

Regular Meeting – P.M.May 1, 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, May 1, 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*; Special Projects Planning Manager, H.M. Christy*; Long Range Planning Manager, L.V. Foster*; Urban Design Planner, P. McCormick*; Director of Works & Utilities, J. Vos*; Wastewater Manager, W.J. Berry*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; 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. PLANNING

3.1 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)

Staff:

- The intent is to relocate the MacDonalds restaurant from within the shopping centre to a free-standing building proposed for construction on the site.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R373/00/05/01 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,019; for Lot C, Sec. 32 & 33, Twp. 26, O.D.Y.D., Plan KAP49467 exc. Plan KAP57155, located on Kane 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".

Carried

Councillor Blanleil entered the Council Chamber at 1:33 p.m. and took his place at the Council Table.

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- 3.2 Planning & Development Services Department, dated April 19, 2000 re: Rezoning Application No. Z00-1011 – University Business Park Ltd. (Grant Maddock/Protech Consultants) – 149 Commercial Drive (3360-20)

Staff:

- The site is currently split zoned.
- The intent is to rezone the northeast portion of the property to the Business Park Industrial zone to allow for consistent development of the entire site.

Moved by Councillor Given/Seconded by Councillor Nelson

R374/00/05/01 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Sec. 35, Twp. 26, O.D.Y.D., Plan KAP63658, as shown on Map “A” attached to the Planning Department’s report of April 19, 2000, located on Commercial Drive, Kelowna, B.C., from the I2 – General Industrial zone to the I1 – Business Industrial zone;

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

Carried

- 3.3 Planning & Development Services Department, dated April 17, 2000 re: Heritage Revitalization Authorization Agreement (HRA00-002) – City of Kelowna [Keith Hewitt/Kelowna South Central Association of Neighbourhoods (KSAN)] – 865 Bernard Avenue (B/L 8561)

Staff:

- KSAN proposes to lease the property from the City and to restore and renovate the “Knowles House” to accommodate two offices, a boardroom/reception area, and a caretaker suite.
- The offices would be rented by KSAN to non-profit organizations.
- The Heritage Revitalization Agreement provides for a variance of the Zoning Bylaw to eliminate the requirement for a loading stall, and a variance of the Sign Bylaw to permit a sign that exceeds the dimension requirements and is free-standing instead of attached to the residence.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R375/00/05/01 THAT Municipal Council of the City of Kelowna authorize the City of Kelowna to enter into a Heritage Revitalization Agreement, attached as Schedule “A” to the Planning & Development Services’ report of April 17, 2000, for the property known as 865 Bernard Avenue, Kelowna, B.C.; Lot 29, Block 15, D.L. 138, O.D.Y.D., Plan 262 and that part of Lot 28, Block 15 outlined red on Plan B4330, D.L. 138, O.D.Y.D., Plan 262;

AND THAT the authorizing bylaw for the Heritage Revitalization Agreement be forwarded to a Public Hearing;

AND FURTHER THAT final adoption of the bylaw be withheld subject to a lot line cancellation of the lot line shared between Lot 29, Block 15, D.L. 138, O.D.Y.D., Plan 262, and that part of Lot 28, Block 15 outlined red on Plan B4330, D.L. 138, O.D.Y.D., Plan 262.

Carried

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- 3.4 Planning & Development Services Department, dated April 19, 2000 re: Public Art Committee Membership (2300)

Moved by Councillor Nelson/Seconded by Councillor Given

R376/00/05/01 THAT Council appoint Fern Helfand, Shaida Langley and Roxanne Wyma to the Public Art Committee for a three year term;

AND THAT Council re-appoint Doug Kirk and Donald McIntosh to the Public Art Committee for a three year term.

Carried

- 3.5 Planning & Development Services Department, dated April 12, 2000 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- The existing program provides for summer use of portions of the sidewalks in the downtown area for outdoor seating for businesses engaged in food and beverage service within the central business district.
- The intent is to expand the existing program to also allow use of the space on the road right-of-way (i.e. parking spaces and controlled no-parking spaces) immediately fronting businesses for temporary patio seating for a first year trial period of May 15 to Oct 15, 2000.
- A maximum of 5 angle stalls or 3 parallel stalls could be decommissioned on any one block.
- A Permit fee of \$8/sq. m would be imposed to recover lost parking revenues.
- A deck of some sort would be required for the patio seating.
- The patio area would have to be cordoned off from the remainder of the roadway (i.e. pre-cast planters).
- The Downtown Kelowna Association supports this proposal.

Council:

- Consider allowing this program year-round.
- Consider expanding this to the other town centres once the program gets going.
- A policy is needed to address safety issues such as where umbrellas would be allowed, etc.
- Ensure there is adequate room for manoeuvrability where road right-of-way patio seating is next to a parking stall for the handicapped.
- Suggest only have one contact person at City Hall for people to deal with to get a permit, etc.
- Allow extension of the program beyond October 15th, subject to negotiation.
- Consider hand delivering the information on this program to the downtown businesses instead of placing an ad.
- Agreed to a friendly amendment of the motion to reflect that staff will adjudicated submissions and select the best proposals.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R377/00/05/01 THAT Council endorse Terms of Reference for a Program for Seasonal Extension for Sidewalk Cafes to allow use of portions of the road right-of-way for the purpose of outdoor seating within the Downtown, as outlined in Attachment 1 of the Planning & Development Services Department report of April 12, 2000, amended to reflect that submissions will be adjudicated and the best proposals selected;

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AND THAT staff be directed to prepare an amending bylaw to make the necessary changes to the Traffic Regulation Bylaw (Bylaw No. 4495-78) to allow the program to be initiated.

Carried

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- 4.1 Bylaw No. 8369 (Z98-1048) – Vaughan Hooper – 428 Christleton Avenue (3360-20)

Staff:

- Recommend this bylaw be defeated. The Development Procedures Bylaw requires that zone amending bylaws be adopted within 1 year of third reading of the bylaw. The one year period has lapsed and the applicant has not responded to multiple requests from staff for instructions and the required fee to have the application extended.

Moved by Councillor Nelson/Seconded by Councillor Given**R378/00/05/01** THAT Bylaw No. 8369 be adopted.DEFEATED

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

5. REPORTS

- 5.1 City Manager, dated April 27, 2000 re: 2000-2004 Financial Plan (1700-20)

Staff:

- 5 people attended the open house.
- The comments received are attached to the report.

Moved by Councillor Nelson/Seconded by Councillor Shepherd**R379/00/05/01** THAT Council adopt the 2000-2004 Financial Plan;

AND THAT Council approve the formulation of 2000 Property Tax Rates which will raise the required funds in 2000 for municipal purposes, of \$53,900,400, resulting in an average net property owner impact of 1.8%.

Carried

Staff:

- Reviewed the impact of the 1.8% increase in the municipal tax levy on the average property owner.

- 5.2 Wastewater Manager, dated April 27, 2000 re: Minimum Lot Size Requirements (5340-04)

Staff:

- Current bylaws require a minimum lot size of 0.8 ha (2 acres) for new lots being created on septic disposal and it is left up to the developer of the property to do the analysis to determine that the land is suitable to develop without sanitary sewer.
- This year, because of concerns about some of the geotechnical reports that have been done, the Ministry of Municipal Affairs have tightened up their requirements and are now requiring that all new lots either have to be minimum 1 ha in size or they must be serviced with sanitary sewer.

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- If this requirement is not followed, the City will not be eligible for the provincial grant assistance that we rely on to sewer areas.
- Recommend the relevant bylaws be amended to establish a minimum 1 ha lot size without sewer.
- Staff will report back to Council with the proposed amendments and with a recommendation for dealing with in-stream applications.

Council:

- This is being imposed on a province-wide basis.
- The vast majority of the development area in Kelowna is slated to be sewered anyway so this is really directed to remote areas such as South East Kelowna and McKinley Landing.
- Staff to clarify whether secondary suite applications on properties on septic would be affected by this.
- The Water Committee endorses this policy.

Moved by Councillor Hobson/Seconded by Councillor Day

R380/00/05/01 THAT staff be directed to bring forward amendments to all applicable bylaws to require sanitary sewer servicing for all new lots created that would be less than one hectare in area.

Carried

5.3 Director of Finance & Corporate Services, dated April 26, 2000 re: Proposed Road Exchange Bylaw (B/L 8560)

Moved by Councillor Given/Seconded by Councillor Nelson

R381/00/05/01 THAT the City Clerk be authorized to forward to Council a Road Exchange bylaw to close a portion of Highway 97 frontage road south of the Airport in exchange for the dedication of Highway 97 as per the terms and conditions of the letter of agreement dated March 30, 2000;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this transaction.

Carried

6. (BYLAWS (OTHER THAN ZONING & DEVELOPMENT))

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 8538 – Five Year Financial Plan, 2000-2004

Moved by Councillor Day/Seconded by Councillor Cannan

R382/00/05/01 THAT Bylaw No. 8538 be read a first, second and third time.

Carried

6.2 Bylaw No. 8539 – Tax Structure Bylaw, 2000

Moved by Councillor Day/Seconded by Councillor Cannan

R383/00/05/01 THAT Bylaw No. 8539 be read a first, second and third time.

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6.3 Bylaw No. 8540 – Annual Rates Bylaw, 2000

Keith:

- The subject bylaw includes a tax levy for the Downtown Business Improvement Area and the tax levy is impacted by the impact of new construction in the downtown area.
- The increase resulting from new construction in the downtown area allows the tax levy to remain basically unchanged from 1999.
- The Downtown Kelowna Association's budget and expenditures are attached to the late report.

Moved by Councillor Hobson/Seconded by Councillor Day

R384/00/05/01 THAT Council approve the Downtown Kelowna Association 2000 budget;

AND THAT Council approve a grant-in-aid to the Downtown Kelowna Association for 2000 in the amount of \$345,000 to be funded by a levy on all Class 5 and 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.

Carried

Moved by Councillor Cannan/Seconded by Councillor Day

R385/00/05/01 THAT Bylaw No. 8540 be read a first, second and third time.

Carried

6.4 Bylaw No. 8555 – Parking Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

R386/00/05/01 THAT Bylaw No. 8555 be read a first, second and third time.

Carried

6.5 Bylaw No. 8556 – Development Cost Charge Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

R387/00/05/01 THAT Bylaw No. 8556 be read a first, second and third time.

Carried

6.6 Bylaw No. 8557 – Capital Works, Machinery & Equipment Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Hobson

R388/00/05/01 THAT Bylaw No. 8557 be read a first, second and third time.

Carried

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- 6.7 Bylaw No. 8558 – City-Owned Land Reserve Fund Expenditure Authorization Bylaw, 2000 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

R389/00/05/01 THAT Bylaw No. 8558 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.8 Bylaw No. 8545 – Airport Way Road Naming Bylaw

Moved by Councillor Clark/Seconded by Councillor Shepherd

R390/00/05/01 THAT Bylaw No. 8545 be adopted.

Carried

7. COUNCILLOR ITEMS

- (a) Agri-Tourism

Councillor Cannan commented that while the door has been opened for agri-tourism possibilities, no guidelines or criteria are in place for determining appropriate agri-tourism uses.

Council requested that the Agricultural Advisory Committee prepare criteria for handling agri-tourism applications and report back to Council.

- (b) Funding for Advanced Education

Mayor Gray read an e-mail he received with respect to provincial funding of new research for Universities.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R391/00/05/01 THAT an invitation be extended to the President or Chair of the Okanagan University College to make a presentation to Council on their funding needs and aspirations for the future.

Carried

Mayor Gray advised that the Minister of Health and the Minister of Advanced Education have been invited to meet with the Mayors of Kelowna, Vernon and Penticton and the three Regional District directors in June to discuss health issues and equity in funding for education.

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8. TERMINATION

The meeting was declared terminated at 3:18 p.m.

Certified Correct:

Mayor

City Clerk

BLH/bn