

Regular Meeting – P.M.

May 7, 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, May 7, 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; 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\*; Special Projects Planning Manager, H.M. Christy\*; Long Range Planning Manager, S.K. Bagh\*; Urban Design Planner, P. McCormick\*; Director of Finance & Corporate Services, C.P. Kraft\*; Deputy Director of Finance, P.A. Macklem\*; Financial Planning & Systems Manager, K. Grayston\*; Director of Parks & Leisure Services, D.L. Graham\*; Cultural Services Manager, I. Forsyth\*; Acting-Recreation Manager, J. Gabriel\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Beryl Itani, Emergency Services Director re: Emergency Preparedness Week – May 7-13, 2001

Beryl Itani:

- Circulated an information package on how to prepare for emergencies and spoke on the importance of family emergency preparedness.

3.2 Kelowna Art Gallery re: State of the Art Gallery

Rick Dowding, Board of Directors president, and Donna Moore, executive director of the Art Gallery:

- Brought Council up to date on the state of the art gallery
- Requested that their annual funding from the City be increased by \$52,000 to offset rising costs in utilities and to upgrade staff salaries that are still at the 1997 level.

Staff:

- The requested increase is included in the budget documents as priority 1 and will be voted on by Council later in the agenda.

4. PLANNING

4.1 Planning & Development Services Department, dated May 2, 2001 re: Rezoning Application No. Z01-1011 – Eileen Powell (Henk Van Gorp, Guhue & Van Gorp) – 2830 East Kelowna Road (3360-20; S01-011)

Staff:

- The rezoning is requested to facilitate the creation of a 1.3 ha rural single family residential lot. The applicant has no plans for development of the new lot at this time.
- The proposed lot meets the 1 ha lot area requirement for lots on septic system.
- Access would be off O'Reilly Road.
- The application was reviewed and supported by the Agricultural Advisory Committee with no conditions.

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Moved by Councillor Nelson/Seconded by Councillor Given

**R348/01/05/07** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 16, Twp. 26, ODYD, Plan 32982, located on East Kelowna Road, Kelowna, B.C., as shown on Map 'A' attached to the Planning Department's report dated May 2, 2001, from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 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 withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

4.2 Director of Planning & Development Services, dated April 12, 2001 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- The program was approved on a trial basis last year as an extension of food and beverage services for outdoor dining opportunities.
- Given the positive feedback, propose extending the program and formalizing the arrangements so that business owners know the parameters of the program.
- The permit period would be May 15 to October 15 with one patio per block using maximum 2 parallel or 3 angle stalls.

Council:

- Loss of available parking spaces is an issue for other business owners on the street.
- Would people be permitted to rebid on the patio space they had the previous year? If so for how long, if not what would be their incentive to invest in the cost of a patio?
- With the restriction of one patio per block, how would anyone else in a block get approval for a patio once a patio has been approved on the block?
- Applications for additional patios on the same block should be considered on a case by case basis, and maybe ask the Parking Committee to comment.
- There should be provision for two restaurants side by side sharing the cost of a single patio.

Moved by Councillor Day/Seconded by Councillor Shepherd

**R349/01/05/07** THAT Council supports the Program for Seasonal Extension for Sidewalk Cafes becoming a permanent on-going program;

AND THAT the proposed Terms of Reference for the program be revised to more aggressively encourage businesses engaged in food and beverage service to construct a patio in front of their place of business, taking into consideration the comments from Council at this meeting;

AND FURTHER THAT staff report back with the revised Terms of Reference at the Regular Meeting of May 14, 2001.

Carried

Council:

- Agreed with the Downtown Kelowna Association proceeding with notices to inform their members that the program is renewed.

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4.3 Director of Planning & Development Services, dated May 3, 2001 re: Private Moorage Referral – Tescon Developments (6470-20)

Staff:

- Tescon Developments is developing the Capozzi property and have applied for a 108 m long shared moorage facility extending 48 m into the lake with 32 boat lifts.
- The City does not approve docks but comments on referrals from B.C. Assets & Lands who rely heavily on the recommendation they receive from the City.
- Staff are recommending an 88.35 m long shared moorage facility extending 40 m out into the lake with 9 boat lifts.
- The development could potentially have 9 individual docks if each waterfront parcel applied for its own dock and could meet licensing criteria.
- The City's existing shared dock policy addresses single family property owners along the waterfront getting together and constructing one shared dock instead of individual docks. The policy does not anticipate strata residential development.
- The Eldorado Arms strata council are concerned the proposed dock would take on the shape of a marina and they are concerned that people not living on the waterfront lots would have access to the shared dock.
- The City has applied for a Head Lease for the area from Okanagan Lake bridge north to the Riverside mill site but with the pending election do not anticipate hearing back from the province for a while.

Council:

- Prefer to approve the policy before approving the dock.
- Restricting the number of boat lifts permitted on the dock could raise a liability issue if the safety of the boats that are in the water is not addressed and boats are breaking loose from their moorage during a storm.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R350/01/05/07** THAT staff prepare a policy to provide guidance to the consideration of strata development requests for shared moorage;

AND THAT the policy be debated by Council before further considering the shared moorage proposal put forward by Tescon Development;

AND FURTHER THAT B.C. Assets and Lands (BCALC) be requested to not approve the Tescon Development application for shared moorage until Council can debate the policy and comment on the referral.

Carried

Councillors Blanleil and Cannan opposed.

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

5.1 Bylaw No. 8582 (Z00-1010) – Okana Masonry Ltd. (Emil Anderson Construction Co. Ltd./Mike Jacobs) – 5111 Killdeer Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R351/01/05/07** THAT Bylaw No. 8582 be adopted.

Carried

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- 5.2 Bylaw No. 8629 (TA01-001) – City of Kelowna Zoning Bylaw Text Amendment to the RR3/RR3s – Rural Residential 3 and RR3s – Rural Residential 3 with Secondary Suite zones

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R352/01/05/07** THAT Bylaw No. 8629 be adopted.

Carried

Councillor Blanleil left the meeting at 3:35 p.m.

## 6. REPORTS

- 6.1 City Manager, dated April 23, 2001 re: 2001 Financial Plan – Amendment No. 2 (B/L 8683; 1700-20)

Staff:

- Reviewed the individual supplemental and capital requests and highlighted ongoing financial plan impacts.

Moved by Councillor Clark/Seconded by Councillor Given

**R353/01/05/07** THAT Bylaw No. 8683, being amendment #2 to the 2001-2005 Financial Plan, be advanced for reading consideration by Council;

AND THAT Council approve the formulation of 2001 Property Tax Rates which will raise the required funds in 2001, from General Taxation, of \$56,274,000, resulting in an average net property owner impact of 1.86%.

Carried

- 6.2 Facilities & Stadiums Supervisor, dated May 2, 2001 re: Stadium Lease Agreements (2380-20-776)

Moved by Councillor Nelson/Seconded by Councillor Given

**R354/01/05/07** THAT City Council authorize the Mayor and City Clerk to execute the lease with the Kelowna Major Men's Fastball Association for a five year term commencing January 1, 2001 to and including December 31, 2005.

AND FURTHER THAT City Council authorize the Mayor and City Clerk to execute the Agreement with Kelowna Falcons Baseball for a three year term commencing January 1, 2001 to and including December 31, 2003.

Carried

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- 6.3 Acting-Recreation Manager, dated April 30, 2001 re: Master Joint Development and Joint Use Agreement (0490-20)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R355/01/05/07** THAT City Council approve the Master Joint Development and Joint Use Agreement between the City of Kelowna and Board of School Trustees of School District No. 23 (Central Okanagan) for a five (5) year period commencing May 1, 2001;

AND THAT, subject to confirmation from School District No. 23 that the Minister of Education has approved the proposed Master Joint Development and Joint Use Agreement, the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kelowna.

Carried

- 6.4 Acting-Recreation Manager, dated April 30, 2001 re: Joint Development and Joint Use Agreements (Various) (0490-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R356/01/05/07** THAT Council approve the Lease between the City of Kelowna and the Board of School Trustees of School District No. 23 (Central Okanagan) for Lot 2, Sec. 29, Twp. 29, Plan KAP52409 located on Steward Road (Crawford Estates) for a five year term commencing April 1, 2001;

AND THAT Council approve the renewal of the Joint Development and Joint Use Agreement between the City of Kelowna and Board of School Trustees of School District No. 23 (Central Okanagan) for South Kelowna Elementary School and Centennial Park for an additional five year term commencing October 1, 2000;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Lease and Joint Development and Joint Use Agreement on behalf of the City of Kelowna.

Carried

## 7. RESOLUTIONS

- 7.1 Draft Resolution re: Electronic Hand-Held Bingo Units – Dabbers Bingo Hall (0230-01)

Moved by Councillor Hobson/Seconded by Councillor Day

**R357/01/05/07** THAT B.C. Lotto be provided with a letter advising that Kelowna City Council has no objection to the continuing use of Hand Held Bingo Units at Dabbers Bingo Hall.

Carried

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8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

8.1 Bylaw No. 8666 – Road Exchange Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R358/01/05/07** THAT Bylaw No. 8666 be read a first, second and third time.

Carried

8.2 Bylaw No. 8669 – Parking Reserve Fund Expenditure Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R359/01/05/07** THAT Bylaw No. 8669 be read a first, second and third time.

Carried

8.3 Bylaw No. 8670 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Day/Seconded by Councillor Hobson

**R360/01/05/07** THAT Bylaw No. 8670 be read a first, second and third time.

Carried

8.4 Bylaw No. 8671 – Capital Works, Machinery & Equipment Reserve Fund Expenditure Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Day

**R361/01/05/07** THAT Bylaw No. 8671 be read a first, second and third time.

Carried

8.5 Bylaw No. 8672 – Sale of City-Owned Land Reserve Fund Expenditure Bylaw, 2001 requires **2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R362/01/05/07** THAT Bylaw No. 8672 be read a first, second and third time.

Carried

8.6 Bylaw No. 8681 – Tax Structure Bylaw, 2001

Moved by Councillor Day/Seconded by Councillor Cannan

**R363/01/05/07** THAT Bylaw No. 8681 be read a first, second and third time.

Carried

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8.7 Bylaw No. 8682 – Annual Tax Rates, 2001

Moved by Councillor Cannan/Seconded by Councillor Day

**R364/01/05/07** THAT Bylaw No. 8682 be read a first, second and third time.

Carried

8.8 Bylaw No. 8683 – Amendment No. 2 to Five Year Financial Plan, 2001 to 2005, Bylaw No. 8628

Moved by Councillor Hobson/Seconded by Councillor Day

**R365/01/05/07** THAT Bylaw No. 8683 be read a first, second and third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

8.9 Bylaw No. 8547 – Amendment No. 1 to City of Kelowna Unightly Premises and Visual Nuisance Bylaw No. 8217

Moved by Councillor Given/Seconded by Councillor Nelson

**R366/01/05/07** THAT Bylaw No. 8547 be adopted.

Carried

8.10 Bylaw No. 8674 – Amendment No. 10 to Local Improvement Charges Bylaw No. 6600-90

Moved by Councillor Nelson/Seconded by Councillor Given

**R367/01/05/07** THAT Bylaw No. 8674 be adopted.

Carried

8.11 Bylaw No. 8675 – Amendment No. 14 to City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R368/01/05/07** THAT Bylaw No. 8675 be adopted.

Carried

8.12 Bylaw No. 8679 – Amendment No. 2 to Five Year Financial Plan Bylaw, 2000-2004, No. 8538

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R369/01/05/07** THAT Bylaw No. 8679 be adopted.

Carried

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9. COUNCILLOR ITEMS

(a) Policies for Right of Public Access on the Lakeshore

Councillor Shepherd asked that staff bring back recommendations for proposed changes to City policies to address the right of public access on the lakeshore in the case of strata single family redevelopment on the lakeshore.

(b) Resolutions from 2001 OMMA Convention

Councillor Shepherd reported that the City of Kelowna's resolution requesting changes to provincial legislation to require development permits for institutional and educational uses will be advanced for debate at the 2001 UBCM Convention with OMMA's support.

(c) Glenmore Landfill

Councillor Shepherd asked for a report from staff regarding the implications of having the Glenmore landfill site open to the public on Sundays even if at reduced hours and only during certain months.

(d) Baggage Carts at the Airport

Councillor Shepherd expressed concern about people having to pay for the baggage carts at the Airport. Mayor Gray agreed to put the item on an agenda for debate by the Airport Advisory Committee.

(e) Policy re Filling of the Foreshore

Councillor Hobson expressed concern that people are placing fill in the foreshore without permission and then applying to the province to buy that foreshore. He noted this is not accretion but rather acknowledged unnatural filling to create additional land and suggested that City Planning and Environment staff develop a policy to be clear on the City's position with respect to filling of the foreshore, including City water lots.

10. TERMINATION

The meeting was declared terminated at 4:33 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk