

Regular Meeting – P.M.June 4, 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, June 4, 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; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Director of Finance & Corporate Services, C.P. Kraft*; Director of Works & Utilities, J. Vos*; Traffic & Transportation Planning Engineer, K. Gauthier*; Roads/Equipment Superintendent, D. Beaudry*; Development Engineering Manager, S. Muenz*; Cultural Services Manager, I. Forsyth; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; 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 Clark was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Lesley Dieno, Okanagan Regional Library re: Library Board Expenditures, 1995-2000

Lesley Dieno:

- The Library Board is making presentations to all of their funding agencies within the Okanagan Region to make them aware of library expenditures over the last few years. The Board hopes to do similar presentations at least twice a year in future.
- B.C. spends less on libraries than any other province in Canada.
- Asked that Council lobby the local MLAs for assistance with getting more Provincial funding for libraries.

4. PLANNING

4.1 Planning & Development Services Department, dated May 29, 2001 re: Agricultural Land Reserve Appeal No. A00-118 – Don & Lucille Bulatovich (Tony Markoff) – 3691-3707 Hart Road (6635-20)

Staff:

- The applicant is seeking permission to subdivide the property to create a homesite severance. The homesite severance would be a panhandle lot.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R432/01/06/04 THAT Agricultural Land Reserve Appeal No. A00-118, Lot C, Sec. 9 & 10, Twp. 26, ODYD, Plan 19769 except Plans 41427 and KAP63291, located on Hart Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Commission Act be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

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- 4.2 Planning & Development Services Department, dated May 30, 2001 re: Rezoning Application No. Z01-1031 – Arlex Enterprises Ltd., Patrick & Judith Bentley, and John & Gail Schlosser (Michael Gaspari) – 4541 Gordon Drive (3360-20)

Staff:

- The applicant is proposing to develop a suite on part of the main level of the house, which is currently under construction.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R433/01/06/04 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L. 358, ODYD, Plan KAP64413, located on Gordon Drive, 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.

Carried

- 4.3 Planning & Development Services Department, dated May 25, 2001 re: Rezoning Application No. Z01-1009 – Robert J. Ohlmann – 1316 Bernard Avenue (3360-20)

Staff:

- The rezoning is requested to legalize an existing secondary suite located in the basement of the home.

Moved by Councillor Given/Seconded by Councillor Nelson

R434/01/06/04 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 137, ODYD, Plan 16595, located on Bernard Avenue, 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 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;

AND FURTHER THAT final adoption of the zoning bylaw be considered subsequent to a review of the existing right-of-way agreement and, if required, the registration of a new right-of-way agreement at the applicant's expense.

Carried

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- 4.4 Planning & Development Services Department, dated May 30, 2001 re: Rezoning Application No. Z01-1024 – David & Sandra Marshall (David Marshall) – 4611 Gordon Drive (3360-20)

Staff:

- The subject property is under application for subdivision into 2 lots; the subdivision application is not finalized yet.
- The applicant is proposing construction of an accessory building with a secondary suite. The accessory building would be sited to respect lot lines if the subdivision is finalized.
- If the rezoning is approved, the entire property would be rezoned. Therefore, if the subdivision is finalized then both lots would have the ability to have a suite.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R435/01/06/04 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 357, ODYD, Plan 41826, located on Gordon Drive, 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.

Carried

- 4.5 Planning & Development Services Department, dated May 28, 2001 re: Liquor License Application No. LL01-005 – Lillian Hickaway/551696 B.C. Ltd. (Katherine Haynes/Brandt's Creek Pub) – 435 Glenmore Road

Moved by Councillor Given/Seconded by Councillor Hobson

R436/01/06/04 THAT Council support the following amendments to the current operating restrictions as requested by Brandt's Creek Pub:

- To increase the current person capacity from 65 persons to 98 persons;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

- 4.6 Planning & Development Services Department, dated May 23, 2001 re: Public Art Committee Recommendation for Athans Aquatic Centre Artwork (7800-01)

Moved by Councillor Nelson/Seconded by Councillor Given

R437/01/06/04 THAT City Council approve the recommendation of the Public Art Committee to award the commission for the design and installation of two individual pieces of Public Art within the Athans Aquatic Centre to Philip and Kirsty Robbins of Vancouver;

AND THAT the Mayor and Clerk be authorized to sign a contract with Philip and Kirsty Robbins for an amount not to exceed \$42,000 (funded from the Public Art Reserve) for the design and installation of the two projects.

Carried

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- 4.7 Planning & Development Services Department, dated May 29, 2001 re: Social Planning Board (0540-20)

Moved by Councillor Given/Seconded by Councillor Nelson

R438/01/06/04 THAT City Council appoint the following new member to the Social Planning Board to fill an existing vacancy until December 31, 2002:
Lynn Burgat;

AND THAT City Council accept, with regret, the resignation of the following member from the Social Planning Board:
Louise Wall.

Carried

- 4.8 Planning & Development Services Department, dated May 28, 2001 re: Appeal of Community Social Development Grant by the Central Okanagan Hospice Association (1850-20)

Staff:

- The funding is for a youth bereavement program.

Moved by Councillor Cannan/Seconded by Councillor Clark

R439/01/06/04 THAT Council authorize an additional amount of \$1,300, for a total amount of \$4,800, to be granted to the Central Okanagan Hospice Association from the Community Social Development grants fund, in accordance with Council Policy #218, and based on the recommendation of the Social Planning Board, as a result of an appeal by the agency.

Carried

5. REPORTS

- 5.1 Director of Finance & Corporate Services, dated May 30, 2001 re: Franchise Agreement – Legacy Fund Opportunity (5500-03)

Staff:

- Provided revised wording for the second paragraph of the recommendation in the report and advised that No. 4 on page 4 of the report should read"that a parallel process would **not** result in confusion...".

Moved by Councillor Cannan/Seconded by Councillor Hobson

R440/01/06/04 THAT Council receive the information report dated May 30, 2001 from the Director of Finance & Corporate Services, outlining the Public Communications steps taken since introduction of the Legacy Fund Opportunity on April 30, 2001, including public response to-date;

AND THAT Council authorize the Mayor and City Clerk to execute the Agreement to Lease with B.C. Gas Utility Ltd., subject to minor modifications, finalization of the Agreement to Lease, and obtaining a form of opinion from B.C. Gas solicitors satisfactory to City staff and the City's advisors, prior to formal introduction of the necessary Loan Authorization Bylaw, Agreement Authorization Bylaws and Counter Petition opportunity as required by the Local Government Act.

Carried

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5.2 Transportation Manager, dated June 4, 2001 re: Draft Traffic Bylaw No. 8120

Staff:

- The current Traffic Bylaw No. 4495 has been in place since 1978 and has been amended 23 times.
- Highlighted the key changes proposed in the new bylaw including revised intersection sight line requirements, updated commercial vehicle regulations, 'no parking' regulations, introduction of a fee schedule for road use permits, new pedestrian regulations to help deal with panhandling, and new cycle regulations.

Council:

- Staff to check with other municipalities with provisions in their bylaw to address panhandling, to see how their bylaw is being applied to panhandlers with no fixed address, how fines are collected, and whether consideration is given to the cost of taking them to court.
- Staff to consider whether the regulation to address panhandling should apply in other town centres or any commercial zone in the city so that it also addresses panhandling at liquor stores outside the downtown area, if the bylaw would allow panhandling outside churches, and how the bylaw would apply to buskers if they chose to sit while performing (i.e. a guitar player).
- Staff to reconsider the restriction on inline skaters or rollerskaters riding abreast and check to see if other municipalities have similar regulations.
- Frequently people with severe handicaps have difficulty finding a parking stall because of the large number of handicapped decals that are issued. Staff to consider implementing a 2-tier system for issuance of handicapped decals.
- The proposed \$100 fine for vehicles passing in a school zone, park zone or crosswalk is too low and should be raised to \$150.
- The Central Okanagan Road Safety Committee held a workshop to discuss issues surrounding inline skaters, joggers, scooters, etc. on sidewalks/roads a couple of weeks ago, and another workshop is proposed in the next week or so to look for solutions. Traffic Bylaw 8120 to be advanced for first reading consideration only at this time, and not be advanced for 2nd & 3rd reading consideration until after the workshop has been held so that any revisions needed as a result of the input from the workshop, can come forward before 2nd reading.

Moved by Councillor Nelson/Seconded by Councillor Given

R441/01/06/04 THAT Traffic Bylaw No. 8120 be advanced for **first** reading consideration by Council.

Carried

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- 5.3 Licence & Bylaw Enforcement Supervisor, dated May 29, 2001 re: Amendments to City of Kelowna Ticket Information Utilization Bylaw (B/L 8691)

Staff:

- Council's request to raise the proposed fine for vehicles passing in a school zone, park zone or crosswalk from \$100 to \$150 will be relayed to the Chief Judge. If approved, the bylaw will be so amended before adoption by Council.

Council:

- 9.1.7(e) in Schedule 13 of the bylaw should read abreast **of**.

Moved by Councillor Nelson/Seconded by Councillor Given

R442/01/06/04 THAT City Council approve the amendments to the City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 as outlined in Bylaw No. 8691 attached to the report dated May 29, 2001 from the Licence & Bylaw Enforcement Supervisor.

Carried

- 5.4 Development Engineering Manager, dated May 30, 2001 re: Glenmore Road from Summit Drive to North of Glenmeadows Road (Z97-1021)

Councillor Day declared a conflict of interest because this initiative relates to a development that involves direct family members and left the Council Chamber at 4:07 p.m.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R443/01/06/04 THAT the City of Kelowna enter into an agreement with Vintage Properties Inc. entitled "Glenmore Road from Summit Drive to north of Glenmeadows Road Agreement" for the construction of a portion of Glenmore Road at a value of \$1,037,324.20;

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

Carried

Councillor Cannan opposed.

Councillor Day returned to the Council Chamber at 4:11 p.m. and took his place at the Council Table.

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- 5.5 Development Engineering Manager, dated May 16, 2001 re: Proposed Amendment No. 6 to Specified Sewer Area No. 17 Bylaw 8689 – Steele Road Sanitary Sewer Extension (B/L 8689)

Councillor Clark stated for the record that staff have confirmed that he is not in conflict of interest on this item.

Moved by Councillor Hobson/Seconded by Councillor Given

R444/01/06/04 THAT Specified Sewer Area No 17 boundary be amended to include Lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, & 19, Plan KAP68542 (as shown on the boundary amendment map labeled Exhibit "A" attached to the Development Engineering Manager's report dated May 16, 2001);

AND THAT the portions of these lots that were not previously included in Specified Sewer Area No. 17 be now included;

AND THAT once included in Specified Sewer Area No. 17, these parcels be required to pay Specified Sewer Area No. 17 debt amortization charges as required by Bylaw No. 6775 (Mission Flats);

AND FURTHER THAT Bylaw No. 8689 being amendment No. 6 to Specified Sewer Area No. 17, Bylaw No. 6775 (Mission Flats) be forwarded to Council for reading consideration.

Carried

- 5.6 Development Engineering Manager, dated May 25, 2001 re: Minor Review of Subdivision Development Servicing Bylaw No. 7900 (B/L 8680)

Moved by Councillor Nelson/Seconded by Councillor Given

R445/01/06/04 THAT the City of Kelowna Subdivision, Development & Servicing Bylaw No. 7900 be amended to reflect the changes outlined in Schedule 1 attached to the Development Engineering Manager's report dated May 25, 2001;

AND THAT the amending bylaw No. 8680 be advanced for reading consideration by Council;

AND FURTHER THAT Council Policy No. 265 'Engineering Drawing Submission Requirements', be amended to reflect the changes outlined in Schedule 2 attached to the Development Engineering Manager's report dated May 25, 2001.

Carried

- 5.7 Cultural Services Manager, dated May 8, 2001 re: Festival Fund Grants (1853-20)

Moved by Councillor Nelson/Seconded by Councillor Cannan

R446/01/06/04 THAT Council approve a Festival Fund Grant in the amount of \$8,560, with funding allocated from the existing 2001 budget, to the Kelowna-Kasugai Sister City Association for The Festival Japan 2001.

Carried

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- 5.8 City Clerk, dated May 15, 2001 re: Leathead Road Trunk Sewer Agreement Bylaw No. 8664 (B/L 8664)

Staff:

- No petitions were received against the project proceeding.

Moved by Councillor Hobson/Seconded by Councillor Clark

R447/01/06/04 THAT Council receive the Certificate of Sufficiency dated ~~May 15, 2001~~ pertaining to the Leathead Road Trunk Sewer Agreement Bylaw No. 8664;

AND THAT Leathead Road Trunk Sewer Agreement Bylaw No. 8664 be advanced for adoption consideration.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Appointment – Kelowna Arts Foundation (7780-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

R448/01/06/04 THAT City Council appoint Roger Setka and Gary Taylor to the Board of Directors of the Kelowna Arts Foundation for the remainder of the three year term ending December 2002.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8120 – Traffic Bylaw

Council's resolution adopted under agenda item No. 5.2 of this meeting directed that Bylaw No. 8120 be considered only for first reading at this time.

Moved by Councillor Given/Seconded by Councillor Nelson

R449/01/06/04 THAT Bylaw No. 8120 be read a first time.

Carried

- 7.2 Bylaw No. 8680 – Amendment No. 5 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Clark/Seconded by Councillor Given

R450/01/06/04 THAT Bylaw No. 8680 be read a first, second and third time.

Carried

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- 7.3 Bylaw No. 8689 – Amendment No. 6 to Specified Sewer Area No. 17 Bylaw 6775 (Mission Flats)

Moved by Councillor Day/Seconded by Councillor Cannan

R451/01/06/04 THAT Bylaw No. 8689 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 8664 – Leathead Road Trunk Sewer Agreement

Moved by Councillor Cannan/Seconded by Councillor Hobson

R452/01/06/04 THAT Bylaw No. 8664 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Nuisance Tree and Shrub Bylaw No. 6469

Councillor Cannan noted that staff of the Regional District of Central Okanagan enforce the City of Kelowna's Nuisance Tree and Shrub Bylaw. Councillor Cannan commented that the definition of nuisance in the bylaw is vague and makes it difficult for enforcement staff to use discretion in enforcement of the bylaw. He suggested that the Regional District be asked to use discretion in enforcing the bylaw until such time as the bylaw can be reviewed by City staff.

- (b) Traffic Bylaw No. 8120

Councillor Hobson asked that when staff report back on the proposed new Traffic Bylaw, an overhead also be provided to give visual representation to how the intersection sightlines under 2.2 of the bylaw would actually work.

- (c) Gordon Drive Extension

Councillor Hobson suggested that now that the alignment for the southerly extension of Gordon Drive has been reconfirmed by Council, the City should get on with the design of the road to show the area residents how the impact of the road on the neighbourhood could be minimized (i.e. no boulevards and providing alternate routes to get cyclists and pedestrians from the upper level to the lower level such as going down the east side of the road through the park or along the old Barnaby Road corridor when it gets closed off). Councillor Hobson suggested that the neighbourhood be involved in the design and asked that staff report back with recommendations on how to proceed.

- (d) Seating from Maple Leaf Gardens Arena in Toronto

Mayor Gray advised that the City of Kelowna has the opportunity to pay \$300 plus shipping to get one of the old seats in the Maple Leaf Gardens arena in Toronto. The seats are being sold off on the condition that they are put on display in an ice arena or are given to minor hockey for use as a fundraiser. Mayor Gray encouraged the sporting community to contact the City with fund-raising proposals for Council to consider before determining whether to proceed with a seat purchase.

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(e) Photo Radar

Mayor Gray opened debate on whether to write the new Premier, on behalf of Council, and suggest that he could keep his political promise and cancel the photo radar program but not eliminate the legislation so that the local governments could make their own decision on whether or not they want to keep photo radar as a tool.

Moved by Councillor Clark/Seconded by Councillor Cannan

R453/01/06/04 THAT the Mayor write a letter to Premier-elect Gordon Campbell suggesting he retain the legislation empowering photo radar for possible use by cities and municipalities, should they chose to do so, while retaining the right of his government to abolish the use of photo radar on all provincial highways.

Carried

Councillors Blanleil, Day, Hobson and Shepherd opposed.

(f) Professional Award - City Manager

Council congratulated the City Manager for receiving the Professional Award of the Local Government Management Association of B.C. The award is presented annually to an association member for showing leadership, innovation and community service.

9. TERMINATION

The meeting was declared terminated at 4:59 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk