

Regular Meeting – P.M.March 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, March 5, 2001.

Council members in attendance were: Acting-Mayor B.A. Clark, Councillors R.D. Cannan, C.B. Day*, B.D. Given, R.D. Hobson and J.D. Nelson.

Council members absent: Mayor Walter Gray and Councillors A.F. Blanleil 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*; Community Planning Manager, T. Eichler*; Director of Finance & Corporate Services, C.P. Kraft*; Deputy Director of Finance, P.A. Macklem*; Financial Planning & Systems Manager, K. Grayston*; Director of Works & Utilities, J. Vos*; Water Manager, D. Degen*; Wastewater Manager, W.J. Berry*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, H.R. Hyatt* Recreation Manager, R. Oddleifson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Clark called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Michael Hook, Chair of CASEY re: Communities Against Sexual Exploitation of Youth (CASEY) - Awareness Week

Michael Hook, CASEY Chair:

- Sexual exploitation of children and youth is a growing problem in British Columbia and communities need to take action and provide the support needed to keep children out of the sex trade.
- Education and raising awareness is the CASEY mandate.

4. UNFINISHED BUSINESS

4.1 Financial Planning & Systems Manager, dated February 26, 2001 re: Downtown Ambassador Program (1700-20)

Staff:

- Council should be aware that there would be an ongoing requirement from the City for approximately \$10,000 annually to keep the program going.

Moved by Councillor Hobson/Seconded by Councillor Day

R160/01/03/05 THAT funding for the Downtown Ambassador Program, being established by the Downtown Kelowna Association, be used from existing 2001 budget and a budget item for \$25,000 be prepared for Final Budget consideration by Council.

Carried

Regular Meeting – P.M.

March 5, 2001

5. PLANNING

- 5.1 Planning & Development Services Department, dated February 28, 2001 re: Rezoning Application No. Z01-1006 – Kneller Holdings Ltd. (Hans Kruiswyk) – 1156 Kneller Road (3360-20)

Staff:

- The subject property is currently vacant.
- The rezoning would permit development of a secondary suite on the ground floor of the house to be constructed.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R161/01/03/05 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 KAP68048, located on Kneller Court, 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.

Carried

- 5.2 Planning & Development Services Department, dated February 28, 2001 re: Rezoning Application No. Z00-1062 – Joseph Marshall – 9590 McCarthy Road (3360-20)

Councillor Day declared a conflict of interest because a direct family member owns property directly across the street from the subject property and left the Council Chamber at 1:59 p.m.

Staff:

- The property is currently a wrecking yard and the existing zone permits warehousing of automotive parts but not dismantling of vehicles.
- The zoning is requested to legalize the existing use of the site and facilitate sale of the business.

Moved by Councillor Nelson/Seconded by Councillor Given

R162/01/03/05 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Sec. 11, Twp. 20, O.D.Y.D., Plan 3997, located on McCarthy Road, Kelowna, B.C., from the I2 – General Industrial zone to the I3 – Heavy Industrial 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 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 plan of subdivision for the road widening in registered at the Land Titles Office in Kamloops.

Carried

Councillor Day returned to the Council Chamber at 2:05 p.m. and took his place at the Council Table.

Regular Meeting – P.M.

March 5, 2001

- 5.3 Planning & Development Services Department, dated February 28, 2001 re: Development Permit Application No. DP01-10,006 – Public Works & Government Services, Government of Canada (Doug Land, Water Street Architecture) – 471 Queensway Avenue (3060-20)

Staff:

- This is a voluntary application that deals with façade improvements to the Federal Building.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R163/01/03/05 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,006; for Lots 7 to 12, Block 16, D.L. 139, O.D.Y.D., Plan 462, located on Queensway, Kelowna, B.C., subject to the following:

1. The changes of the exterior design, finish and signage of the building be in general accordance with Schedule "A".

Carried

- 5.4 Planning & Development Services Department, dated February 26, 2001 re: Rezoning Application No. Z99-1033 – Barbara Lane, Derrick Elliott and Sharon Loudoun – 1193 Cerise Drive (B/L 8438; 3360-20)

Moved by Councillor Given/Seconded by Councillor Nelson

R164/01/03/05 THAT Municipal Council authorize an extension of the deadline for adoption of Zone Amending Bylaw 8438 (Z99-1033) for a period of 180 days, to July 13, 2001.

Carried

- 5.5 Planning & Development Services Department, dated February 22, 2001 re: Rezoning Application No. Z99-1007 – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – Southwest Corner of Burtch/Guisachan Roads (3360-200)

Councillor Day declared a conflict of interest because a direct family member owns the adjoining property and left the Council Chamber at 2:17 p.m.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R165/01/03/05 THAT Municipal Council authorize an extension to Rezoning Application No. Z99-1007 (Bylaw No. 8467) for a period of not more than 180 days from April 5, 2001.

Carried

Councillor Day returned to the Council Chamber at 2:18 p.m. and took his place at the Council Table.

Regular Meeting – P.M.

March 5, 2001

- 5.6 Planning & Development Services Department, dated February 27, 2001
re: Text Amendment No. TA01-002 (Weinmaster Homes) (3360-20)

Staff:

- Constituency offices are exempt prior to elections and the proposed amendment carries that exemption over to after the person is elected.

Moved by Councillor Given/Seconded by Councillor Nelson

R166/01/03/05 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the following to clause 1.4.3(c) of Use and Regulations:

“and constituency offices for federal and provincially elected representatives when located in an industrial, commercial or institutional zoned property. Any signage for the exempt uses will be required to meet the requirements of the Sign Bylaw for the existing zone of the property”;

AND THAT Text Amendment No. TA01-002 be forwarded to a Public Hearing.

Carried

- 5.7 Planning & Development Services Department, dated February 28, 2001
re: Amendment to Development Application Procedures Bylaw No. 8140

Staff:

- The proposed amendments would deal with the posting of development notice signs in the same way as sending out written notifications on development applications.
- Posting of development notice signs would not be required on properties where the development application includes more than 10 properties owned by more than 10 different owners, and the information posted on development notice signs would be more general.
- For purposes of notifications for development applications, strata developments are deemed to be one property with one owner.
- The proposed amendments are consistent with the *Local Government Act*.

Council:

- Staff to prepare a written statement that would be made available to applicants and the public to inform them what is available and when with respect to sharing information in development files.
- Discussed the cost implications of expanding the development notice sign requirements to include all development applications.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R167/01/03/05 THAT Municipal Council consider amending Development Application Procedures Bylaw No. 8140 as detailed in Attachment 1 appended to the report from the Planning & Development Services Department dated February 28, 2001;

AND THAT the amending bylaw No. 8647 be advanced for reading consideration by Council;

AND FURTHER THAT the current practice to treat strata developments as one property when determining notification and signage requirements be continued.

Carried

Councillor Cannan opposed.

Regular Meeting – P.M.

March 5, 2001

5.8 Planning & Development Services Department, dated February 28, 2001
re: Minimum Heating Standards Bylaw (3900-20)

Staff:

- The bylaw is intended to set a minimum standard for what is considered adequate heat; the Residential Tenancy Act is vague in that area.

Council:

- Concern about the City getting involved in an area of Provincial responsibility.
- Concern that imposing a minimum heating requirement could lead to increases in rent that tenants may already be having difficulty paying.
- Agreed to a friendly amendment to the motion for staff to clarify how the bylaw would be enforced and for staff to draft a resolution to OMMA to try to get changes in the Residential Tenancy Act to define what is adequate heat in a residence.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R168/01/03/05 THAT staff be directed to proceed with the necessary steps to enact a minimum heating standards bylaw, in accordance with the model that is attached to the Community Planning Manager's report of February 28, 2001;

AND THAT prior to such a bylaw advancing for reading consideration by Council, staff determine how the bylaw would be enforced through discussions with the Residential Tenancy Office and City Bylaw Enforcement staff;

AND FURTHER THAT a resolution be prepared for debate by the Okanagan Mainline Municipal Association urging the Provincial Ministry of the Attorney General to address minimum heating standards in the Residential Tenancy Act.

Carried

Councillors Day and Nelson opposed.

5.9 Planning & Development Services Department, dated March 1, 2001 re:
Housing Referral for Mental Health Clients (5040-20)

Staff:

- The draft letter identifies the situation and proposes that the Health Region consider the need for a referral service specifically for mental health clients.
- None of the agencies listed in the draft letter have asked the Director of Mental Health Services for funding for such a service.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R169/01/03/05 THAT the letter, attached to the Community Planning Manager's report of March 1, 2001, be sent from the Mayor on behalf of City Council to the Director of Mental Health Services for the Okanagan Similkameen Health Region to recommend that a properly-managed, centralized, permanently-funded housing referral service be provided for people with mental illnesses or disabilities.

Carried

Regular Meeting – P.M.

March 5, 2001

6. REPORTS

6.1 Deputy Director of Finance, dated February 28, 2001 re: South Mission Water Development Cost Charge Revision (3150-20)

Staff:

- The proposed DCC increase, from \$53 to \$575 per unit, would be effective immediately on new construction.
- The \$575 DCC charge is lower than other areas of the city because of a latecomer agreement that imposes other charges.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R170/01/03/05 THAT Council approve the revision of the South Mission Sector "W-B" Development Cost Charge for water servicing to \$575 per unit to recognize additional funding required for construction of the Cedar Creek permanent pumphouse;

AND THAT Council approve an amendment to the 20 Year Servicing Plan and Financing Strategy, per Appendix 1 attached to the report dated February 28, 2001 from the Deputy Director of Finance, to recognize estimated project costs for the Cedar Creek permanent pumphouse;

AND THAT Council approve an amendment to the 5 Year Financial Plan to reflect the expenditure of water utility funds in 2003 for the construction of the permanent pumphouse with funding from DCC revenue and debenture borrowing;

AND THAT Bylaw No. 8646 to amend the City's Development Cost Charge Bylaw No. 7728 – Schedule "B" to reflect the additional levy for Sector "W-B" – South Mission be advanced for reading consideration by Council;

AND THAT the City release Kettle Valley bonding of \$1,452,000 that was being held pending construction of the permanent pumphouse;

AND FURTHER THAT Council approve amendments subject to the approval of the Ministry of Municipal Affairs.

Carried

6.2 Deputy Director of Finance, dated February 28, 2001 re: Latecomer Charges – South Mission Water System (2250-70)

Moved by Councillor Nelson/Seconded by Councillor Given

R171/01/03/05 THAT Council require the owner of:

- Lot 1, Sec. 23, Twp. 28, S.D.Y.D., Plan 22290, Except Plans 24513, 25767 and 32591;
- Lot 168, Sec. 24, Twp. 28, S.D.Y.D., Plan 32591;
- Lot A, Sec. 23, Twp. 28, S.D.Y.D., Plan 29585, Except Plan 32591;
- Lot A, Secs. 23 and 24, Twp. 28, S.D.Y.D., Plan 23380, Except Plan 32591;
- Lot 1, Secs. 23 and 24, Twp. 28, S.D.Y.D., Plan 41091;
- Part of the NE ¼, Twp. 28, S.D.Y.D.

which is to be, or has been, subdivided or developed, to provide the excess or extended services shown on Schedule "A" attached to the report of the Deputy Director of Finance dated February 28, 2001;

Regular Meeting – P.M.

March 5, 2001

AND THAT Council consider the cost to provide the extended services shown on Schedule “B”, in whole or in part, to be excessive;

AND THAT the cost of providing these services shall be paid for by the owner of the land being subdivided or developed;

AND THAT Latecomer charges be imposed for extended services, as described on Schedule “A”, which were required to be installed as part of the referenced Development Project;

AND FURTHER THAT Latecomer charges be imposed on the benefiting lands within the shaded boundaries as detailed on Schedules “C-1” through “C-2”, attached to the report of the Deputy Director of Finance dated February 28, 2001.

Carried

6.3 Director of Parks & Leisure Services, dated March 1, 2001 re: Rotary Centre for the Arts (0760-20)

Moved by Councillor Given/Seconded by Councillor Nelson

R172/01/03/05 THAT City Council authorize commencement of all phases of construction of the Rotary Centre for the Arts;

AND THAT City Council instruct staff to notify the public in accordance with Section 185 of the Local Government Act that the City intends to guarantee a loan taken out by the Kelowna Visual & Performing Arts Centre Society.

Carried

6.4 Recreation Manager, dated February 28, 2001 re: Parks & Leisure Services Policy & Procedure Manual for Recreation Facilities, Sportsfields and Parks (1810-01)

Moved by Councillor Nelson/Seconded by Councillor Given

R173/01/03/05 THAT Council approve the Parks & Leisure Services Policy & Procedure Manual for Recreation Facilities, Sportsfields & Parks, effective April 1, 2001 as attached to the report from the Recreation Manager dated February 28, 2001;

AND THAT general admission and rental rates for rooms, facilities and park sites be increased by an average of 2.4% which is the B.C. Consumer Price Index for 2000;

AND THAT the Access Pass for disabled persons be expanded to include a Facility Only Pass as well as a Program Only Pass;

AND THAT the fee for the Facility Only and Program Only passes for disabled persons be increased over a 3 year period, starting November 1st, 2001, from 21.7% of the regular adult rate to 25% of the regular adult rate;

AND THAT the fee for the Combined Access pass for disabled persons be increased over a 3 year period, starting November 1st, 2001 from 21.7% of the regular adult rate to 33% of the regular adult rate;

AND THAT Council Policy No. 120 regarding Lifetime Swim Passes be phased out by the year 2003;

Regular Meeting – P.M.March 5, 2001

AND THAT all existing Lifetime Swim Passes continue to be honoured at the Parkinson Recreation Centre;

AND THAT new rates for seniors admissions to the Parkinson Recreation Centre be established at:

65 – 70 years of age	75% of the regular Adult rate
71 – 80 years of age	50% of the regular Adult rate
81 years of age and older	25% of the regular Adult rate;

AND THAT highly subsidized Access Passes for disabled persons and seniors admission rates and seniors program discounts apply exclusively to residents of the City of Kelowna;

AND FURTHER THAT the overnight parking rate at the City's district parks in conjunction with major outdoor events be \$15.00 per night per recreation vehicle.

Carried

6.5 Wastewater Manager, dated February 28, 2001 re: Leathead Road Trunk Sewer Latecomer Agreement (5340-09-22)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R174/01/03/05 THAT the City of Kelowna enter into an agreement with Phoenix Investments Ltd. (Jacobson GM), entitled the Leathead Road Trunk Sewer Agreement No.1;

AND THAT Mayor and City Clerk be authorized to execute and affix the corporate seal to this agreement.

Carried

6.6 Wastewater Manager, dated February 28, 2001 re: Federal/Provincial Infrastructure Grant – 2001 Applications (0410-01)

Moved by Councillor Day/Seconded by Councillor Cannan

R175/01/03/05 THAT Council endorse the list of priorities for projects to be submitted for consideration of Grant applications for 2001;

AND THAT staff be directed to prepare and submit applications under the Federal/Provincial Infrastructure Grant program, to the Ministry of Municipal Affairs, for the following projects:

1. Abbott Street revitalization
2. Fitzpatrick area (20A) Sewer Specified Area project
3. McCurdy area (21B) Sewer Specified Area project.

Carried

Regular Meeting – P.M.

March 5, 2001

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8646 – Amendment No. 8 to Kelowna Development Cost Charge Bylaw No. 7728

Moved by Councillor Given/Seconded by Councillor Nelson

R176/01/03/05 THAT Bylaw No. 8646 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8647 – Amendment No. 5 to Development Application Procedures Bylaw No. 8140

Moved by Councillor Nelson/Seconded by Councillor Given

R177/01/03/05 THAT Bylaw No. 8647 be read a first, second and third time.

Carried

Councillor Cannan opposed.

8. COUNCILLOR ITEMS

- (a) Anita Tozer Award

Councillor Given announced that the Tozer Family have committed to contribute half the cost of the Anita Tozer award.

- (b) New Streamside Protection Regulations

Councillor Cannan expressed concern that the 50 m setback requirement in new Streamside Protection regulations may prohibit hard surface pathways near streams. Staff will investigate.

- (c) Okanagan Regional Library Board

Councillor Day reported that the Okanagan Regional Library Board has called a special meeting for this Thursday to discuss potential expansion of the leased area for the Rutland Branch in Plaza 33. The existing library now occupies 4,650 sq. ft. which is below the 6,000 sq. ft. standard. The business next door is moving and there is now an opportunity to lease an additional 1,000 sq. ft. for the library. The estimated additional \$20,000 annual cost would be borne by the overall regional library.

Moved by Councillor Cannan/Seconded by Councillor Given

R178/01/03/05 THAT Councillor Day attend the emergency meeting of the Okanagan Regional Library Board with Council's endorsement for leasing the additional +1,000 sq. ft. of space in Plaza 33 for expansion of the Rutland Branch at an additional estimated annual cost of \$20,000.

Carried

Regular Meeting – P.M.

March 5, 2001

(d) Hillside Development Guidelines

Councillor Hobson noted that the Hillside Development Guidelines were sent to the Regional District of Central Okanagan for comment by the Regional Environment Advisory Committee. Their suggestions for improvements to the documents were forwarded to City staff quite a while ago but have not yet come back to Council. Staff will investigate.

9. TERMINATION

The meeting was declared terminated at 4:13 p.m.

Certified Correct:

Acting-Mayor Clark

City Clerk

BLH/bn