

Regular Meeting – P.M.

February 12, 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 12, 2001.

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

Council member absent: Councillor B.A. Clark

Staff members in attendance were: Acting-City Manager, D.L. Graham; City Clerk, D.L. Shipclark; Current Planning Manager, A. Bruce; Long Range Planning Manager, L.V. Foster\*; Parks Manager, J. Creron\*; Design & Construction Supervisor, J. Kunow\*; Inspection Services Manager, K. Skinner\*, Long Range Planner, G. Stephen\*; Deputy Director of Finance, P.A. Macklem\*; and Acting-Council Recording Secretary, L.M. Taylor.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Friends of Knox Mountain Park re: Future of Knox Mountain Park

Bob Lemon, Friends of Knox Mountain Park Society

- Purpose of society is to promote the stewardship, design and expansion of Knox Mountain Park in partnership with the City of Kelowna.
- City has an obligation to maintain and secure the current Park plus do annual improvements in a manner consistent with the Knox Mountain Park Management Plan which was approved by Council in 1998.
- Society is interested in proper design of Park and is the obvious partner for the City to work with to identify and implement priorities for improvements to the Park.
- Simpson Trust was established for improvements to the Park, not for day-to-day maintenance or improvements to existing facilities within the Park.
- It is important to expand the boundaries of the park and the Marshall and Boppart properties are essential to this expansion. Society may be willing to assist in purchase of additional lands by fundraising.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R102/01/02/12** THAT Council acknowledge the desire of the Friends of Knox Mountain Park to enter into a partnership with the City of Kelowna for the preservation of Knox Mountain Park;

AND THAT the presentation of the Friends of Knox Mountain Park be received and referred to staff for review with the Parks & Facilities Committee for a report back to Council.

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4. UNFINISHED BUSINESS

- 4.1 Transportation Manager, dated January 17, 2001 re: Pedestrian Master Plan (8330-20)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R103/01/02/12** THAT further consideration of the Pedestrian Master Plan be deferred until February 19, 2001.

Carried

5. PLANNING

- 5.1 Planning & Development Services Department, dated February 7, 2001 re: Amendment to Development Application Fees Bylaw No. 8034 (4320-00, BL8644)

Staff:

- Recent changes to provincial liquor license regulations now require Council resolutions for increased licensed capacities and ‘designated food optional’ areas in restaurants.
- Council has the option of not providing comments for the ‘designated food optional’ areas.
- Draft Council Policy No. 295 recommends that Council endorse a “no comment” policy for designated food optional area applications.
- Legislation permits recovery of costs of reviewing requests for Liquor License applications.
- It is recommended that, where a Council Resolution is required, the fee should be \$500.00 because consideration must be given to parking, code requirements, affects on adjoining properties, zoning issues.
- Where City endorsement is required with no council resolution the fee should be \$50.00.

Moved by Councillor Cannan/Seconded by Councillor Day

**R104/01/02/12** THAT Development Application Fee Bylaw No. 8034 be amended by adding the following categories after the section titled "Neighbourhood Pub Applications":

Liquor License applications requiring a Council Resolution to expand their licensed capacity to the building/fire code - \$500.00;

Liquor License applications requiring City approval [NO Council Resolution] - \$50.00;

AND THAT Council endorse Council Policy No. 295 as detailed in Schedule A attached to the report from the Planning & Development Services Department dated February 7, 2001;

AND THAT Council name the Current Planning Manager or his designate as the signing authority for Liquor License Applications when NO Council Resolution is required;

AND FURTHER THAT the Business License fees for liquor licensed establishments not be changed until the review of the entire Business License Bylaw has been completed.

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- 5.2 Planning & Development Services Department, dated February 7, 2001 re: Development Permit Application No. DP00-10,090 – Prospero Canadian Land Investment Fund Ltd. (ICR Architecture and Project Consultants) – 1755 Capri Street (3060-20)

Staff:

- Application is to construct a new 464m<sup>2</sup> restaurant at the southeast corner of the intersection Capri Street and Harvey Avenue.
- Site is located in the Downtown Urban Town Centre and therefore requires a Development Permit.
- Currently used as a parking lot for the Capri Mall and the Capri Hotel.
- The parking stalls provided on this lot were in addition to those required for the mall and the hotel, therefore development of this site does not impact the parking capacity for the mall and the hotel.
- A restrictive covenant was registered against the title of this property, prohibiting the development of a beer parlour, pub or cabaret, but allowing the construction of a fully licensed restaurant.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R105/01/02/12** THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,090; for Lot C, D.L. 137, Sec. 19, Twp. 26, O.D.Y.D., Plan KAP64836, located on Capri Street, 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. Signage to be in accordance with Schedule "D";
5. 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;

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

- 5.3 Planning & Development Services Department, dated February 7, 2001 re: Draft Official Community Plan – Status Report/Process Update

Staff:

- Recent changes to the Local Government Act require that Council establish a consultation policy with respect to the adoption or amendment of an Official Community Plan. That policy will need to address the process (including timing issues) of consultation with various provincial, regional and local agencies, and community interests, as well as outline the process Council will use in addressing public input received. Policy will be forwarded for council consideration within the next month.
- The final draft of OCP is proposed to be ready by April 2001.
- Final draft would be advanced to Council for initial consideration and First Reading, for a Public Hearing on OCP Bylaw 8600 by mid to late June 2001.

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Council:

- Questioned whether additional public input is required on the issues of the widening of Lakeshore, the Pandosy/Richter couplet and the density of development in the Mission
- Staff should consider this when drafting consultation policy as there is a direct relationship between land use, density and transportation issues.
- Suggestion to have a workshop type of public meeting to discuss the information and issues raised at the public hearing on the OCP rather than typical council meeting type of debate.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R106/01/02/12** THAT the Planning & Development Services report of February 7, 2001 on the status of the OCP Review Process be received for information.

Carried

## 6. REPORTS

6.1 Deputy Director of Finance, dated February 1, 2001 re: Cancellation of 2000 Property Taxes - #27 – 3787 Lakeshore Road (1970-04)

Staff:

- Manufactured home was moved to another taxation district after October 31, 1999.
- BCAA was not aware of the move and assessed the property for 2000.
- Taxes for 2000 were not paid to the City of Kelowna and the City does not have any claim to those unpaid taxes, because the manufactured home was not within the City's boundaries for any of 2000.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R107/01/02/12** THAT Council approve the cancellation of \$262.04 of property taxes, which includes \$200.33 of municipal taxes for the year 2000, along with a penalty cancellation in the amount of \$23.82;

AND THAT Council request the Ministry of Municipal Affairs to process an order under Section 248 of the Local Government Act authorizing the City to reduce the 2000 taxes, on the above referenced property for the year 2000.

Carried

6.2 City Clerk, dated February 8, 2001 re: Athans Aquatic Centre Agreements Authorization Bylaw No. 8635 and Athans Aquatic Centre Loan Authorization Bylaw No. 8638 (BL8635 & 8638)

Moved by Councillor Blanleil/Seconded by Councillor Given

**R108/01/02/12** THAT 4:00 p.m., Friday, March 16, 2001 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to Bylaw No. 8635 and Bylaw No. 8638.

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7. RESOLUTIONS

7.1 Draft Resolution re: Cancellation of Meetings (0550-01)

Moved by Councillor Nelson/Seconded by Councillor Given

**R109/01/02/12** THAT the Public Hearing and the Regular Council Meeting scheduled for March 13, 2001 be cancelled.

Carried

8. COUNCILLOR ITEMS

(a) Development Permits for Institutional & Educational Uses

- Staff were instructed to prepare a draft resolution to be sent to OMMA and UBCM requesting changes to Provincial Legislation to require development permits for institutional and educational uses.
- Resolution to be presented for Council consideration on February 19.

(b) Litter on Leon Avenue

- Mayor Gray reported he was downtown on Sunday afternoon and there was a large amount of litter, broken glass and garbage on the street on the north side of Leon Avenue.
- Staff were asked to report back to Council as to what tools are available to the City to force the nightclubs to take responsibility to clean the streets in front of their businesses and to prevent their patrons from taking glass out of their establishments in the first place.

9. TERMINATION

The meeting was declared terminated at 3:29 p.m.

Certified Correct:

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Mayor

LMT/bn

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City Clerk