

Regular Meeting – P.M.

December 4, 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, December 4, 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* and J.D. Nelson.

Council member absent: Councillor S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Acting Deputy City Clerk, L.M. Taylor; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Special Projects Planning Manager, H.M. Christy*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; Deputy Director of Finance, P.A. Macklem*; Wastewater Manager, W.J. Berry*; 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 Hobson was requested to check the minutes of the meeting.

2.1 Gold Award – Canadian Council for Public/Private Partnerships

David Graham, Director of Parks and Leisure Services presented Councillors Andre Blanleil and Colin Day with the Gold Award from the Canadian Council for Public/Private Partnerships. The award recognizes the innovative partnership between the City and RG Properties to develop Skyreach Place.

3. PLANNING

3.1 Planning & Development Services Department, dated November 23, 2000 re: Rezoning Application No. Z99-1011 – Douglas and Alfred Appel (Tom Smithwick) – 3205 Highway 33 East (3360-20)

Staff:

- The applicant is proposing to develop the site with a truck repair shop/administration office and truck storage yard.
- The extension is requested to provide more time to resolve outstanding issues.

Moved by Councillor Nelson/Seconded by Councillor Given

R953/00/12/04 THAT Municipal Council authorize an extension to Rezoning application No. Z99-1011 (Bylaw No. 8483) for a period of not more than 180 days from November 29, 2000.

Carried

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- 3.2 Planning & Development Services Department, dated November 15, 2000 re: Agricultural Land Reserve Appeal No. A00-108 – City of Kelowna (Harald Hall/Friends of Mission Creek Society) – 2779 East Kelowna Road (6635-20)

Councillor Hobson advised that the applications under agenda items No. 3.2 and 3.3 involve relatives and that he would stay for the presentation and then leave for the vote.

Staff:

- The applications under agenda items 3.2 to 3.8 all deal with subdivisions to create separate title for lands being dedicated as park for phase 2 of the Mission Creek Greenway project and all require the approval of the Land Reserve Commission.
- Six of the applications deal with lands required directly for the Greenway. Those acquisitions were negotiated by Harald Hall of the Friends of Mission Creek Society.
- The Agricultural Advisory Committee has reviewed these applications and recommends support for all with no conditions.

Councillor Hobson, having already declared a conflict of interest for agenda items 3.2 and 3.3, left the Council Chamber at 1:47 p.m.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R954/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-108, That part of Lot 25, shown on Plan attached to DD10987, Sec. 16, Twp. 26, O.D.Y.D., Plan 187, located on East Kelowna Road, Kelowna, B.C., for a subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

Carried

- 3.3 Planning & Development Services Department, dated November 15, 2000 re: Agricultural Land Reserve Appeal No. A00-109 – Hubert & Marion Dendy (Harald Hall/Friends of Mission Creek Society) – 3700 Pooley Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R955/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-109, the north 15 chains of the NW ¼, Sec. 11, Twp. 26, O.D.Y.D., except Plan 2645, located on Pooley Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

Carried

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- 3.4 Planning & Development Services Department, dated November 15, 2000 re: Agricultural Land Reserve Appeal No. A00-110 – Tyler Vickrey (Harald Hall/ Friends of Mission Creek Society) – 3950 Borland Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R956/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-110, That part of Sec. 11 shown outlined in red on Plan B1862; Twp. 26, O.D.Y.D., located on Borland Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 3.5 Planning & Development Services Department, dated November 15, 2000 re: Agricultural Land Reserve Appeal No. A00-111 – Victor & Alice James (Harald Hall/Friends of Mission Creek Society) – 3905 Borland Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R957/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-111, Lot 1, Sec. 11, Twp. 26, O.D.Y.D., Plan 2005 except Plan 2645, located on Borland Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 3.6 Planning & Development Services Department, dated November 16, 2000 re: Agricultural Land Reserve Appeal No. A00-112 – Wilhelmus Braam (Harald Hall/ Friends of Mission Creek Society) – 3567 Bemrose Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R958/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-112, Lot 2, Sec. 11, Twp. 26, O.D.Y.D., Plan 4332, located on Bemrose Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

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- 3.7 Planning & Development Services Department, dated November 16, 2000 re: Agricultural Land Reserve Appeal No. A00-113 – Charles Johnston (Harald Hall/Friends of Mission Creek Society) – 3547 Bemrose Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R959/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-113; Lot 1, Sec. 11, Twp. 26, O.D.Y.D., Plan 4332, located on Bemrose Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 20(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 3.8 Planning & Development Services Department, dated November 16, 2000 re: Agricultural Land Reserve Appeal No. A00-115 – John & Terry Whittaker (Bill Vos/Regional District of Central Okanagan) – 2547 Belgo Road (6635-20)

Moved by Councillor Cannan/Seconded by Councillor Nelson

R960/00/12/04 THAT Agricultural Land Reserve Appeal No. A00-115, Lot 4, Block 17, Sec. 11, Twp. 26, O.D.Y.D., Plan 1380 except Plan H17537, located on Belgo Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

Councillor Hobson returned to the Council Chamber at 1:52 p.m. and took his place at the Council Table.

- 3.9 Planning & Development Services Department, dated November 29, 2000 re: Rezoning Application No. Z99-1049 and ASP99-001/OCP99-015 – R127 Enterprises Ltd. (Wayne Judiesch) - Mission Ridge Road/Westpoint Drive (3360-20)

Staff:

- At initial consideration when this application was advanced to Public Hearing, Council directed staff to consider the options for ownership of the Coronado slope.
- The Parks Committee recommendation is for the Coronado slope to be dedicated to the City for public open space purposes.
- The Parks Committee also recommends that the path connection between the toe of the slope and the ridgeline on the top of the bank be rehabilitated, that chainlink fencing be required at the top of the slope as well as along the toe of the slope, that the existing path at the toe of the slope be maintained and upgraded, and that the existing trail up the slope be utilized to link the two neighbourhoods.
- Two letters have been received with respect to ownership of the slope area and they have been circulated for Council's consideration.

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Council:

- Agreed to a friendly amendment to the motion directing City staff from the Planning and Parks departments to meet with the Coronado Crescent residents to deal with any concerns they have about use and management of the Coronado slope area prior to the Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Day

R961/00/12/04 THAT the proposed P3 – Parks and Open Space portion of the S.E. ¼ of Sec. 31 not included within the limit of D.L. 580a, S.D.Y.D., Twp. 29, O.D.Y.D., except Plans B3677, 3093, 13170, 17707, 18684, 20390, 32874 and 36632, located between Westpoint Drive and Mission Ridge Road, Kelowna, BC, be dedicated to the City of Kelowna subject to the requirements outlined in the report of the Planning & Development Services Department dated November 30, 2000;

AND THAT City staff from the Planning and Parks departments meet with the Coronado Crescent residents to deal with any concerns they have about use and management of the Coronado slope area prior to the Public Hearing.

Carried

Councillor Cannan opposed.

- 3.10 Community Planning Manager, dated November 29, 2000 re: Request for Start-Up Grant by Quail Ridge Residents' Association (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R962/00/12/04 THAT City Council approve the request for a \$500 start-up grant for the Quail Ridge Residents' Association on the basis that it conforms to the provisions established by Council through resolution S1190/93/10/18 adopted on October 18, 1993.

Carried

- 3.11 Director of Planning & Development Services, dated November 30, 2000 re: Development Permit Application No. DP00-10,089 – Bank of Montreal Real Estate (Ron Chikmoroff) – 282/294 Bernard Avenue (3060-20)

Staff:

- Permits have already been approved by Council for demolition of the existing bank buildings and construction of new 3-storey building.
- The applicant has since reconsidered some of the design elements of the proposed new building and this revised application among other things incorporates some heritage elements replicated from the original building into the façade, recesses the top of the building by 5 feet, and changes the top of the building from brick construction to a glass curtain wall.
- The Community Heritage Commission (CHC) wanted preservation of the existing façade from the Hewetson Mantle building but the applicant has determined that what is left of that façade is not structurally sound to achieve the bank's objectives without significant cost.
- The revised Development Permit application qualified as a direct Development Permit which could be approved and issued by the Director of Planning & Development Services. However, the CHC continues to take a position of non-support and therefore it was felt that the matter should be resolved by Council.
- The Bank of Montreal has verbally indicated willingness to match a grant to update the existing public art on the corner in front of their site.

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Council:

- Town Centre Committee to consider how to deal with this block of Bernard Avenue and how to provide incentives for following the design guidelines and goals of the Downtown Plan without discouraging economic development in the area, and consider adding to the guidelines a requirement that evaluation of heritage buildings is to be by an experienced firm.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R963/00/12/04 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,089; for Lot A, DL 139, O.D.Y.D., Plan 38133, located on Harvey Avenue, 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";

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

4. REPORTS

- 4.1 Wastewater Manager, dated November 28, 2000 re: Sewer Connection Charge Bylaw Amendments (B/L 8469; 5340-09-21)

Staff:

- The bylaw designates a cost for each service area when development takes place in advance of a Specified Area being established. The cost of installing the sewer mains is divided by the total number of homes in the area to establish sewer connection charges unique to each area.

Moved by Councillor Day/Seconded by Councillor Cannan

R964/00/12/04 THAT the Wastewater Manager's report of November 28, 2000 recommending the establishment of sewer connection charges to equalize the apportionment of sewer installation costs throughout certain service areas within the city be received for information;

AND THAT Sewer Connection Charge Bylaw No. 8469 be amended as required;

AND FURTHER THAT the necessary amending bylaw be advanced for reading consideration by Council.

Carried

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- 4.2 Deputy Director of Finance, dated November 28, 2000 re: Redemption of Okanagan Mission Irrigation District Debenture (2240-20)

Moved by Councillor Nelson/Seconded by Councillor Given

R965/00/12/04 WHEREAS Okanagan Mission Irrigation District (hereinafter called the "Improvement District") borrowed money by the issue and sale of its 25-year, 10.20% Debentures, Bylaw No. 160, due 2004 (hereinafter called the "Debentures") in an aggregate principal amount of \$100,000.00 in lawful money of Canada;

AND WHEREAS the responsibility for the Improvement District was passed to the City of Kelowna effective December 31, 1993 with the assets and liabilities of the Improvement District becoming the property of the City of Kelowna;

AND WHEREAS the Debentures are redeemable in their entirety at a price of 100% of their aggregate principal amount on February 15, 2001, all as permitted under the terms and conditions of the Debentures;

NOW BE IT RESOLVED that the Mayor and Council of the City of Kelowna are hereby authorized to exercise in their complete discretion all of the powers, duties and authority which the trustees of the Improvement District would be empowered to exercise to redeem the Debenture in its entirety on February 15, 2001 at a price of 100% of their aggregate principal amount;

AND THAT if any of the provisions of this resolution, or any act done pursuant thereto, should conflict in any way with the terms and provisions of any other resolution of the City of Kelowna, then to the extent of such conflict any such other resolution of the City of Kelowna is hereby rescinded;

AND THAT the Clerk of the City of Kelowna be authorized to certify and deliver true and exact copies of this resolution as the circumstances may require;

AND FURTHER THAT the current balance outstanding of approximately \$25,000 be considered for repayment during 2001 budget discussions.

Carried

5. RESOLUTIONS

- 5.1 Draft Resolution re: Council Appointees – Okanagan Regional Library Board (0380-01)

Moved by Councillor Given/Seconded by Councillor Hobson

R966/00/12/04 THAT the City of Kelowna Municipal Council appointees to the Okanagan Regional Library Board for 2001 be re-affirmed as Councillor C.B. Day with Councillor A.F. Blanleil as alternate.

Carried

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6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8616 – Amendment No. 13 to Business Licence & Regulation Bylaw No. 7878

Council:

- The motion adopted by Council at the Regular Meeting of November 20, 2000, to reduce the Lake City Casino business licence fee back to what it was before the casino category was established and the licence fee was increased to \$3,000, was adopted on the premise that the former fee was in the neighbourhood of \$500.
- It turns out the former fee was \$125.01.
- Staff to review the criteria used for establishing business licence fees.

Amendment Moved by Councillor Blanleil/Seconded by Councillor Day

R967/00/12/00 THAT the business licence fee for Lake City Casino for 2001 be set at \$500 plus the 2% increase previously approved by Council;

AND THAT Bylaw No. 8616 be so amended.

Carried

Councillors Blanleil and Cannan opposed.

Bylaw No. 8616, as amended, was then presented for first 3 readings.

Moved by Councillor Blanleil/Seconded by Councillor Day

R968/00/12/04 THAT Bylaw No. 8616 be read a first, second and third time.

Carried

Councillors Blanleil and Cannan opposed.

- 6.2 Bylaw No. 8621 – Amendment No. 3 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Cannan

R969/00/12/04 THAT Bylaw No. 8621 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 8620 – Amendment No. 6 to Airport Fees Bylaw No. 7982

Moved by Councillor Nelson/Seconded by Councillor Given

R970/00/12/04 THAT Bylaw No. 8620 be adopted.

Carried

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7. COUNCILLOR ITEMS

(a) Farm Improvements Taxation

Councillors Hobson and Day declared a conflict of interest because they would be directly and indirectly impacted by decisions regarding the taxation of principal dwellings on land with farm status and left the meeting at 3:03 p.m.

Mayor Gray noted that subsequent to staff bringing forward a report raising the issue of taxation on farm dwellings (October 2, 2000), a public consultation process was initiated and the public was invited to provide input to Council at the Regular Meeting of November 28, 2000. Based on the input received at that meeting and comments from some members of Council since then, it would appear there may not be need for a further report from staff or for the matter of farm taxation to be brought forward for debate at the Regular Meeting on December 11, 2000.

Council commended staff for bringing this contentious issue forward and recognized that the staff recommendation to increase taxation on principal farm dwellings to the residential level could not change. However, Council agreed that what the farming community does on their land adds great value to the entire community and the consensus was to leave farm taxation unchanged at this time.

Mayor Gray noted that during the public consultation process, it also became apparent that the majority of the farming community does not want roads and services extended to rural areas, and that input will be of value when determining future service needs in the city. He also suggested that it may be appropriate to revisit the matter of farm improvements taxation if ever legislation is changed to allow farm homes to be separated from the farm land.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R971/00/12/04 THAT the current tax treatment of properties with farm status remain unchanged from what is rooted in the 1973 amalgamation agreement and associated letters patent issued by the Province;

AND THAT staff be advised there is no need to prepare a report in response to input received from the public at the Regular Meeting of November 28, 2000 on the issue of farm improvements taxation, or for the matter of farm improvements taxation to be debated at the Regular Meeting of December 11, 2000.

Carried

(b) Pine Beetle Infestation – Quail Ridge

Councillor Given advised that Pine Beetle are infesting the trees along Quail Ridge above the Glenmore Landfill and suggested staff investigate whether some cutting and replanting is warranted in that area.

(c) Transit Buses

Councillor Nelson expressed concern that on more than one occasion during good weather conditions he has seen transit buses in operation that are so dirty the advertising on the buses was not visible. The City Manager advised that information he has received indicates that transit buses are washed on a daily basis but noted that he would follow-up on the matter.

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(d) Liquor Control & Licensing Act

Councillor Cannan made reference to a recent UBCM circular and suggested that recent changes to the Liquor Control Act (re service of alcohol in restaurants without food, etc.) may warrant a change in the fee schedule for business licenses and enquired about the status of Social Contracts with the downtown cabarets. The City Manager advised that the impact of the legislative changes has not yet been evaluated by staff but a report will come forward addressing that impact along with the Social Contract issue.

8. TERMINATION

The meeting was declared terminated at 3:26 p.m.

Certified Correct:

Mayor

BLH/bn

Acting Deputy City Clerk