

Regular Meeting – P.M.

April 9, 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 9, 2001.

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

Council members absent: Councillors R.D. Cannan 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*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Cultural Services Manager, I. Forsyth*; Facilities & Stadiums Supervisor, J. Gabriel*; Director of Works & Utilities, J. Vos*; Wastewater Manager, W.J. Berry*; Financial Planning & Systems Manager, K. Grayston*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Yvonne Topf, President, Kelowna Arts Foundation re: Arts Foundation Grants (1850-20)

Yvonne Topf,
- The total amount requested was \$239,000.

Moved by Councillor Given/Seconded by Councillor Nelson

R276/01/04/09 THAT Council receive for information, the correspondence from the Kelowna Arts Foundation dated March 30, 2001 advising of the recipients of 2001 general and professional grant monies distributed by the Arts Foundation on behalf of Council;

AND THAT the 2001 grants totalling \$157,450 be approved as recommended by the Kelowna Arts Foundation;

AND THAT the \$3,840 of unallocated professional grant monies be retained for future distribution by the Arts Foundation;

AND FURTHER THAT the remaining \$2,000 of unallocated monies be used by the Arts Foundation for their operating expenditures.

Carried

3.2 Presentation by Steven Thorne re: The Okanagan Cultural Corridor Project

Steven Thorne:

- The Okanagan Cultural Corridor project is a pilot project in cultural tourism for the Province.
- Activities in year 1 will include an inventory of the arts, heritage and cultural tourism attractions and they will comprise the cultural corridor. In year 2 a marketing plan will be devised to begin marketing the corridor. Year 3 will establish the corridor as a sustainable initiative.

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4. PLANNING

- 4.1 Planning & Development Services Department, dated March 28, 2001 re: Rezoning Application No. Z98-1042 – Fredor Holdings Ltd. (Matt Cameron/Earth Tech Canada Inc.) – 1361 Mountain Avenue (B/L 8506)

Moved by Councillor Nelson/Seconded by Councillor Day

R277/01/04/09 THAT Municipal Council authorize an extension to Rezoning Application No. Z98-1042 (Bylaw No. 8506) for a period of not more than 180 days from April 4, 2001.

Carried

- 4.2 Planning & Development Services Department, dated April 3, 2001 re: Development Permit Application No. DP01-10,012 – Prospero Canadian Land Investment Fund (Leo Mariotto/ICR Architecture & Project Consultants) – 1171 Harvey Avenue (3060-20)

Staff:

- The Development Permit would allow façade changes to the Coast Capri Hotel and Angies buildings along with revisions to the parking lot layout and landscaping.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R278/01/04/09 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,012; for Lot B, D.L. 137, Sec. 19, Twp. 26, O.D.Y.D., Plan KAP64836, located on Harvey Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building additions and the parking lot changes 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";

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.

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- 4.3 Planning & Development Services Department, dated April 4, 2001 re: Text Amendment No. TA01-004 and Rezoning Application No. Z01-1012 – D.M.J. Construction Ltd. (John McAfee/Springfield Plaza Inc.) – 1565/1585 Springfield Road (3360-20)

Councillor Given declared a conflict of interest since he is employed by the Canadian National Institute for the Blind and CNIB receives funding from gaming revenue and left the Council Chamber at 2:06 p.m.

Councillor Day declared a conflict of interest because a direct family member owns property adjacent to the subject property and left the Council Chamber at 2:06 p.m.

Staff:

- The report indicates that 'gaming facilities' would be added as a principal use in the C10 zone. However, recommend that be changed to 'bingo facilities' instead in order to address concerns raised by the Advisory Planning Commission about opening the door for slots and other gaming facilities.
- The Blue Heights and Dabbers bingo facilities intend to vacate their existing premises and consolidate into one bingo facility on the subject property.

Council:

- Would like to know at the Public Hearing whether or not a reciprocal access agreement could be reached with Revy.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R279/01/04/09 THAT Map 15.1 of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lots 3 and 4, D.L. 129, O.D.Y.D., Plan 11371, located on Springfield Road, Kelowna, B.C., from "Low Density Multiple Family Residential" to "Commercial";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding "bingo facilities" to the principal uses of the C10 – Service Commercial zone;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 3 and 4, D.L. 129, O.D.Y.D., Plan 11371, located on Springfield Road, Kelowna, B.C., from the RM3 – Low Density Multiple Housing to the C10 – Service Commercial zone;

AND THAT Text Amendment No. TA01-004 and the Official Community Plan and zone amending bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan and zone amending bylaws be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the Official Community Plan and zone amending bylaws be considered subsequent to the requirements of the Ministry of Environment, Lands and Parks with respect to the site profile and site investigation being completed to their satisfaction;

AND FURTHER THAT final adoption of the Official Community Plan and zone amending bylaws be considered subsequent to the registration of a road dedication and lot consolidation.

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Councillors Day and Given returned to the Council Chamber at 2:26 p.m. and took their respective place at the Council Table.

- 4.4 Planning & Development Services Department, dated April 4, 2001 re: Rezoning Application No. Z01-1008 – Board of School Trustees, School District No. 23 (Central Okanagan) (Judy Shoemaker) – 805-815 & 895 Craig Road, 621 Hartman Road and 650 Webster Road (3360-20)

Withdrawn from the agenda.

- 4.5 Planning & Development Services Department, dated April 5, 2001 re: Text Amendment No. TA01-005 – To Amend the Zoning Bylaw and to Establish a Farm Bylaw to Regulate Intensive Agricultural Uses (3360-20)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R280/01/04/09 THAT the City of Kelowna make application to the Lieutenant Governor in Council in accordance with Section 918 of the *Local Government Act* declaring that Sections 903(5) and 917 of the *Local Government Act* apply to the City of Kelowna Zoning Bylaw and the Farm Bylaw.

Carried

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAW PRESENTED FOR DEFEAT AT 2ND READING)

- 5.1 Bylaw No. 8583 (Z00-1039) – 482627 B.C. Ltd., Envirotech Real Estate Inc., Gordon & Emelie Wallace & Dorothy & Elizabeth Howe (Envirotech Real Estate Inc.) – 1659, 1667, 1681 Ethel Street and 931 & 941 Leon Avenue and 932 Harvey Avenue

Staff:

- The applicant intends to come forward with a new proposal that would be processed to a new Public Hearing.

Moved by Councillor Nelson/Seconded by Councillor Given

R281/01/04/09 THAT Bylaw No. 8583 be read a second time.

DEFEATED

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

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6. REPORTS

- 6.1 Mayor Gray, Chair, Regional Transportation Sub-Committee – Transit, dated April 5, 2001 re: Conventional & Custom Transit – Annual Operating Agreements (2240-20)

Moved by Councillor Day/Seconded by Councillor Given

R282/01/04/09 THAT Council approve the 2001/2002 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna based on successful negotiations with Farwest Transit Services Inc.;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between B.C. Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2001 to March 31, 2002.

Carried

Councillor Nelson opposed.

- 6.2 Facilities and Stadiums Supervisor, dated April 3, 2001 re: Concession Operations Lease at the Kinsmen Softball Quadplex (2380-20)

Moved by Councillor Nelson/Seconded by Councillor Given

R283/01/04/09 THAT City Council authorize the Director of Parks and Leisure Services to execute a negotiated agreement with the Kelowna Adult Softball Association (KASA) for the concession operation at the Kinsmen Softball Quadplex for a term commencing April 1, 2001 to March 31, 2006.

Carried

- 6.3 Wastewater Manager, dated April 5, 2001 re: Sewer Connection Charge Bylaw Amendments (B/L 8665)

Moved by Councillor Nelson/Seconded by Councillor Given

R284/01/04/09 THAT the report from the Wastewater Manager dated April 5, 2001 outlining proposed amendments to Sewer Connection Charge Bylaw No. 8469 be received for information;

AND THAT the amending Bylaw No. 8665 be advanced for reading consideration by Council;

AND FURTHER THAT the owner of Lot 1, Plan 22581 be refunded the amount of \$12,240 from Account No. 40-4900-SA521-W434 to address a previous Sewer Service Area payment made on the basis of 1 EDU per multi-family unit.

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- 6.4 Wastewater Manager, dated April 5, 2001 re: Totom/Campion Sewer Specified Area No. 29 (5340-09-29)

Mayor Gray suggested that agenda items No. 6.4 and 6.5 be presented concurrently.

Staff:

- Outlined the basis for the decision to utilize a uniform per-parcel cost allocation for this project.
- Recommended the project proceed as one contiguous area.

Council:

- Did not support the current formula for apportioning costs.
- Concerned that individual strata owners of a single property all have a vote on projects such as this and about the impact of that weighted vote on the other properties within the proposed service area.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R285/01/04/09 THAT the report from the Wastewater Manager dated April 5, 2001 describing the issues related to the proposed Totom/Campion Sewer Specified Area No. 29 be received for information.

Carried

- 6.5 City Clerk, dated March 29, 2001 re: Sanitary Sewer Specified Area No. 29 (Totom/Campion Road) Bylaw No. 8643

Staff:

- Sufficient petitions have **not** been received to defeat the project.

Moved by Councillor Day/Seconded by Councillor Clark

R286/01/04/09 THAT Council receive the Certificate of Sufficiency dated March 29, 2001 pertaining to the Sanitary Sewer Specified Area No. 29 Bylaw No. 8643 (Totom/Campion Road);

AND THAT Sanitary Sewer Specified Area No. 29 Bylaw No. 8643 (Totom/Campion Road) be advanced for adoption consideration.

Carried

Mayor Gray altered the order of business and advised that agenda item No. 8.3 would be dealt with next.

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.3 Bylaw No. 8643 – Sanitary Sewer Specified Area No. 29 – Totom/Campion Roads

Moved by Councillor Given/Seconded by Councillor Nelson

R287/01/04/09 THAT Bylaw No. 8643 be adopted.

DEFEATED

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

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7. RESOLUTIONS

7.1 Draft Resolution re: 2001 Spatial Odyssey Conference - Ottawa

Moved by Councillor Nelson/Seconded by Councillor Given

R288/01/04/09 THAT Councillor Hobson be authorized to attend the 2001 Spatial Odyssey Conference being held in Ottawa, Ontario on July 8-11, 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

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 8664 – Leathead Road Trunk Sewer Agreement

Moved by Councillor Blanleil/Seconded by Councillor Day

R289/01/04/09 THAT Bylaw No. 8664 be read a first, second and third time.

Carried

8.2 Bylaw No. 8665 – Amendment No. 4 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Day/Seconded by Councillor Blanleil

R290/01/04/09 THAT Bylaw No. 8665 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

8.3 Bylaw No. 8643 – Sanitary Sewer Specified Area No. 29 – Totom/Campion Roads

Dealt with after agenda item No. 6.5.

9. COUNCILLOR ITEMS

(a) Public Access to Lakeshore – Bareland Strata Developments

Councillor Shepherd asking that staff consider options for achieving public access to the lakeshore from bareland strata developments.

(b) Sister City Relationships

Councillor Blanleil asked if Council has ever considered what it is they are seeking from the Sister City relationships and if an analysis has been done of benefits versus costs. Mayor Gray advised that the City has received a number of requests for sister city relationships and suggested the matter be discussed by Council sometime after May.

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(c) Notice of Motion – Family Court Justice Conference

Councillor Nelson put Council on notice that a resolution will be brought forward to the April 23rd Council meeting agenda requesting approval to attend a 1-day Family Court Justice Conference being held in Vancouver on April 28, 2001.

(d) Intersections with Limited Sight Lines

Councillor Day suggested that staff consider posting signs at some of the intersections that have been identified as having limited sightlines as a means of addressing liability issues until such time as sightlines are addressed in the new Traffic Bylaw.

TERMINATION

The meeting was declared terminated at 4:14 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am