

Regular Meeting – P.M.

October 1, 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, October 1, 2001.

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

Council members absent: Councillor B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Director of Works & Utilities, J. Vos*; Drainage & Solid Waste Manager, A. Newcombe*; Environmental Manager, M. Watt*; Development Engineering Manager, S. Muenz*; Acting Director of Parks & Leisure Services, H.R. Hyatt*; Acting Cultural Services Manager, R. Oddleifson*; Civic Properties Manager, J. Waugh*; 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 Presentation of Prizes – Citizen's Survey

Mayor Gray presented prizes to the winners of 3 random draws of those who chose to include their name when they returned their annual Citizen's Survey.

3.1 Murray Ramsden, CEO, Okanagan Similkameen Health Region re: Impact of Provincial Funding on OSHR's 2001/2002 Operating Budget

Murray Ramsden:

- OSHR is anticipating a 0% increase in provincial funding and potentially having to help find the extra money needed to cover increased costs in health care.
- OSHR is the lowest per capita funded health region of anywhere in the Province.
- There will be significant changes occurring in health care as we continue to move toward a balanced budget.

Council:

- Discussion of the challenges ahead.

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4. PLANNING

- 4.1 Community Planning Manager, dated September 25, 2001 re: Community Social Development Grant to Kelowna & District Safety Council (1850-20)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R732/01/10/01 THAT Council decline the request from the Kelowna and District Safety Council to use its authorized 2001 Community Social Development Grant in the amount of \$2,000 for a different purpose;

AND THAT the \$2,000 be re-directed to the Community Social Development Grant Reserve Fund for future use.

Carried

Councillor Clark opposed.

- 4.2 Planning & Development Services Department, dated September 24, 2001 re: Hillside Development Guidelines and Proposed Bylaw Amendments (6660-00; B/Ls 8710; 8711 & 8712)

Staff:

- The proposed amendments were presented to Council in July at which time staff were directed to do one last circulation to interested parties. That has been done and some letters of comment were received back. The response was generally positive with some suggestions for fine-tuning.
- The Hillside Development Guidelines are intended to ensure sensitive development and preservation of important features on our hillsides. Development on slopes over 30% would still require Council's approval of a Development Permit.
- Recommend the Council proceed with the amending bylaws.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R733/01/10/01 THAT the Kelowna Hillside Development Guidelines attached as Schedule A to the report from the Planning and Development Services Department dated July 19, 2001 be endorsed by Council as a process for evaluating subdivision, development permit and building permit applications located within Hillside Areas;

AND THAT this endorsement come into effect concurrent with the adoption of bylaws to amend the Official Community Plan Bylaw No. 7600, Zoning Bylaw No. 8000, and Subdivision and Development Servicing Bylaw No. 7900 for Hillside Areas;

AND THAT the Official Community Plan Bylaw No. 7600 be amended to include amendments contained in Schedule B to the report from the Planning and Development Services Department dated July 19, 2001;

AND THAT the Zoning Bylaw No. 8000 be amended to include those amendments contained in Schedule C to the report from the Planning and Development Services Department dated July 19, 2001;

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AND THAT the Subdivision and Development Servicing Bylaw No. 7900 be amended to include those amendments contained in Schedule D to the report from the Planning and Development Services Department dated July 19, 2001;

AND FURTHER THAT the Official Community Plan and Zoning Bylaw amending bylaws be forwarded to a Public Hearing for consideration.

Carried

- 4.3 Planning & Development Services Department, dated September 26, 2001 re: DP01-10,044 – Kelowna Servants Anonymous Society (Dan Scuka) – 1720 Ethel Street (3060-20; 3090-20)

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R734/01/10/01 THAT the Planning and Development Services Department report of September 26, 2001 regarding the status of DP01-10,044 (Kelowna Servants Anonymous Society - 1720 Ethel Street) be received for information;

AND THAT staff be directed to prepare the necessary bylaw authorizing the City to enter into a Housing Agreement with Kelowna Servants Anonymous Society to ensure that the development is reserved for affordable housing.

Carried

- 4.4 Planning & Development Services Department, dated September 25, 2001 re: Rezoning Application No. Z01-1036 – Tim & Elaine Weigel – 136 Kathler Road (3360-20)

Staff:

- The secondary suite would be above a 2-bay garage in an accessory building proposed for construction in the rear yard fronting onto Millard Place.

Moved by Councillor Hobson/Seconded by Councillor Clark

R735/01/10/01 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Section 4, Township 23, O.D.Y.D., Plan 20730, located on Kathler Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite 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 considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

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- 4.5 Planning & Development Services Department, dated September 26, 2001 re: Rezoning Application No. Z01-1037 – Four-D Ventures Ltd. (Axel Hilmer) – 1876 Ambrosi Road (3360-20)

Staff:

- The rezoning would facilitate construction of a 2-storey commercial building with two 1-bedroom apartments on the second floor.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R736/01/10/01 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Block 1, D.L. 129, ODYD, Plan 5109, located on Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial 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 registration of road and lane dedications;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

- 4.6 Planning & Development Services Department, dated September 21, 2001 re: Rezoning Application No. Z01-1019 – Mike Jacobs/Emil Anderson Construction Co. Ltd. – 902 Summit Drive (3360-20)

Staff:

- The application includes the partial discharge of the Dilworth Mountain Land Use Contract from 1 of the 5 properties located off Summit Drive.
- The OCP amendment changes the future land use designation of about 8,200 sq. m of land area from Park to Residential.
- The rezoning would facilitate a 50-lot single family residential subdivision and a strata development of approximately 160 low density, semi-detached multi-family units.
- This is the first development within the City of Kelowna to incorporate the Hillside Development Guidelines.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R737/01/10/10 THAT the Land Use Contract No. LUC74-57 be discharged from that portion of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; and part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768, as shown on Map "A" attached to the report of the Planning & Development Services Department dated September 21, 2001;

AND THAT Map 15.1 of City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use designation for a part of Lot 4, Blk. 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, from Major Park/Open Space to Multi-Family Residential-Low Density;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4, Blk. 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) Zone as shown on Map "B" attached to the report of Planning & Development Services Department dated September 21, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a part of Lot A, Sec. 28 & 33, Twp. 26, O.D.Y.D., Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KAP50743, KAP56071, KAP60291 and KAP67806; part of Lot C, Sec. 28, Twp. 26, O.D.Y.D., Plan 31716 except Plans 32938, 42525, 43836, KAP46337, KAP50737, KAP54753, KAP56071, KAP57982, KAP60483, KAP66626, KAP67326, KAP67806 and KAP69768; and part of Lots 1, 2, 3 and 4, Blk. 22, Sec. 23, Twp. 26, O.D.Y.D., Plan 1249, located north of Summit Drive, Kelowna, BC from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "A" attached to the report of Planning & Development Services Department dated September 21, 2001;

AND THAT the Official Community Plan amendment, the partial discharge of Land Use Contract (LUC74-57) bylaw and the zone amending bylaws for the RU1h – Large Lot Housing (Hillside Area) zone and the RM3 – Low Density Multiple Housing zone be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw for that portion of the subject properties to be zoned RM3 – Low Density Multiple Housing zone be considered in conjunction with Council's consideration of a Development Permit.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 8719 (Z01-1034) – Ruby Holdings Ltd. (New Town Planning Services) – Gordon Drive at Lequime Road, and City of Kelowna Official Community Plan Amendment No. OCP01-006 **Requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Nelson

R738/01/10/01 THAT Bylaw No. 8719 be adopted.

Carried

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6. REPORTS

6.1 Drainage/Solid Waste Manager, dated September 26, 2001 re: Glenmore Landfill Site Development Plan (5360-03)

Staff:

- The draft Glenmore Landfill Site Development Plan was presented to Council by the consultant in June 2001.
- Feedback from the public has resulted in several refinements of the draft plan, most notably to move the location for the composting operation to immediately west of Tutt mountain, and to incorporate American Avocet habitat into the final design of the northeast detention pond.
- Anticipate that the composting facility would be operational on the Glenmore Landfill site by September 2003. The majority of the operation would be internal in a building.
- Rather than posting bonding, as suggested in a letter from the Quail Ridge Residents' Association, the City could commit to maintain sufficient reserves in the solid waste department in the event that environmental issues are not adequately dealt with through the design. Committing to the reserve funds could occur when staff come forward for funding to build the composting facility.

Council:

- Discussed timing for development of an alternate road to the north to connect to Highway 97, and the need to work with the Province to identify and protect a regional landfill site on Crown Land for the long term.

Moved by Councillor Clark/Seconded by Councillor Nelson

R739/01/10/01 THAT Council adopt the Landfill Comprehensive Site Development Plan as the framework for future capital works and operational strategies at the Glenmore Landfill;

AND THAT staff be directed to bring forward these works and strategies through the regular budgeting process, as they become necessary;

AND THAT staff be authorized to process all necessary Road Closure's, Lot Consolidations, Subdivision, Rezoning and Agricultural Land Reserve Applications to identify the ultimate Glenmore Landfill property;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete those transactions.

Carried

Councillors Cannan and Shepherd opposed.

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- 6.2 Civic Properties Manager, dated September 25, 2001 re: Renovations to City Hall, Second Floor and Council Offices (0760-20)

Staff:

- The total estimated cost of the proposed renovations is \$769,000.
- There would be more discussion with Council on their needs for the Council offices.

Moved by Councillor Day/Seconded by Councillor Cannan

R740/01/10/01 THAT City Council approve the planned renovations to the Planning and Development Services Department on the second floor and renovations to the Council offices on the third floor of City Hall;

AND THAT the project be funded from the funds already approved in the 2001 budget.

Carried

Councillor Blanleil opposed.

- 6.3 Acting-Cultural Services Manager, dated September 25, 2001 re: Rotary Centre for the Arts – Award of Tender (0760-20)

Staff:

- The price in the staff recommendation should have indicated that GST would be added onto the cost.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R741/01/10/01 THAT Council approve the award of a contract for the electrical installation and related works at the Rotary Centre for the Arts to Keldon Electric and Data Ltd. in the amount of \$683,242 (not including GST).

Carried

- 6.4 Acting Director of Parks & Leisure Services, dated September 27, 2001 re: Construction of New Chapman Parkade (0760-20; T01-81)

Staff:

- Request the item be withdrawn.

Moved by Councillor Day/Seconded by Councillor Hobson

R742/01/10/01 THAT Council consideration of the report of the Acting Director of Parks & Leisure Services regarding construction of the new Chapman Parkade be deferred for 2 weeks pending legal advice on the tenders received.

Carried

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- 6.5 City Clerk, dated September 26, 2001 re: Petitioned Work of Local Improvement – Sutherland Avenue (5320-20-650)

Moved by Councillor Nelson/Seconded by Councillor Clark

R743/01/10/01 THAT the petition received September 25, 2001 from Henry J. Clarke for the construction of curb & gutter, road widening, road drainage and paver bricks on the south side of Sutherland Avenue from the west property line of Lot B Plan 12546 to the east property line of Lot A Plan 33076, be received and referred to the Transportation Manager to be placed in its order of construction priority.

Carried

- 6.6 City Clerk, dated September 24, 2001 re: Okanagan Mission Community Hall Association Loan Authorization Bylaw, Agreements Authorization Bylaw, and Lease Authorization Bylaw (B/L's 8723, 8724, 8725)

Staff:

- Asked that the deadline date be changed from Monday, November 5th to Tuesday, November 13th to allow staff more time to confirm that the wording in the agreement is acceptable to both sides.
- The bylaws will be advertised on October 10th and 11th.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R744/01/10/01 THAT 4:00 p.m., Tuesday, November 13, 2001 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to:

Okanagan Mission Community Hall Association Loan Authorization Bylaw No. 8723;
Okanagan Mission Community Hall Association Agreements Authorization Bylaw No. 8724; and
Okanagan Mission Community Hall Association Lease Authorization Bylaw No. 8725.

Carried

- 6.7 Legal Services RFP Evaluation Team, dated September 27, 2001 re: Replacement of City Solicitor (2320-20-1036)

Moved by Councillor Hobson/Seconded by Councillor Day

R745/01/10/01 THAT Council approve the City of Kelowna entering into an agreement with the law firm of Lidstone Young Anderson for the provision of primary local government legal services;

AND THAT the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kelowna.

Carried

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7. RESOLUTIONS

7.1 Draft Resolution re: Appointment – Okanagan Military Museum (7930-20)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R746/01/10/01 THAT Councillor Barrie Clark be appointed as Council's liaison to the Okanagan Military Museum Society Board of Directors for the balance of the 2000/01/02 Council term.

Carried

7.2 Draft Resolution re: Cancellation of October 16, 2001 Council Meetings (0550-01)

Moved by Councillor Hobson/Seconded by Councillor Nelson

R747/01/10/01 THAT the Public Hearing and Regular Council Meeting scheduled for Tuesday, October 16, 2001 be cancelled.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

8.1 Bylaw No. 8729 – Road Exchange Bylaw – Portion of Thompson Creek right-of-way for road dedication required to extend Lequime Road to Gordon Drive

Moved by Councillor Nelson/Seconded by Councillor Clark

R748/01/10/01 THAT Bylaw No. 8729 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Address Number - Commercial Buildings on Highway 97

Councillor Shepherd asked that staff see what can be done to encourage business owners on Highway 97 to have the number of their building as part of their sign to make the number more visible to the public.

(b) Block Number on Street Signs

Councillor Clark asked that staff look into adding the hundred block number on street name signs in Kelowna.

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(c) ICBC Safety Programs

Councillor Nelson noted that ICBC is cutting a lot of their safety programs and suggested that a letter be sent from the Mayor to ICBC to encourage them to keep some of their safety programs.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R749/01/10/01 THAT the Mayor send a letter to the Insurance Corporation of British Columbia (ICBC) applauding them on their road safety initiatives and youth programs and indicating support for the 13 local initiatives continuing.

Carried

(d) Televising of Council Meetings – Shaw Cable

Mayor Gray referenced a letter from Shaw Cable to the City advising that Tuesday evening Council meetings will now be rebroadcast in 3 time slots instead of 2 time slots. He suggested that Council respond with a letter thanking Shaw Cable and suggesting that the Monday afternoon Council meeting be broadcast during one of those time slots. The letter could offer to consistently include the times when the meetings would be televised in the Council Highlights section of the newspapers. The letter could also indicate that Council would be prepared to discuss paying for the camera operator for the Monday meeting if that is what it takes to get the Monday meeting televised.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R750/01/10/01 THAT the Mayor write Shaw Cable suggesting that the Monday afternoon Council meeting be broadcast in one of the three time allotments for airing the Tuesday evening Council meetings.

Carried

(e) Okanagan Lake Bridge

Mayor Gray reported on a brief meeting he had with the Minister of Transportation while attending the Union of British Columbia Municipalities (UBCM) convention last week. The Minister agrees that the new bridge is a priority but advises there is no money for the project at this time. Mayor Gray noted that if a means of funding construction of a new bridge is not determined in the next 2-3 years, then the Ministry would have to refurbish the existing bridge to make it safe, spending money that still would not address the traffic congestion problems.

Councillor Clark commented that a private company is proposing to build a new bridge and lease it back to the Province. He suggested that the City and/or the Economic Development Commission prepare a quality video 15 minutes or so in length that could be used to present the facts about Okanagan Lake Bridge and convince the Provincial Government of the urgency in proceeding with a new bridge.

Councillor Hobson agreed that the Regional Transportation Committee would consider these comments and report back.

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(f) Highway 97 in National Highway System

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R751/01/10/01 THAT the Hon. Judith Reid, Provincial Minister of Transportation, be asked to request that the Federal Government include Highway 97 in the National Highway System.

Carried

(g) Statutory Holiday in Lieu of Remembrance Day

Mayor Gray clarified that contrary to what was reported in the media, it is the November 12th day off in-lieu of the statutory holiday for Remembrance Day that the City is changing to December 24th for this year. Remembrance Day will continue to be observed on November 11th as always, no matter what day of the week it falls.

10. TERMINATION

The meeting was declared terminated at 5:43 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk