

Regular Meeting – P.M.

April 2, 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, April 2, 2001.

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, J.D. Nelson and S.A. Shepherd*.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A. Flack; Director of Planning & Development Services, R.L. Mattiussi*; Director of Works & Utilities, J. Vos*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; Airport General Manager, R. Sellick*; Cultural Services Manager, I. Forsyth*; Drainage/Solid Waste Manager, A. Newcombe*; Transportation Manager, R.W. Westlake*; 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 1:31 p.m.

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

3. PLANNING

3.1 Planning & Development Services Department, dated March 28, 2001 re: Rezoning Application No. Z01-1010 – Cambridge Shopping Centres Ltd. (Marshal Hundert/IBI Group) – 2430 Highway 97 North (3360-20)

Staff:

- The applicant is proposing to subdivide the portion of property north of Enterprise Way and south of Mill Creek to create 8 lots. The intent is for 7 of the lots to be used for development of an auto mall and to retain the remainder lot for future development. Tenants have been identified for 5 of the 7 lots.
- A compromise has been reached between the City and the applicant that would result in an average 25 m wide non-disturbance area along the creek being dedicated in its entirety to the City of Kelowna.
- A Development Permit Application would be processed concurrent with the rezoning to establish guidelines for the uniform development of the proposed uses and address perimeter details such as access, landscaping and signage. Approval of Direct Development Permit would also be required for each individual lot to ensure compliance with the overall approval DP given by Council.
- The lands that were approved for development at the time the Home Depot site was approved will be on freeze until traffic movements are addressed.

Regular Meeting – P.M.

April 2, 2001

Council:

- At the public hearing, would like to hear the applicant's plans for protection of the creek during construction and about the proposed filtering techniques for drainage.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R254/01/04/02 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, D.L. 125, Sec. 28, Twp. 26, O.D.Y.D., Plan 19786 except Plans M15094, 37794, KAP67598, KAP67599 and KAP67601, as shown on Map "A" dated January 2001, attached to the report of March 28, 2001, located on Highway 97, Kelowna, B.C., from the P3 – Parks and Open Space zone to the I2 – General 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 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 issuance of Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered following registration of an amended Road Reservation Agreement in the Land Title Office;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Ministry of Highways being completed to their satisfaction.

Carried

Councillor Cannan opposed.

3.1.1 Planning & Development Services Department, dated March 30, 2001 re: Proposed Amendments to Zoning Bylaw No. 8000 – Bylaw No. 8654

Staff:

- The proposed new schedule outlines changes required to the agri-tourism regulations in the City's zoning bylaw as a result of the Land Reserve Commission's approval of a proposal for an agri-tourism accommodation on Union Road.
- The City Clerk's Department has sent a notification of this proposed amendment to properties in the Union Road area as a courtesy.

Moved by Councillor Nelson/Seconded by Councillor Given

R255/01/04/02 THAT Bylaw No. 8654 be amended at first reading to replace sections labelled "Old" in Schedule 'A' attached to the Planning Department's report dated March 30, 2001 with the sections labelled "New" in Schedule 'A' attached to the report.

Carried

Regular Meeting – P.M.

April 2, 2001

3.2 Planning & Development Services Department, dated March 28, 2001 re: Rezoning Application No. Z01-1001 – Debo Holdings Ltd. (Tony Markoff/ Planning Solutions Consulting Inc.) – 871 Paret Road (3360-20)

Staff:

- The applicant is proposing to subdivide the 4.37 ha (10.8 acre) property to create a 58 lot single family subdivision.
- The Southwest Okanagan Mission Sector Plan indicates that construction of the future Gordon Drive extension to the south would be triggered at development of the 905th unit in the plan area. Approximately 180 units have been developed so far.
- Access to the proposed subdivision would be through the extension of Paret Road with emergency access provided north of the extension of Gordon Drive. There would be no direct access from the lots to Gordon Drive.
- The application was reviewed on January 23, 2001 by the Advisory Planning Commission who passed a recommendation of non-support with the suggestion that the applicant meet with the neighbourhood and try to find a mutually acceptable compromise to what was proposed.
- The applicant held a meeting with the neighbourhood on February 22nd and with the exception of concern about the proposed density/lot sizes, staff believe the issues raised can be addressed through the subdivision process.
- Copies of a letter dated March 19, 2001 from the applicant responding to the concerns of the South Slopes Residents Association have been circulated to members of Council.
- Under RU1 zoning the subject property would yield 6 less lots.

Council:

- The results of the evaluation of the bridge over Bellevue Creek to be made available at the Public Hearing on this application.
- The letter from the South Slopes Residents Association indicates that they were not happy with the information they received back from the applicant and that they would like to have another meeting with the applicant.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R256/01/04/02 THAT further consideration of Rezoning Application No. Z01-1001 – Debo Holdings Ltd. – 871 Paret Road) be deferred for 1 week to allow a further meeting to take place between the applicant, developer and area residents association.

DEFEATED

Mayor Gray and Councillors Blanleil, Clark, Day, Given and Nelson opposed.

Moved by Councillor Clark/Seconded by Councillor Blanleil

R257/01/04/02 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 579, Sec. 30, Twp. 29, S.D.Y.D., Plan KAP67461, located on Paret Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing 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 withheld pending the execution, by the owner of the subject property, a Servicing Agreement acceptable to the City of Kelowna.

Carried

Councillors Cannan, Hobson and Shepherd opposed.

Regular Meeting – P.M.

April 2, 2001

- 3.3 Community Planning Manager, dated March 28, 2001 re: Community Social Development Grants and Grants to Address the Sexual Exploitation of Youth (CASEY) for 2001

Council:

- Agreed to deal with the staff recommendation in two resolutions in order that Councillor Shepherd can participate in the vote on the Social Development Grants.

Moved by Councillor Given/Seconded by Councillor Nelson

R258/01/04/02 THAT the recommendations from the Social Planning Board for grants to be allocated under the Community Social Development program in 2001, be approved by Council as set out in the Table on page 2 of the Planning Department's report of March 28, 2001 and in accordance with Council Policy No. 218.

Carried

Councillor Shepherd declared a conflict of interest because she is a board member of CASEY and left the Council Chamber at 2:40 p.m.

Moved by Councillor Cannan/Seconded by Councillor Given

R259/01/04/02 THAT the recommendations from the Social Planning Board for grants to be allocated under the Grants to Address the Sexual Exploitation of Youth program in 2001, be approved by Council as set out in the Table on page 3 of the Planning Department's report of March 28, 2001 and in accordance with Council Policy No. 277.

Carried

Councillor Shepherd returned to the Council Chamber at 2:52 p.m. and took her place at the Council Table.

4. REPORTS

- 4.1 Airport General Manager, dated March 28, 2001 re: Major Air Terminal Expansion Program – Phase 5A

Staff:

- The original business plan indicated the parkade as phase 5 of the expansion program and the major air terminal building expansion as phase 6.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R260/01/04/02 THAT Council approve awarding a construction contract in the amount of \$597,971.64 to Peters Bros. Construction Ltd. for construction of Phase 5A of the major air terminal building expansion program.

Carried

Regular Meeting – P.M.

April 2, 2001

- 4.2 Airport General Manager, dated March 28, 2001 re: Major Air Terminal Expansion Program – Phase 5B

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R261/01/04/02 THAT Council approve awarding a construction contract in the amount of \$388,946 to Mailey Developments Ltd. for construction of Phase 5B of the major air terminal building expansion program.

Carried

- 4.3 Cultural Services Manager, dated March 28, 2001 re: Festival Fund Grants (1853-20)

Council:

- Future reports requesting approval of Festival Fund grants to include the impact of the previous year's event on agri-tourism in the community.

Moved by Councillor Given/Seconded by Councillor Shepherd

R262/01/04/02 THAT Council approve a Festival Fund Grant of \$9,275 with funding allocated from the existing 2001 budget to the Okanagan Chef's Association, a non-profit society.

Carried

- 4.4 Drainage/Solid Waste Manager, dated March 28, 2001 re: Award of Construction Contract – Mission District Park Drainage Upgrades – Phase 1 (TE01-02) (5225-40)

Council:

- Staff to ensure that the date for the road closure is large and stands out in newspaper advertisements and on the signs that have been posted to inform the public of this project so that people can prepare to take alternate routes in advance of the road closure.

Moved by Councillor Shepherd/Seconded by Councillor Given

R263/01/04/02 THAT the tender for the Mission District Park Drainage Upgrade, Phase 1 be awarded to the low bidder, Danric Construction Ltd. in the amount of Six Hundred Sixteen Thousand, Five Hundred Fifty-Four dollars, Eighty-Seven cents (\$616,554.87) including GST.

Carried

- 4.5 Transportation Manager, dated March 29, 2001 re: Bellevue Creek Bridge at Fuller Road (5400-02)

Staff:

- Feedback from the neighbourhoods on either side of the creek indicates substantial support for the bridge from the residents on the north side and non-support from the residents on the south side.

Regular Meeting – P.M.

April 2, 2001

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R264/01/04/02 THAT funds from the Major Bridge Maintenance Reserve be allocated in the final budget to construct the bridge crossing Bellevue Creek, connecting Fuller Road to Cascia Drive.

Carried

Councillor Cannan opposed.

4.6 Wastewater Manager, dated March 29, 2001 re: McKenzie Bench Sewer Specified Area No. 21A (5340-09-21A)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R265/01/04/02 THAT the City of Kelowna initiate a Sewer Specified Area project pursuant to Section 646 of the Local Government Act, for the proposed service area indicated on the map attached to the Wastewater Manager's report of March 29, 2001;

AND THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the Local Government Act;

AND FURTHER THAT Council authorize the payment of up to \$130,000 from Service Area Reserve Account No. 995-73-*FU580-R881 to assist in the costs of the McKenzie Bench Specified Area project, and that if funds are not available when required, funds from the Sewer Utility Reserve be used and repaid from Service Area No. 21 as they are collected.

Carried

4.7 Wastewater Manager, dated March 29, 2001 re: Gerstmar Sewer Specified Area No. 22A (5340-09-22A)

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R266/01/04/02 THAT the City of Kelowna initiate a Sewer Specified Area project pursuant to Section 646 of the Local Government Act, for the proposed service area of 19 properties on Gerstmar Road, from Hollydell Road to Graham Road, as indicated on the map attached to the Wastewater Manager's report of March 29, 2001;

AND THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the Local Government Act.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

5.1 Bylaw No. 8657 – Sanitary Sewer Specified Area No. 22A – Gerstmar Road

Moved by Councillor Given/Seconded by Councillor Nelson

R267/01/04/02 THAT Bylaw No. 8657 be read a first, second and third time.

Carried

Regular Meeting – P.M.

April 2, 2001

5.2 Bylaw No. 8658 – Sanitary Sewer Specified Area No. 21A – McKenzie Bench

Moved by Councillor Cannan/Seconded by Councillor Day

R268/01/04/02 THAT Bylaw No. 8658 be read a first, second and third time.

Carried

6. COUNCILLOR ITEMS

(a) Tree Removal from School Properties

Councillors Shepherd and Clark expressed concern about the recent removal of a number of large trees from the Anne McClymont and Dorothea Walker school sites. They questioned whether there was, or should have been, consultation with the City and asked that staff find out the reasoning for removing the trees. Councillor Shepherd also suggested it may be timely to review the City of Kelowna Tree Bylaw and to consider including funding in this year's budget to update the heritage tree inventory.

(b) Fine for Failing to Secure Loads being Hauled to the Landfill with Tarps

Councillor Clark advised that he has asked the City Manager to look into possibly reducing the \$100 fine for failing to secure loads being hauled to the landfill site. Mayor Gray suggested that instead of reducing the fine, some of the fine money be directed to further educating the public on the need for covered loads. Councillor Hobson added that some of the fine money could also be used to enhance the contract the City pays for clean-up of garbage along Glenmore Road. The City Manager advised that there are signs posted to inform the public of the requirement to cover loads being hauled to the landfill site and that the public should be aware that City bylaw enforcement staff will be out watching loads going to the landfill. He further advised that on the weekend, 196 loads were checked and only 3 warnings and 1 ticket were issued.

(c) Tax Exemptions for Fraternal Organizations

Councillor Clark advised that for the first time the Elks Club have found themselves in a position where they may not be able to pay their property taxes because changes to provincial legislation have greatly reduced their ability to generate revenue. They have never applied to the City for a tax exemption and appeared not to know that they may qualify for an exemption. Councillor Clark suggested that staff consider whether a policy would be in order to deal with tax exemptions for these organizations.

(d) Impact of New Provincial Government Gaming Legislation on Municipalities

Councillor Hobson reported that, on behalf of the Regional District of Central Okanagan, he will be sending letters to municipalities around the province regarding the impact of provincial government gaming legislation that disqualifies capital projects from being funded from gaming revenues. Mayor Gray added that he is waiting to hear back from the Minister's office in Victoria regarding the impact of the new legislation on the Rotary Club's commitment of \$350,000 toward the Rotary Arts Centre. Mayor Gray expressed concern that the new legislation could result in other worthwhile projects having to be sidelined in the community.

Regular Meeting – P.M.

April 2, 2001

(e) Notice of Motion – Request to Attend a Conference in Ottawa

Councillor Hobson put Council on notice that he will be bringing forward a request at the next Council meeting for approval to attend a 2001 Spatial Odyssey conference in Ottawa being held July 8-11, 2001.

7. TERMINATION

The meeting was declared terminated at 4:28 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk