

Regular Meeting – P.M.

February 5, 2001

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, February 5, 2001.

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

Council members absent: Councillor Clark, and R.D Hobson.

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 Parks & Leisure Services, D.L. Graham*; Civic Properties Superintendent, H.R. Hyatt*; Drainage/Solid Waste Manager, A. Newcombe*; Biosolids Technician, G. Light*; Deputy Director of Finance, P. Macklem*; and Acting-Council Recording Secretary, L.M. Taylor.

(* denotes partial attendance)

1. CALL TO ORDER

The Mayor called the meeting to order at 1:30 p.m.

2. Councillor Day was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

3.1 Director of Parks and Leisure Services, dated January 31, 2001 re: Legal Agreements with YMCA-YWCA of Central Okanagan for Athans Aquatic Centre (BL 8635 & 8638)

Staff:

- Agreements include 30-year lease to the YMCA-YWCA; purchase of service agreement; and capital development program.
- City will be providing bridge financing to the YMCA-YWCA by means of interest-free loan of \$475,000.00
- Capital program of \$2.8 million will be shared with City paying \$1 million (from reserves) and YMCA-YWCA paying \$1.8 million which the YMCA-YWCA will borrow.
- Tripartite agreement between City, YMCA-YWCA and Toronto Dominion Bank to require City to assume YMCA-YWCA's loan in the event of default or termination of agreement.
- Counter petition process is required.

Moved by Councillor Shepherd/Seconded by Councillor Given

R88/01/02/05 THAT City Council approve the legal agreements between the YMCA-YWCA of the Central Okanagan and the City of Kelowna for the lease, operation and expansion of the Athans Aquatic Centre as included in the report from the Director of Parks and Leisure Services dated January 31, 2001;

AND THAT the Mayor and City Clerk be authorized to execute the legal agreements on behalf of the City of Kelowna subject to the counter petition process and the adoption of the required bylaws;

AND FURTHER THAT the dates for conducting the counter petition be set out after obtaining the required approval from the Inspector of Municipalities.

Carried

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(BYLAWS PRESENTED FOR FIRST THREE READINGS)

3.1(a) Bylaw No. 8635- Athans Aquatic Centre Agreements

Moved by Councillor Nelson/Seconded by Councillor Given

R89/01/02/05 THAT Bylaw No. 8635 be read a first, second and third time.

Carried

3.1(b) Bylaw No. 8638 – Athans Aquatic Centre Loan Authorization

Moved by Councillor Given/Seconded by Councillor Nelson

R90/01/02/05 THAT Bylaw No. 8638 be read a first, second and third time.

Carried

4. PLANNING

4.1 Planning & Development Services Department, dated January 30, 2001 re: Agricultural Land Reserve Appeal No. A00-117 – Stan Klassen – 4661 Stewart Road East (6635-20)

Staff:

- Applicant is proposing two-lot subdivision and including of portion of site into ALR.
- Improvement of irrigation on property will improve viability of the existing beef cattle operation.
- Access to both lots would be from Stewart Road East.
- Planning has no concern with the application.

Moved by Councillor Nelson/Seconded by Councillor Cannan

R91/01/02/05 THAT Agricultural Land Reserve Appeal No. A00-117; Lot 204, Secs. 28 and 29, Twp. 29, S.D.Y.D., Plan 1247, located on Stewart Road East, 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

Councillor Cannan opposed.

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- 4.2 Planning & Development Services Department, dated January 30, 2001 re: Agricultural Land Reserve Appeal No. A00-116 – School District #23 – 805, 815 & 895 Craig Road, 521 Hartman Road and 650 Webster Road (6635-20)

Staff:

- Application is to exclude four lots from the ALR to permit construction of an elementary school to replace existing Rutland Elementary School.
- In 1991 the Land Reserve Commission passed a resolution supporting the urban use of lands along the toe of the slope in the Hartman Road area.
- The Agricultural Advisory Committee supported the application subject to a suitable buffer being added between the school property and the agricultural land.
- Once excluded from the ALR, the property will have to be rezoned. As it is an educational use a development permit is not required.

Council:

- At the public hearing for the rezoning, information should be provided on a traffic study and the plans for the historical building on the present site.
- Staff should work with School District to ensure the parking on the new school site is located adjacent to the Rutland Sportsfield.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R92/01/02/05 THAT Agricultural Land Reserve Appeal No. A00-116; Lot 1, Sec. 25, Twp. 26 ODYD Plan 5136 except Plan 21455; Lot A, Sec. 25, Twp. 26 ODYD, Plan 21455; Lot 1 Secs. 25 and 26, Twp. 26 ODYD Plan 14324 and Lot 2, Sec. 26, Twp. 26 ODYD Plan 14324; located on 805-815, 895 Craig Road, 621 Hartman Road, and 650 Webster Road, Kelowna, B.C., for exclusion from the Agricultural Land Reserve pursuant to Section 15(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

- 4.3 Planning & Development Services Department, dated January 31, 2001 re: Rezoning Application No. Z01-1003 – Vintage Properties Inc. (Greg Dusik) – 1716 Marona Court (3360-20)

Staff:

- Application will permit construction of a secondary suite on the ground floor of a new two-storey dwelling.

Council:

- Request clarification at the public hearing as to whether or not suite has access to the basement.

Moved by Councillor Nelson/Seconded by Councillor Given

R93/01/02/05 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 18, Sec. 32, Twp. 26, O.D.Y.D., Plan KAP68018, located on Marona 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.

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- 4.4 Planning & Development Services Department, dated January 31, 2001
re: Rezoning Application No. Z00-1061 – Wade Benner - 640 Seaford Road (3360-20)

Staff:

- Application is to legalize the use of the existing secondary suite in the basement of the single-family dwelling.
- Building code issues will need to be addressed before the application can be approved.

Council:

- Request clarification at the public hearing as to whether the lot is on sewer, what the complaint was based on (noise, traffic); and how many suites currently exist in the area.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R94/01/02/05 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 23, Sec. 23, Twp. 26, O.D.Y.D., Plan 24631, located on Seaford 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to the Department's satisfaction.

Carried

- 4.5 Planning & Development Services Department, dated January 31, 2001
re: Rezoning Application No. Z00-1055 – Skoglund Enterprises Ltd. (Dave Skoglund) – 1735 Richter Street (3360-20)

Staff:

- Application will permit the construction of three-bay drive through lube facility and automated car wash.
- Development will share access driveway from Richter Street with property to the north.
- Under Bylaw 4500 the property was zoned C-8 – Service Station Commercial which permitted a car wash facility. When Bylaw 8000 was adopted the property was zoned C-4 – Town Centre Commercial and a car wash or lube facility was no longer permitted.
- Applicant has volunteered a restrictive covenant on property to limit the use to rapid drive-through vehicle uses.
- Uses on site have been orientated to minimize the impact of neighbouring residential properties.

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Moved by Councillor Blanleil/Seconded by Councillor Cannan

R95/01/02/05 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 138, O.D.Y.D., Plan 42558, located on Richter Street, Kelowna, B.C., from the C4 – Town Centre Commercial zone to the C10 – Service 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 Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

Council:

- City should share in rezoning application costs, as the change in zoning was not the fault of the applicant.
- Staff were instructed to draft a policy to deal with the application fees for rezoning applications that are a result of an error, or inadvertent change in zoning, resulting from the adoption of a new zoning bylaw.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R96/01/02/05 THAT the City pick up the cost of the rezoning application fee for Z00-1055.

Carried

LATE ITEM

4.6 Director of Planning and Development Services, verbal report re: Commercial Needs Study for Okanagan Mission

Staff:

- At the present time there are no plans to do a commercial needs assessment for the Okanagan Mission, but staff have gathered a fair amount of information they will be able to use to establish guidelines for commercial development in the OCP.

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5. REPORTS

5.1 Drainage/Solid Waste Manager, dated January 31, 2001 re: Ogogrow Marketing Strategy (5380-03)

Staff:

- A marketing plan was developed five years ago when Ogogrow was introduced to develop a market for the product.
- Ference Weicker and Company was retained in 2000 to provide a marketing strategy for an established product.

Ted Weicker, Consultant:

- Greatest potential for sales growth is to orchardists and retail sites and there is also potential to increase sales for residential use.
- City should use a volume pricing strategy to increase the average price of Ogogrow. This would serve to increase revenues and provide further incentive for larger consumers to further develop the market.
- Direct marketing should be implement to develop individual markets.
- Compared to other organic soil conditioners Ogogrow has higher nutrient content than other mulches, is sterile compost, is competitively priced and is readily available.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R97/01/02/05 THAT Council approve the recommendations of the Marketing Strategy prepared by Ference Weicker and Company;

AND THAT staff be directed to implement the recommendations of the Marketing Strategy in general accordance to the transitional pricing scheme.

Carried

5.2 Deputy Director of Finance, dated January 29, 2001 re: Change in Property Tax Penalty Dates (BL8639)

Staff:

- Proposal to establish two penalty dates for unpaid property taxes and to split the current penalty of 10% evenly at 5% for both the first and second penalty dates.
- A survey of various municipalities shows the majority of them use a 5% initial penalty and 5% subsequent penalty.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R98/01/02/05 THAT Council authorize staff to prepare a bylaw, under section 367 of the Local Government Act, establishing an alternative municipal tax collection scheme;

AND THAT a second penalty date for payment of City of Kelowna property taxes be established as midnight on the first working day after the August Civic holiday;

AND THAT the current 10% penalty be split evenly at 5% of the current outstanding levy for both the first and second penalty dates;

AND FURTHER THAT a review and evaluation of the tax penalty change be conducted in the fall of 2001 to determine the impact on customers, corporate revenues, and resources and a report be provided to Council prior to 2002 budget discussions.

Carried

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6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.1 Bylaw No. 8639 – Tax Penalty

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R99/01/02/05 THAT Bylaw No. 8639 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

6.2 Bylaw No. 8633 – Amendment No. 7 to Airport Fees Bylaw No. 7982

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R100/01/02/05 THAT Bylaw No. 8633 be adopted.

Carried

Councillor Shepherd opposed

6.3 Bylaw No. 8634 – Amendment No. 4 to Development Application Procedures Bylaw No. 8140

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R101/01/02/05 THAT Bylaw No. 8634 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Draft Official Community Plan Update

Council:

- Requested staff provide an update on the status and timing of the draft Official Community Plan.

(b) Shaw Cable

Council:

- Expressed concern that Shaw is only televising Tuesday meetings at noon on Wednesdays and 7:00 p.m. Sundays

8. TERMINATION

The meeting was declared terminated at 4:45 p.m.

Certified Correct:

Mayor

LMT/bn

City Clerk