

Regular Meeting – P.M.

March 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, March 12, 2001.

Council members in attendance were: Acting-Mayor B.A. Clark, Councillors A.F. Blanleil, R.D. Cannan, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Mayor Walter Gray and Councillor C.B. Day.

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*; 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

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

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

3. CONFIRMATION OF MINUTES

Regular Meeting, February 19, 2001
 Regular Meeting, February 26, 2001
 Public Hearing, February 27, 2001
 Regular Meeting, February 27, 2001
 Regular Meeting, March 5, 2001

Moved by Councillor Nelson/Seconded by Councillor Given

R185/01/03/12 THAT the Minutes of the Regular Meetings of February 19, 2001, February 26, 2001, and February 27, 2001 and the Minutes of the Public Hearing of February 27, 2001 be confirmed as circulated.

Carried

4. PUBLIC IN ATTENDANCE

4.1 Robert Fine, Executive Director, Economic Development Commission re: Presentation of EDC Strategic Plan

Robert Fine, Executive Director and Pearse Walsh, EDC Board of Directors:

- Presented an outline of the primary focus areas and goals of the draft EDC Strategic Plan.
- Outlined the proposed strategies for implementation of the plan.

Council:

- Suggested the EDC list the names of their board members in their strategic plan and other published material where appropriate.
- Suggested the EDC needs to be involved in attracting people in the medical field and high tech industry, including spousal recruits when necessary.
- Stressed the importance of also pursuing input from youth businesses in the community.

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5. PLANNING

- 5.1 Planning & Development Services Department, dated March 7, 2001 re: Development Permit Application No. DP00-10,084 – Margaret Lunam (David Eeles) – 1272 St. Paul Street (3060-20)

Staff:

- The applicant is proposing to use the existing house as the security suite and to construct the 2-storey yoga studio at the rear of the property.

Council:

- Consider planting ivy along the firewall.

Moved by Councillor Nelson/Seconded by Councillor Given

R186/01/03/12 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,084 for David Eeles, Lot 16, D.L. 139, O.D.Y.D., Plan 1303, located on St. Paul 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. 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.

Carried

- 5.2 Planning & Development Services Department, dated March 7, 2001 re: Rezoning Application No. Z01-1013 – Donna Watson – 400 Hollywood Road South (3360-20)

Staff:

- The secondary suite was discovered as a result of a bylaw enforcement complaint.
- The site is serviced with sanitary sewer and there is adequate room to meet on-site parking requirements.

Moved by Councillor Given/Seconded by Councillor Shepherd

R187/01/03/12 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 21, Sec. 22, Twp. 26, O.D.Y.D., Plan 19846, located on Hollywood Road S., 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

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5.3 Planning & Development Services Department, dated March 7, 2001 re: Text Amendment No. TA00-003 – City of Kelowna (3360-20)

Staff:

- The proposed text amendment would address changes to regulations and inconsistencies between the Zoning Bylaw and other City policies.
- The major changes include revising the definition of home based businesses to require the owner to have permanent residency (240 days/year); providing for in-lieu-of cash payments for bike stall requirements; and adding flexibility to housing options in the multi-family zones to allow two single detached dwellings on one site where all the requirements for duplex housing have been met.
- The Homebuilders Assoc., the Urban Development Institute and the Southern Interior Construction Association have been notified of the Public Hearing date for this text amendment and advised that their opportunity for input will be at that meeting.

Council:

- Asked that staff also forward the proposed changes to the neighbourhood associations.

Moved by Councillor Nelson/Seconded by Councillor Given

R188/01/03/12 THAT City of Kelowna Zoning Bylaw No. 8000 be as detailed in Schedule "A" attached to the report of the Planning & Development Services Department dated March 7, 2001;

AND THAT Text Amendment No. TA00-003 be forwarded to a Public Hearing.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

6.1 Bylaw No. 8648 (Z01-1006) – Kneller Holdings Ltd. (Hans Kruiswyk) – 1156 Kneller Court

Moved by Councillor Hobson/Seconded by Councillor Cannan

R189/01/03/12 THAT Bylaw No. 8648 be read a first time.

Carried

6.2 Bylaw No. 8649 (Z00-1062) – Joseph Marshall – 9590 McCarthy Road

Moved by Councillor Hobson/Seconded by Councillor Nelson

R190/01/03/12 THAT Bylaw No. 8649 be read a first time.

Carried

6.3 Bylaw No. 8650 (TA01-002) – Text Amendment to City of Kelowna Zoning Bylaw No. 8000 (Weinmaster Homes)

Moved by Councillor Shepherd/Seconded by Councillor Given

R191/01/03/12 THAT Bylaw No. 8650 be read a first time.

Carried

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7. REPORTS

- 7.1 Mayor Gray, Chair, Regional Transportation Sub-Committee – Transit, dated March 7, 2001 re: Annual Operating Agreement – Amendment No. 2 (2240-20)

Staff:

- The proposed amendment is needed in order for B.C. Transit to increase their base budget to reflect the additional service hours for the expanded bus service for the Rutland routes.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R192/01/03/12 THAT Council approve the 2000/01 Annual Operating Agreement amendment #2 for conventional transit services required to provide additional service hours;

AND THAT the Mayor and City Clerk be authorized to execute the agreement.

Carried

- 7.2 City Manager, dated March 7, 2001 re: 2001 Financial Plan Amendment No. 1 – 2000 Carry-Over Projects (1700-20)

Staff:

- Project number 29 (Strathcona Park) in the Capital Project Summary for Parks was previously changed from \$121,500 to \$56,000 from reserve funding to recognize that the \$67,500 in community contributions are not forthcoming. The change was inadvertently missed when this document was printed.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R193/01/03/12 THAT the City Manager's report dated March 7, 2001 outlining the 2000 Carry-Over Projects to be carried forward in the 2001 Financial Plan be received for Council's information.

Carried

- 7.3 Deputy Director of Finance, dated March 7, 2001 re: Downtown Kelowna Association 2001 Budget (1950-06)

Staff:

- As a result of property reassessments, the amount the City was able to recapture from the Business Improvement area was \$11,700 less than the 2000 grant amount and those funds will be paid back to the City.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R194/01/03/12 THAT Council approve the Downtown Kelowna Association 2001 budget attached as Schedule 1 to the report dated March 8, 2001 from the Deputy Director of Finance;

AND THAT Council approve a grant to the Downtown Kelowna Association for 2001 in the amount of \$362,000, to be funded by a levy on Class 5 and 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.

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- 7.4 Deputy Director of Finance, dated March 7, 2001 re: Development Cost Charges – Roads and Sewer Trunks Sector Boundary Amendment – Mission Flats Specified Area 17 Boundary Amendment (3150-20; B/L 8651; B/L 8652)

Moved by Councillor Nelson/Seconded by Councillor Given

R195/01/03/12 THAT Council approve the amendment of the Development Cost Charge roads and sewer trunks sector maps and the Mission Flats Specified Area 17 map to reflect the consolidation of Lot 1, Plan 9458 and Lot A, Plan 5648 and further subdivision into:

- Lot A, D.L. 579, S.D.Y.D., Plan KAP67461
- Lot B, D.L. 579, S.D.Y.D., Plan KAP67461
- Dedicated, but unconstructed road adjacent to Lot A, Plan KAP67461 and Lot 2, Plan 66779 (future Gordon Drive extension)
- Lot 2, D.L. 579, S.D.Y.D., Plan KAP66779;

AND THAT Council approve an amendment to the Development Cost Charge roads sector boundary by placing:

- Lot A, D.L. 579, S.D.Y.D., Plan KAP67461
 - Lot B, D.L. 579, S.D.Y.D., Plan KAP67461
 - Part of Lot 4 (lying NE of Lot 1, Plan 9458), D.L. 579, S.D.Y.D., Plan 12933
 - Dedicated, but unconstructed road adjacent to both Lot A, Plan KAP67461 and Lot 2, Plan 66779 (future Gordon Drive extension)
- in Sector “R-l” – Inner City;

AND THAT Council approve an amendment to the Development Cost Charge sewer trunks sector boundary and Mission Flats specified area 17 boundary by placing:

- Lot A, D.L. 579, S.D.Y.D., Plan KAP67461
 - Lot B, D.L. 579, S.D.Y.D., Plan KAP67461
 - Dedicated, but unconstructed road adjacent to Lot A, Plan KAP67461 and Lot 2, Plan 66779 (future Gordon Drive extension)
- in Sector “S-A” – City Wide and within the Mission Flats specified area boundary respectively;

AND THAT Council approve the inclusion of Lot 2, D.L. 579, S.D.Y.D., Plan KAP66779 in Sector “S-K”;

AND THAT Council approve amending Bylaw No. 8651 to the City’s Development Cost Charge Bylaw No. 7728 – Schedule “A-1”, Road Sector Map and Schedule “A-2”, Sewer Trunks Sector Map to reflect these boundary amendments;

AND THAT Council approve amending Bylaw No. 8652 to the Mission Flats Specified Area 17 Bylaw No. 6775 – Schedule “A-3”, Mission Flats Specified Area 17 boundary map to reflect this boundary amendment;

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

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- 7.5 City Clerk, dated March 6, 2001 re: Gymnastics Facility Loan Authorization Bylaw No. 8624 (B/L 8624)

Staff:

- The Clerk's Certificate reports that the opportunity for counter petitions has closed and no objections were received.

Moved by Councillor Shepherd/Seconded by Councillor Given

R196/01/03/12 THAT Council receive the Certificate of Sufficiency dated March 6, 2001 pertaining to the Gymnastics Facility Loan Authorization Bylaw No. 8624;

AND THAT Bylaw No. 8624 be advanced for adoption consideration by Council.

Carried

8. RESOLUTIONS

- 8.1 Draft Resolution re: Resolution to Okanagan Mainline Municipal Association (OMMA) – Minimum Heating Standards (0230-20)

Moved by Councillor Given/Seconded by Councillor Hobson

R197/01/03/12 THAT the following resolution be advanced for debate at the 2001 Okanagan Mainline Municipal Association Convention:

WHEREAS the Province has enacted legislation through the Residential Tenancy Act to protect tenants from unacceptable living conditions, while providing appropriate protection for landlords;

AND WHEREAS Section 10 – Duty to Repair and Keep Clean of the Residential Tenancy Act states, under subsection (1)(a), that the landlord must ensure a rental premises “complies with health, safety and housing standards required by law”; and, under subsection 1(b), is “reasonably suitable for occupation by a reasonable tenant “; yet no health, safety or housing standards are provided as part of the Act nor does the Act define “reasonable”;

AND WHEREAS heating is essential in order to survive the cold winter months, and municipalities are aware of situations where the tenant does not control the availability of heat;

AND WHEREAS there is currently no legislation that specifically states what level of heat is acceptable for rental housing;

THEREFORE BE IT RESOLVED that the Okanagan Mainline Municipal Association be requested to lobby the Ministry of the Attorney General to address minimum heating standards in the Residential Tenancy Act.

Carried

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- 8.2 Draft Resolution re: Appointment to Airport Advisory Committee (0540-20)

Moved by Councillor Cannan/Seconded by Councillor Hobson

R198/01/03/12 THAT Mr. Ian Hawes be appointed as the Vernon Chamber of Commerce representative on the Airport Advisory Committee for the balance of the 2000/01/02 Council term.

Carried

- 8.3 Draft Resolution re: Community Airports Conference 2001 (1800-01)

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R199/01/03/12 THAT Mayor Gray be authorized to travel to attend the 2001 Community Airports Conference being held in Richmond, B.C. on March 27 & 28, 2001 with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

- 8.4 Draft Resolution re: Council Endorsement of Grant Application – Mission Creek Greenway

Moved by Councillor Hobson/Seconded by Councillor Nelson

R200/01/03/12 THAT Kelowna City Council strongly endorses the application being submitted by the Friends of Mission Creek Society for funding under the Canada-BC Infrastructure Program for phase 2 of the Mission Greenway project on the basis that the project has wide support among the citizens and businesses in Kelowna and in the Central Okanagan and in the opinion of Council the community would consider this project to be extremely important.

Carried

- 8.5 Draft Resolution re: MFA Financial Forum 2001 – Victoria, B.C. (1860-20)

Staff:

- The resolution should indicate that Councillor Blanleil will also travel to attend this forum.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R201/01/03/12 THAT Mayor Gray and Councillors Blanleil, Nelson and Shepherd be authorized to travel to attend the Financial Forum 2001 being sponsored by the Municipal Finance Authority of British Columbia in Victoria, B.C. on March 29, 2001, with expenses paid in accordance with Council Remuneration and Expense Bylaw No. 7547, using funds from Account No. 351-10-015-0-001.

Carried

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9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 8651 – Amendment No. 9 to Kelowna Development Cost Charge Bylaw No. 7728

Moved by Councillor Shepherd/Seconded by Councillor Given

R202/01/03/12 THAT Bylaw No. 8651 be read a first, second and third time.

Carried

- 9.2 Bylaw No. 8652 – Amendment No. 5 to Specified Sewer Area No. 17 Bylaw No. 6675 (Mission Flats)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R203/01/03/12 THAT Bylaw No. 8652 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Given/Seconded by Councillor Nelson

R204/01/03/12 THAT Bylaw No. 8647 be adopted.

Carried

Councillors Cannan and Shepherd opposed.

- 9.4 Bylaw No. 8624 – Gymnastics Facility Construction Loan Authorization Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R205/01/03/12 THAT Bylaw No. 8624 be adopted.

Carried

10. COUNCILLOR ITEMS

(a) Liberal Position re Agricultural Land Reserve

Councillor Cannan expressed concern that if the Liberals are elected in the next provincial election, the burden of responsibility and associated costs for the Agricultural Land Reserve may be transferred to municipalities. He suggested that a letter be sent from the Mayor asking for clarification of what the Liberal government position will be with respect to the future of the Agricultural Land Reserve.

Acting-Mayor Clark advised that the Liberal's campaign literature contains information on that matter and should be easily obtainable.

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(b) Park Avenue Realignment at Pandosy Street

Councillor Hobson asked for clarification from staff that the curvature to be created on Park Avenue will meet general engineering standards and will be safe.

(c) Proposed New Green Space – SW Corner of Pandosy Street/Park Avenue

Councillor Hobson asked that staff investigate whether it would be technically and financially feasible to relocate the large trees from the existing green space on the northwest corner of Park Avenue to the new green space that will be created on the southwest corner of Park Avenue at Pandosy Street.

11. TERMINATION

The meeting was declared terminated at 3:04 p.m.

Certified Correct:

Acting-Mayor Clark

City Clerk

BLH/bn