Ltd. Lease from Eduard Haasdyk to Fred Haasdyk (2380-20-8013; 0550-05)

Moved by Councillor Hobson/Seconded by Councillor Day

R346/00/04/17 THAT Council approve assignment of the E & D Aircraft Services Ltd. lease at the Kelowna International Airport from Eduard Haasdyk to Fred Haasdyk;

AND THAT Council authorize the Mayor and City Clerk to sign the consent to assignment of lease document on behalf of the City of Kelowna.

Carried

Mayor Gray altered the order of business and advised that agenda item No. 5.8 would be dealt with next.

- 5.8 Councillor Shepherd, Chair, Community Heritage Commission, dated April 12, 2000 re: Appointment of Community Heritage Commission Member (6800-02)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R347/00/04/17 THAT Council appoint Sharron Simpson as a City-at-Large member of the Community Heritage Commission for the balance of the unexpired City-at-Large term ending December 2002.

Carried

- 5.2 Inspection Services Manager, dated April 11, 2000 re: Class "A" and Class "D" Liquor Licence Applications for Public/Private Skyreach Place – 1223 Water Street (0540-20)

Dealt with after agenda item No. 5.4.

- 5.3 Deputy Director of Finance, dated April 12, 2000 re: 2000 Tax Distribution Policy (1700-20)

Staff:

- Modifying the tax class ratio prevents shifts between classes but does not eliminate potential shifts within a property class.
- Overview of tax class ratios.

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R348/00/04/17 THAT Council approve a Municipal Tax Distribution Policy for the year 2000 which will result in a modification of the 1999 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

Property Class	Description	2000 Tax Class Ratios	1999 Tax Class Ratios
01/08	Residential/Recreation/Non-Profit	1.0000:1	1.0000:1
02	Utilities	3.3803:1	3.2410:1
04	Major Industrial	2.6020:1	2.6819:1
05/06	Light Industrial/Business/Other	1.9091:1	1.9183:1
09	Farm Land	.0780:1	.0800:1
91	Farm Improvements	.4866:1	.4834:1;

AND THAT Council approve a revision of 2000 tax rates to reflect the 2000 assessment changes in property market values.

Carried

5.4 City Manager, dated April 12, 2000 re: 2000-2004 Financial Plan (1700-20)

Staff:

- Reviewed the supplemental and capital budget requests.
- Reviewed the purpose of the financial plan, basic assumptions incorporated into the plan, and the corporate financial strategies for putting together the longer term financial plan.
- Presented the highlights of the 5-year financial plan.
- An open house will be held for public input into the financial plan this Wednesday in the Council Chamber.
- Future financial plans will be based on what works well for the City of Kelowna this year and the experiences of other B.C. municipalities.

Council:

- Staff to investigate whether sufficient funds have been raised in the community to allow the Rutland Police Office Expansion to proceed.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R349/00/04/17 THAT Council receive the 2000 – 2004 Financial Plan, including year 2000 Final Budget requirements, and authorize staff to enter into the public consultation process as previously approved;

AND THAT staff prepare a summary of public comments and provide recommendations for Council consideration at the May 1, 2000 meeting of Council;

AND FURTHER THAT the 2000 - 2004 Financial Plan Bylaw and the Annual Property Tax Bylaw be presented to Council for first 3 readings at the May 1, 2000 meeting of Council.

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5.2 Inspection Services Manager, dated April 11, 2000 re: Class “A” and Class “D” Liquor Licence Applications for Public/Private Skyreach Place – 1223 Water Street (0540-20)

Staff:

- The applicant is seeking re-endorsement of Council’s support for a Class “A” Lounge license for Skyreach Place, and in the event that the Class “A” license cannot be approved, for support from Council for a Class “D” (Neighbourhood Pub) license.
- The Terms of Reference for the Liquor Licensing Advisory Committee do not allow the committee to comment on the Class “D” license until Preliminary Site and Applicant Approval is obtained from the Province.

Moved by Councillor Clark/Seconded by Councillor Day

R350/00/04/17 THAT Council hear from Mr. Dave Dakers, General Manager of Skyreach Place.

Carried

Dave Dakers:

- The Liquor Control and Licensing Branch has not approved the request for a Class “A” liquor license because they do not view Skyreach Place as a publicly owned building.
- Skyreach would prefer an “A” license but the “D” license will also allow for service of alcohol without food and that is their objective.
- Concerned that the Liquor Control and Licensing Branch will not consider the Class “D” license without a resolution of support from City Council.

Council:

- Would not want to jeopardize the potential for the CN Railway heritage building, kiddie corner from the subject property, to obtain a Class “D” license.
- Since Skyreach Place facility is a public/private partnership facility it should be considered similar to other municipalities where the facility is publicly owned.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R351/00/04/17 THAT the Liquor Control and Licensing Branch be advised of Kelowna City Council’s re-endorsement of the Class “A” Liquor Licence application proposed by the Public/Private Skyreach Place at 1223 Water Street;

AND THAT the Liquor Control and Licensing Branch be advised that Council is prepared to support the Class “D” Neighbourhood Pub application, subject to the public consultation process, if the class “A” Liquor License is not granted;

AND FURTHER THAT the Mayor write a letter to the Liquor Control and Licensing Branch outlining the reasons why Council feels the “A” Liquor License should be approved.

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- 5.5 Wastewater Manager, dated April 12, 2000 re: Rutland Road Sewer Trunk Extension (5340-09-21)

Moved by Councillor Nelson/Seconded by Councillor Given

R352/00/04/17 THAT Peters Bros. Construction Ltd. be awarded the Contract (TE00-02) for the construction of a section of Trunk Sewer line in Rutland Road from McCurdy Road to Leathead (Bach) Road, for the price of \$373,543.55, GST included;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City of Kelowna;

AND THAT Protech Consultants Ltd. be awarded the assignment to provide the Engineering services required for the construction of the Rutland Road trunk sewer, for the amount of \$55,305.52, GST included;

AND FURTHER THAT Council approve a contribution of \$154,600 to this project from the Sewer Development Fund, with repayment to this reserve as Sewer Connection charges from Service Area #21 (McCurdy) are collected.

Carried

- 5.6 Traffic & Transportation Engineer, dated April 12, 2000 re: Intersection Sight Line Bylaw (5460-00)

Staff:

- The City's solicitor advises that a decision to eliminate sightline restrictions and/or reduce them cannot result in negligence liability for the City.
- Recommend reducing the existing 8 m triangle requirement to 5 m along the property line.

Council:

- The public should have input into this proposed amendment before it is incorporated into the Traffic Bylaw.
- Staff to investigate the potential for establishing an appeal process with the City Solicitor.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R353/00/04/17 THAT City Council receive the report of the Traffic & Transportation Engineer dated April 12th, 2000;

AND THAT the proposed bylaw to amend the intersection sightline triangle requirement in City of Kelowna Traffic Bylaw 4495-78 not proceed until after input has been obtained from the public, and the potential for establishing an appeal process has been investigated with the City Solicitor.

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- 5.7 Parks Manager, dated April 12, 2000 re: Dogs in Parks Program (6130-02)

Staff:

- There is currently only one dog off-leash park within the City of Kelowna.
- Approval of the recommendation before Council would add another two dog off-leash parks.
- The Dog Owners Association would have dog training areas in each park site and would help develop the sites.

Council:

- Either a policy is needed to allow participants in fundraising walks to bring their dogs, or alternatively, the public needs to be better informed that dogs are not allowed on fundraising walks.

Moved by Councillor Given/Seconded by Councillor Shepherd

R354/00/04/17 THAT City Council designates the City-owned land west of Glenmore Road North, across from the public entrance to the Kelowna Landfill site, as outlined by Map No. 1, as a “dog off leash park” on a 1 year trial basis;

AND THAT City Council designates the City-owned land between Old Vernon Road and the Kelowna Airport lands, and South of the Ellison Volunteer Fire department, as outlined by Map No. 2, as a “dog off leash park” on a 1 year trial basis;

AND FURTHER THAT Council Policy No. 258 (Dog Walking and Dog Off-Leash Parks) be revised to include the two new parks.

Carried

- 5.8 Councillor Shepherd, Chair, Community Heritage Commission, dated April 12, 2000 re: Appointment of Community Heritage Commission Member (6800-02)

Dealt with after agenda item No. 5.1.

6. COUNCILLOR ITEMS

(a) Restorative Justice Retreat

Councillors Shepherd and Nelson reported on a Restorative Justice Retreat they attended in Chilliwack last weekend. Over 50 communities in the province have a restorative justice program and they are experiencing an 80% to 90% success rate compared to around 40% in the criminal justice system. A Restorative Justice Program will hopefully be in place in Kelowna within a year.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R355/00/04/17 THAT a letter be sent from the Mayor and Council urging the Attorney General to provide ongoing funding for the Restorative Justice program;

AND THAT the Union of British Columbia Municipalities be asked to lobby the Province for support for this funding.

Carried

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7. TERMINATION

The meeting was declared terminated at 5:25 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk