

Regular Meeting – P.M.

June 11, 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 11, 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*; Subdivision Approving Officer, R.G. Shaughnessy*; Long Range Planning Manager, S.K. Bagh*; Director of Parks & Leisure Services, D.L. Graham*; Civic Properties Manager, J. Waugh*; Drainage/Solid Waste Manager, A. Newcombe*; Environmental Manager, M. Watt*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Students of Quigley Elementary School re: Habitat Restoration

- Several of the Grade 5 students gave short presentations telling how they used a \$500 grant for a habitat restoration project along Mission Creek.
- Showed a video of the students working on the project.

3.2 Presentation by Kevin Ade, Friends of Brandt's Creek re: Enhancement of Brandt's Creek (5225-20)

Kevin Ade, Friends of Brandt's Creek:

- Presented a brief synopsis of his Brandt's Creek report which is a non-scientific report based on years of study, work and observation of the creek.
- Enquired about the status of 6 issues that were discussed at a previous meeting with Council as top priorities for creek protection.
- Asked for a public motion of support from Council for the report and the spirit it expresses to recognize the value of Brandt's Creek.
- Advised that a Human Resources Development Canada employee will be working on Brandt's Creek for the next year doing research along the creek.

Staff:

- Met with Kelowna Pacific Railway (KPR) representatives on-site to discuss installing a bollard and chain fence and repairing the culverts identified by Mr. Ade as a safety hazard, and are now waiting to hear back from KPR as to what they intend to do.

Moved by Councillor Shepherd/Seconded by Councillor Given

R465/01/06/11 THAT the information presented by Mr. Kevin Ade on behalf of Friends of Brandt's Creek on issues relevant to the enhancement of Brandt's Creek be received.

Carried

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4. PLANNING

- 4.1 Planning & Development Services Department, dated June 4, 2001 re: Rezoning Application No. Z99-1011 – Douglas and Alfred Appel – Tony Markoff/Planning Solutions Consulting Inc.) – 3205 Highway 33 East (3360-20)

Moved by Councillor Nelson/Seconded by Councillor Given

R466/01/06/11 THAT Municipal Council authorize a second extension to Rezoning Application No. Z99-1011 (Zone Amending Bylaw No. 8483) for a period of not more than 180 days from May 29, 2001.

Carried

- 4.2 Planning & Development Services Department, dated May 7, 2001 re: Rezoning Application No. Z01-1018 – Tracy Arnold – 300 Dundas Road (3360-20)

Staff:

- The rezoning is requested to legalize an existing basement suite.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R467/01/06/11 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, Sec. 22, Twp. 26, ODYD, Plan 20473, located on Dundas Road, 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.

Carried

- 4.3 Planning & Development Services Department, dated June 5, 2001 re: Rezoning Application No. Z01-1023 – Oracle Investments Ltd. (Runnalls, Denby & Associates) – 4752 Stewart Road West (3360-20)

Staff:

- The applicant is proposing to rezone a portion of the property to facilitate subdivision of the whole of the subject property into 17 single family lots together with a storm water detention facility. This would be the last phase of the Crawford Estates subdivision.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R468/01/06/11 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 29, Twp. 29, SDYD, Plan KAP55599 as shown on Map "A" attached to the Planning Department's report of June 5, 2001, located on Stewart Road West, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR3 – Rural Residential 3 zone and P3 – Parks and Open Space zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

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- 4.4 Planning & Development Services Department, dated June 6, 2001 re: Development Permit Application No. DP01-10,034 – Marilyn Forsythe – 464 Tina Court (3060-20)

Staff:

- The lot line adjustment is requested in order to provide the northerly lot with additional area for parking.

Moved by Councillor Hobson/Seconded by Councillor Day

R469/01/06/11 THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,034; for Lot 10 & 12, Sec. 8, Twp. 23, ODYD, Plan 28178, located on Tina Court and Kyndree Court, Kelowna, B.C., subject to the following:

1. That the Land Use Contract No. 76-1087 (Bylaw 4193) be amended to allow for the lot line adjustment which shall be in general accordance with Map "A" attached to the Planning Department's report of June 6, 2001.

Carried

- 4.5 Planning & Development Services Department, dated May 31, 2001 re: Shared Dock Guidelines (6740-20)

Staff:

- The Province is responsible for licensing docks but they refer applications for docks to the City for comments.
- The City of Kelowna already has guidelines for docks in front of single family properties.
- The proposed Shared Dock Guidelines were triggered by a bareland strata development where the developer is interested in providing a shared dock facility.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R470/01/06/11 THAT the last sentence of all three paragraphs under item c. of the City of Kelowna Guidelines for Assessment of Shared Dock Applications included as Attachment 1 with the Planning and Development Services Department's report of May 31, 2001 be amended to read as follows:

"Input from adjoining property owners shall (instead of may) be considered in placing restrictions on the exact placement of the dock."

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Moved by Councillor Nelson/Seconded by Councillor Blanleil

R471/01/06/11 THAT the last sentence of item g. of the City of Kelowna Guidelines for Assessment of Shared Dock Applications included as Attachment 1 with the Planning and Development Services Department's report of May 31, 2001 be amended to increase the minimum setback for shared docks from side property lines from 3 m to 6 m;

AND THAT the City of Kelowna Guidelines for Assessment of Shared Dock Applications, as amended, be endorsed as the new criteria by which staff will assess all shared dock applications which the Province refers to the City for comment.

Carried

Councillors Clark, Hobson and Shepherd opposed.

4.6 Planning & Development Services Department, dated June 4, 2001 re: Garbage Containers for Downtown (6530-12)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R472/01/06/11 THAT Council approve the expenditure of up to \$20,000 for the purchase of new garbage containers for the downtown area, as per the Attachments to the Planning and Development Services Report of June 4, 2001;

AND THAT funding for this project in 2001 be transferred from the existing Civic Properties Downtown Streetscapes allocation (Account No. 10-230-C620).

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

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

Councillor Day declared a conflict of interest because direct family members own properties across the street from the subject property and left the Council Chamber at 3:06 p.m.

Moved by Councillor Nelson/Seconded by Councillor Given

R473/01/06/11 THAT Bylaw No. 8649 be adopted.

Carried

Councillor Day returned to the Council Chamber at 3:07 p.m. and took his place at the Council Table.

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6. REPORTS

- 6.1 Properties Supervisor, dated May 30, 2001 re: Renewal of Lease for Mission Branch Library (2380-20-485)

Moved by Councillor Hobson/Seconded by Councillor Day

R474/01/06/11 THAT City Council approve a 5-year lease renewal beginning December 1, 2000 and ending November 30, 2005, with Save on Shoes Ltd. (the landlord) for the Mission Branch of the Okanagan Regional Library.

Carried

- 6.2 Properties Supervisor, dated May 30, 2001 re: Proposed Completion of Expansion to the Rutland Community Policing Offices (0810-20)

Moved by Councillor Nelson/Seconded by Councillor Given

R475/01/06/11 THAT City Council approve the expenditure of \$35,000 for the completion of the expansion and renovation at the Rutland Community Policing Station;

AND THAT all costs associated with the work be transferred from the RCMP Contract Reserve fund and charged to Account Number xxx-10-220-C2551-Bxxx;

AND FURTHER THAT the 2001 budget be amended to reflect this cost and funding requirements.

Carried

- 6.3 Director of Parks & Leisure Services, dated June 6, 2001 re: Partnership with the Mission Community Centre (0230-20)

Staff:

- The Okanagan Mission Community Hall Association is proposing to cover the existing 3 tennis courts with a fixed structure at their expense. The three new outdoor tennis courts would be constructed on City-owned land and be leased to the Association.
- Additional parking could be made available on the City property as the site develops.

Council:

- The child care facility is needed and used by the community. Suggested the Association consider incorporating the child care into their proposed building or extending the child care lease until another location is found.
- Okanagan Mission Hall is on the City's Heritage Register and so appearance of the structure to cover the adjacent tennis courts will be important.

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Moved by Councillor Shepherd/Seconded by Councillor Hobson

R476/01/06/11 THAT the City of Kelowna establish a partnership with the Okanagan Mission Community Hall Association (O.M.C.H.A.) for the development of tennis facilities;

AND THAT the City Council approve a grant of \$80,000 to the O.M.C.H.A. toward the costs of construction of the outdoor tennis facilities to be funded from the Major Facilities Reserve;

AND THAT the City provide a loan guarantee to a lender to enable the O.M.C.H.A. to borrow \$350,000 to finance the capital costs for a fixed structure to cover the existing three tennis courts on the Society's land subject to the required counter-petition process;

AND THAT the O.M.C.H.A. be responsible for all costs associated with the construction of the facility and tennis courts;

AND THAT staff be instructed to prepare the required by-law and counter-petition process;

AND THAT staff prepare a lease agreement for the portion of land needed by the O.M.C.H.A. for the outdoor tennis courts, such lease to be at \$1 per year, with the term of the lease concurrent with the capital debt financing and subject to renewal;

AND THAT the lease includes provisions for full public access to the outdoor tennis courts so that the general public has equal access to the courts for a nominal hourly fee;

AND THAT all of the above be subject to the amalgamation of the Okanagan Mission Community Hall Association with the Okanagan Mission Community Tennis Association, and the O.M.C.H.A. passing the resolutions required to give them the legal authority to enter into the lease, borrow funds, and transfer land to the City;

AND THAT the City's loan guarantee be subject to City Council's consideration of the required loan authorization by-law and counter-petition process;

AND THAT City Council consider the required amendments to the City's budget at such time as the lease, counter-petition process, and lending agreements are finalized and approved by City Council;

AND FURTHER THAT the O.M.C.H.A. be responsible for any required rezoning, development permit, and building permits while the City is responsible for the required land assembly and lot line changes.

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6.4 Civic Properties Manager, dated June 7, 2001 re: Okanagan Kokanees Gymnastics Facility (0760-20)

Staff:

- Asked that this item be deferred.

Moved by Councillor Shepherd/Seconded by Councillor Given

R477/01/06/11 THAT Council consideration of the Civic Properties Manager's report dated June 7, 2001 regarding finalization of a Design/Build contract for the Okanagan Kokanees Gymnastics Facility be deferred to a future date.

Carried

6.5 Drainage/Solid Waste Manager, dated June 6, 2001 re: Glenmore Landfill Site Development Plan (5360-03)

Staff:

- The City of Kelowna began disposing of waste at the Glenmore Landfill site in 1966.
- The proposed development plan would provide for effective use of the site for the next 50 years and ensure the requirements of the City's operating certificate are met.
- Recommend the report and conclusions be presented to stakeholders for input as the next step.

Tom Field, consultant with CH2m Hill:

- Outlined the basic details of the draft Glenmore Landfill Site Development Plan.
- The future entrance to the landfill will be relocated to a location off an extension of McKinley Road in 10-12 year's time.
- Closure activities would proceed as the landfill is filled.

John Cooper, environmental consultant and Avocet specialist:

- The American Avocet is extremely rare in B.C. and the Glenmore Landfill is one of two sites in the province where this bird nests.
- Since 1997 about two dozen pairs have nested in the southern part of the landfill that is currently flooded. Future development of the landfill site includes filling the area they are using for nesting and it will be necessary over the next few years to entice the Avocet to move to an alternate site.
- The Avocet requires shallow, highly alkaline wetlands with nesting islands. Robert Lake is nearby and Avocets already use that lake regularly for foraging. It would be easy to provide nesting islands in that lake. Other sites may also be suitable too.
- The Central Okanagan Naturalist Club would be involved in efforts to relocate the Avocet to an alternate site.

Council:

- The final plan should indicate that the extended McKinley Road would someday be pushed through to Highway 97 to provide an alternate route for accessing the landfill site.
- Over the next couple of years, the City should be identifying a site and pursuing a Crown reserve on that site to ensure that future landfill needs will be met.

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Moved by Councillor Hobson/Seconded by Councillor Day

R478/01/06/11 THAT Council receive the “draft” Landfill Site Development Plan as information;

AND THAT staff be directed to bring forward the “final” plan for adoption as the landfill’s guiding document once public and stakeholder feedback has been obtained.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 8625 – Housing Agreement Authorization Bylaw – Yellow Rose Ventures Ltd. – 2260 Benvoulin Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R479/01/06/11 THAT Bylaw No. 8625 be read a first, second and third time.

Carried

7.2 Bylaw No. 8660 – B.C. Gas Loan Authorization Bylaw

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R480/01/06/11 THAT Bylaw No. 8660 be read a first, second and third time.

Carried

7.3 Bylaw No. 8661 – B.C. Gas Agreements Authorization Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R481/01/06/11 THAT Bylaw No. 8661 be read a first, second and third time.

Carried

7.4 Bylaw No. 8690 – B.C. Gas Franchise Renewal Agreement Authorization Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R482/01/06/11 THAT Bylaw No. 8690 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Hobson/Seconded by Councillor Day

R483/01/06/11 THAT Bylaw No. 8680 be adopted.

Carried

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Councillor Shepherd enquired whether any consideration has been given to providing a temporary dock facility for the boating community now that the Pier Project has been put on hold. Mayor Gray advised that the Yacht Club has a visitor's wharf that apparently is hardly ever used. The City Manager confirmed that a temporary dock facility has been considered and agreed to follow-up on the status of those discussions as well as with the Yacht Club to see if some arrangement can be worked out.

(b) Fintry Queen

Councillor Nelson noted that the Fintry Queen has not been leaving its dock. The City Manager advised that to his knowledge it is being held up from touring the lake because of need for inspection but agreed to investigate.

(c) Zone for Escort Services and Similar Adult Activities

Councillor Cannan noted that escort services and other adult-related activities are permitted mostly in the commercial zones and that brings them into the downtown area. He suggested a specific zone be established to get them out of the downtown.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R484/01/06/11 THAT staff examine the possibility of establishing a specific zone for adult-related activities such as escort services, etc., and report back with a recommendation as to whether the City of Kelowna should pursue such a zone.

Carried

(d) Graffiti

Mayor Gray recounted a recent meeting he had with three young men in their early 20s who were looking for somewhere to paint murals on sides of buildings and were suggesting that the City needs to find places in town where that would be permitted. Mayor Gray noted that the City of Kelowna spends considerable time and money cleaning up graffiti and suggested that finding a place to allow graffiti may be a solution.

Councillors Cannan and Hobson advised that the Town Centres Implementation Committee is looking into possible solutions. Councillor Shepherd noted that in May of this year, Crimestoppers hosted a workshop in Kelowna dealing with these issues and suggested that Council obtain input from them. Referred to the City Manager.

9. TERMINATION

The meeting was declared terminated at 5:01 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am