

Regular Meeting – P.M.

October 15, 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 15, 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\*; Special Projects Planning Manager, H.M. Christy\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Acting Director of Parks & Leisure Services, H.R. Hyatt\*; Parks Manager, J. Creron\*; Cemetery Manager, D. Radford\*; Acting Recreation Manager, J. Gabriel\*; Financial Planning & Systems Manager, K. Grayston\*; Purchasing Manager, R. Reiter\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Linda Anderson, YM-YWCA re: Annual Week Without Violence – October 15-21, 2001

Linda Anderson, YM-YWCA:

- Explained that the annual Week Without Violence event is aimed at reduction of violence across the country. To that end, Ys are working together with schools and organizations to lead a nation-wide effort to find solutions to violence and create a safer place to work and play.

Councillors Hobson and Blanleil entered the Council Chamber at 1:36 p.m. and 1:39 p.m. respectively and took their place at the Council Table.

4. UNFINISHED BUSINESS

4.1 Acting Director of Parks & Leisure Services re: Construction of New Chapman Parkade (0760-20) Deferred from the Regular Meeting of Monday, October 1, 2001 pending legal advice on the tenders received.

Staff:

- Reminded Council that Disbursement of City Funds Bylaw No. 6090 requires Council approval for all tenders over \$250,000.
- The bids received for the Chapman Parkade tender include all taxes except GST.

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Moved by Councillor Day/Seconded by Councillor Cannan

**R762/01/10/15** THAT City Council approve the construction of a five story parkade to replace the existing Chapman Parkade;

AND THAT Council reject the Graham Construction Ltd. tender for failure to submit Section 00430 (Subcontractor List) before the tender opening, contrary to the Instructions to Bidders;

AND THAT Council reject the Westpro Constructors' Group Ltd. bid, for making unauthorized alterations to the tender form regarding time for completion of the work and the lump sum price;

AND FURTHER THAT the bid of Ledcor Construction Ltd. in the amount of \$7,966,391 (exclusive of GST) be accepted.

Carried

Councillors Cannan and Shepherd opposed.

5. PLANNING

5.1 Planning & Development Services Department, dated October 10, 2001  
re: Public Art Committee Recommendation for Water Street Corner (7800-01)

Council:

- Not everyone likes modern art. The public may appreciate seeing conventional designs selected for some locations.
- Consider implementing a theme to ensure consistency in public art work designs on Bernard Avenue.

Moved by Councillor Nelson/Seconded by Councillor Given

**R763/01/10/15** THAT City Council approve the recommendation of the Public Art Committee and Bank of Montreal to award the commission for the design and installation of a sculpture to enhance the area in front of the new Bank of Montreal building to Jock Hildebrand of Westbank;

AND THAT the Mayor and Clerk be authorized to sign a contract with Mr. Hildebrand for an amount not to exceed \$70,000 (funded from the Public Art Reserve and from a contribution from the Bank of Montreal) for the design and installation of the artwork.

Carried

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- 5.2 (a) Planning & Development Services Department, dated October 9, 2001 re: Text Amendment No. TA01-012 – Revision to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Nelson/Seconded by Councillor Given

**R764/01/10/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the following section to Section 1.8 Undersized Lots:

- 1.8.4 A lot having less than the minimum lot size in a zone can be rezoned to add the “S” notation to that zone to allow a secondary suite as a secondary use, provided that the lot was created before adoption of this Bylaw and the development otherwise complies with all regulations of this Bylaw;

AND THAT the text amending bylaw be forward to a Public Hearing for further consideration.

Carried

- (b) Planning & Development Services Department, dated October 9, 2001 re: Rezoning Application No. Z01-1039 – John Demmers – 3265 O’Reilly Court

Moved by Councillor Nelson/Seconded by Councillor Given

**R765/01/10/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11, Section 16, Township 26, O.D.Y.D., Plan 24733, located on O’Reilly Court, Kelowna, B.C., from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with Secondary Suite;

AND THAT the zone amending and text amending bylaws be forward 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

- 5.3 Planning & Development Services Department, dated October 10, 2001 re: Rezoning Application No. Z01-1041 – Jim Dickson – 2238 Wilkinson Street

Moved by Councillor Given/Seconded by Councillor Shepherd

**R766/01/10/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 136, ODYD, Plan KAP64648, located on Wilkinson St., Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone;

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

Carried

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- 5.4 Planning & Development Services Department, dated October 10, 2001 re: Zoning Bylaw Text Amendment No. TA01-011 and Rezoning Application No. Z01-1048 – 369736 B.C. Ltd., et al (Grant Gaucher) – South of South Ridge Drive

Staff:

- Adding the 'h' designation to the zones provides hillside guidelines for upper portions of the South Ridge Development just off Cross Road.

Council:

- At the Public Hearing, would like a plan of the sector showing topographically the high ridge boundary in relation to the other properties.

Moved by Councillor Hobson/Seconded by Councillor Day

**R767/01/10/15** THAT City of Kelowna Zoning Bylaw No. 8000 be amended to add the "h" (Hillside Area) designation to the RU2 – Medium Lot Housing and the RM2 – Low Density Row Housing zones as shown on Schedule "A" attached to the Planning Department's report dated October 10, 2001;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, District Lot 1688S, SDYD, Plan KAP68646 except Plan KAP68647, located on South of South Ridge Drive, Kelowna, B.C., from the RU1 – Large Lot Housing, RU2 – Medium Lot Housing, and the RM2 – Low Density Row Housing zones to the RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), and the RM2h – Low Density Row Housing (Hillside Area) zones;

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

Carried

- 5.4.1 Director of Planning & Development Services, dated October 15, 2001 re: Hillside Development Guidelines – Concurrent Bylaw Amendments Bylaw No. 8741 (to Development Application Fees Bylaw No. 8034) and Bylaw No. 8742 (to Sign Bylaw No. 8235)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R768/01/10/15** THAT Development Application Fees Bylaw No. 8034 be amended to add a Development Category for the "H" zones with an Application Fee of \$1,260.00, APC fee of \$525.00, GST of \$36.75 for a Total Cost of \$1,871.75;

AND THAT Sign Bylaw No. 8235 be amended to add reference to the "H" zones in the footnote at the end of subsection 6.1 of Section 6 – Specific Zone Regulations as follows:

"\*The **zones** identified in this table are the **zones** designated for specific properties in **City of Kelowna Zoning Bylaw** No. 8000. Properties with an 's' as part of the Zoning Designation shall comply with the requirements of the parent **zone** (e.g. RU1s shall comply with the requirements of the RU1 **zone**). Similarly properties with a 'b' as part of the Zoning Designation shall comply with the requirements of the parent **zone** (e.g. RU6b shall comply with the requirements of the RU6 **zone**). Properties with an 'h' designation as part of the Zoning Designation shall comply with the requirements of the parent **zone** (e.g. RU1h shall comply with the requirements of the RU1 **zone**).";

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AND THAT the amendments to the Development Application Fees Bylaw No. 8034 and to the Sign Bylaw No. 8235 be forwarded for reading consideration by Council.

Carried

- 5.5 Planning & Development Services Department, dated October 4, 2001 re: Rezoning Application No. Z98-1042 – Fredor Holdings Ltd. (Matt Cameron/Earth Tech Canada Inc.) – 1361 Mountain Avenue

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R769/01/10/15** 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 October 4, 2001.

Carried

Councillor Cannan opposed.

- 5.6 Planning & Development Services Department, dated October 3, 2001 re: Rezoning Application No. Z99-1007 – Aberdeen Holdings Ltd. (Protech Consultants Ltd.) – Guisachan/Burtch Roads

Councillor Day declared a conflict of interest because a direct family member owns adjoining property and left the Council Chamber at 2:22 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R770/01/10/15** THAT Municipal Council authorize an extension to Rezoning application No. Z99-1007 (Bylaw No. 8467) for a period of not more than 180 days from October 5, 2001.

Carried

Councillor Clark opposed.

Councillor Day returned to the Council Chamber at 2:24 p.m. and took his place at the Council Table.

- 5.7 Planning & Development Services Department, dated October 10, 2001 re: Lease Agreement Application No. LA01-015 – Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376 (Thomas Kendall/Kendall Penty & Co.) – 220 to 270 Dougall Road (B/L 8737)

Moved by Councillor Cannan/Seconded by Councillor Nelson

**R771/01/10/15** THAT Municipal Council approve in principal a lease for 20 years on Lots 12, 13, 14, 15, 16, & 17, Sec. 26, Twp 26, O.D.Y.D., located on Dougall Road, Kelowna, B.C., pursuant to the provision of Section 3(3) of the Residential Tenancy Act;

AND THAT Bylaw 8737 – Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376 Tenancy Agreement approval be forwarded for Council consideration.

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- 5.8 Planning & Development Services Department, dated October 10, 2001 re: Agricultural Land Reserve Appeal No. A01-108 – Edwin & Evelyn Henkel – 202 Drake Road

Staff:

- The applicant is seeking permission to create a homesite severance panhandle lot on westerly portion of the property.

Moved by Councillor Given/Seconded by Councillor Cannan

**R772/01/10/15** THAT Agricultural Land Reserve Appeal No. A01-108, Lot 9, Block 4, Sections 4 & 9, Township 23, O.D.Y.D., Plan 896, located on Glenmore Road North and Drake Road, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act be supported by the Municipal Council;

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

Carried

## 6. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST READING)**

Staff:

- Because the first reading bylaws simply advance development applications to Public Hearing, suggest that Council dealt with first reading bylaws in one resolution rather than by separate resolutions.
- On occasions where Council wants to vote on a bylaw or bylaws individually, the bylaw(s) could be removed from the single resolution and read separately.

- 6.1 Bylaw No. 8710 (OCP01-013) – Official Community Plan Amendment requires **majority vote of Council (5)**

See resolution after item No. 6.8.

- 6.2 Bylaw No. 8711 (TA01-010) – Zoning Bylaw Text Amendment

See resolution after item No. 6.8.

- 6.3 Bylaw No. 8731 (OCP01-008) – Abraham Salloum and Brederick Bloomfield (Mike Jacobs/Emil Anderson Construction Co. Ltd.) – 2025 Rojem Road requires **majority vote of Council (5)**

See resolution after item No. 6.8.

- 6.4 Bylaw No. 8732 (LUC74-57) – Mike Jacobs/Emil Anderson Construction Co. Ltd. – 902 Summit Drive

See resolution after item No. 6.8.

- 6.5 Bylaw No. 8733 [Z01-1019(a)] – Emil Anderson Construction Co. Ltd., et al (Mike Jacobs) – 902 Summit Drive and 1969, 1983, 2011 & 2025 Rojem Road

See resolution after item No. 6.8.

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- 6.6 Bylaw No. 8734 [Z01-1019(b)] - Emil Anderson Construction Co. Ltd., et al (Mike Jacobs) – 902 Summit Drive and 1969, 1983, 2011 & 2025 Rojem Road

See resolution after item No. 6.8.

- 6.7 Bylaw No. 8735 (Z01-1036) – Timothy & Elaine Weigel – 136 Kathler Road

See resolution after item No. 6.8.

- 6.8 Bylaw No. 8736 (Z01-1037) – Four-D Ventures Ltd. (Axel Hilmer) – 1876 Ambrosi Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R773/01/10/15** THAT Bylaws No. 8710, 8711, 8731, 8732, 8733, 8734, 8735 and 8736 be read a first time.

Carried

## 7. REPORTS

- 7.1 Deputy Director of Finance, dated October 9, 2001 re: 2002 Tax Exemption Bylaw No. 8738 **requires 2/3 majority vote of all Council (6)**

Council:

- Agreed to vote on each of the schedules separately.

Moved by Councillor Hobson/Seconded by Councillor Clark

**R774/01/10/15** THAT pursuant to sections 339, 340 and 341 of the *Local Government Act*, exemptions from taxation for the year 2002 include those set out in Schedule A of the 2001 Tax Exemption By-law No. 8608, with the following change:

Schedule A:

Delete Roll 6199.264, Lot 8, Plan 25529 (230 Highway 33 East) – Living Waters Victory Church.

Carried

Councillor Clark opposed.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R775/01/10/15** THAT pursuant to sections 339, 340 and 341 of the *Local Government Act*, exemptions from taxation for the year 2002 include those set out in Schedule B of the 2001 Tax Exemption By-law No. 8608, with the following changes:

Schedule B:

1. Change Item #16, Roll 79794, (2318 Pandosy Street) – Okanagan Similkameen Health Region – Hospital, to Roll 79963, Lot A, Plan 67528;
2. Change Item #1, Roll 5929.000 (255 Rutland Road North) – Kelowna General Hospital Foundation to Schedule D;
3. Delete Roll's 4529.000, 71335, 71340 (955 Glenwood Ave, 865 Glenwood Ave, 2180 Ethel St) – Okanagan Similkameen Health Region.

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Moved by Councillor Shepherd/Seconded by Councillor Given

**R776/01/10/15** THAT pursuant to sections 339, 340 and 341 of the *Local Government Act*, exemptions from taxation for the year 2002 be the same as those set out in Schedule C of the 2001 Tax Exemption By-law No. 8608.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R777/01/10/15** THAT pursuant to sections 339, 340 and 341 of the *Local Government Act*, exemptions from taxation for the year 2002 include those set out in Schedule D of the 2001 Tax Exemption By-law No. 8608, with the following changes:

Schedule D:

1. Change Item No. 6, Roll 48750, Lot 33, Plan 10011 (1350-52 Belaire Avenue) – H.O.S.O.T.O. House (Helping Others Stand On Their Own);
2. Change Item No. 55, Roll 66250, Lot 1, Plan 22678 (1380 Bertram Street) – Kelowna Royal Canadian Legion;
3. Add Roll 6198.705, Lot A, Plan 21551 (365 Hartman Road) – Okanagan Gymnastic Centre;
4. Add Roll 56180, Lot A, Plan 15422 (845 Jones Street) – BC Corporation Seventh Day Adventist Church;
5. Add Roll 28740, Lot 8, Plan 3398 (2490 Pandosy Street) – Kelowna Centre for Positive Living Society.

Carried

- 7.2 Acting Recreation Manager, dated October 9, 2001 re: 2000 Canada Bowl Funding Request (1790-03)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R778/01/10/15** THAT Council approve \$5,000 from the Council Contingency Fund to assist the Okanagan Mainline Football Society with funding of the 2000 Canada Bowl as recommended by the Parks and Facilities Committee.

Carried

- 7.3 Cemetery Manager, dated October 10, 2001 re: Promontory Green Interment Garden Contract T01-92 (4100-00)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R779/01/10/15** THAT Council award the construction of the Promontory Green Interment Garden to the low bidder Carrier Mausoleums Construction Inc., for a total lump sum bid price for all components of the feature of Eight Hundred Eighty-One Thousand, Two Hundred Fifty-Five Dollars (\$881,255) plus G.S.T.;

AND THAT funding of \$65,000 be contributed from the Cemetery Replacement/Development Fund to offset the anticipated additional cost with the 2001 Financial Plan amended to provide for this change.

Carried



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- 7.4 City Clerk, dated October 9, 2001 re: Petitioned Work – Addition to Specified Area No. 21A (B/L 8739)

Moved by Councillor Cannan/Seconded by Councillor Day

**R780/01/10/15** THAT the petition received October 2, 2001 from the residents of the Mugford Road, Macaden Court and Mara Road area for the installation of sewer mains and services to the property line and addition to the Sewer Specified Area No. 21A be received and referred to the Wastewater Manager to be placed in its order of construction priority.

Carried

8. DRAFT RESOLUTIONS

- 8.1 Draft Resolution re: Travel Authorization – Vancouver, B.C. (1800-01)

Moved by Councillor Nelson/Seconded by Councillor Given

**R781/01/10/15** THAT Councillor Shepherd be authorized to travel to Vancouver, B.C. to attend a Dialogue on Health Care forum being held at Simon Frazer University on October 22, 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

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 9.1 Bylaw No. 8712 – Amendment No. 6 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R782/01/10/15** THAT Bylaw No. 8712 be read a first, second and third time.

Carried

- 9.2 Bylaw No. 8730 – Housing Agreement Authorization Bylaw – Kelowna Servants Anonymous Society – 1720 Ethel Street

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R783/01/10/15** THAT Bylaw No. 8730 be read a first, second and third time.

Carried

- 9.3 Bylaw No. 8737 – The Army, Navy, Air Force Veterans in Canada Tenancy Agreement Approval Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R784/01/10/15** THAT Bylaw No. 8737 be read a first, second and third time.

Carried

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- 9.4 Bylaw No. 8738 – 2002 Tax Exemption Bylaw **Requires majority vote of full Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R785/01/10/15** THAT Bylaw No. 8738 be read a first, second and third time.

Carried

- 9.5 Bylaw No. 8740 – Park Land Exchange – West Rutland Elementary School – Houghton Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R786/01/10/1** THAT Bylaw No. 8740 be read a first, second and third time.

Carried

- 9.6 Bylaw No. 8741 – Amendment No. 12 to Development Application Fees Bylaw No. 8034

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R787/01/10/1** THAT Bylaw No. 8741 be read a first, second and third time.

Carried

- 9.7 Bylaw No. 8742 – Amendment No. 5 to Sign Bylaw No. 8235

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R788/01/10/1** THAT Bylaw No. 8742 be read a first, second and third time.

Carried

10. COUNCILLOR ITEMS

- (a) Community Charter – Consultative Session

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R789/01/10/1** THAT the \$10 registration fee for those members of Council wishing to attend a consultative session with the Community Charter Council on Wednesday, October 24, 2001 at the Best Western Inn in Kelowna, B.C. be appropriated from Account No. 413-10-015-0-001.

Carried

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(b) Archives Grant Program

Councillor Clark advised that the Provincial Government is considering funding cuts to the archives grant program.

Moved by Councillor Clark/Seconded by Councillor Hobson

**R790/01/10/1** THAT the Mayor send a letter on behalf of Council supporting the position of Wayne Wilson, Museum Curator, in his letter to the Hon. Sandy Santori, Minister of Management Services regarding the importance of funding for the archives grant program.

Carried

(c) Speed Limit on Glenmore Drive

Councillor Blanleil suggested that as part of the process when arterial roads are upgraded, staff should be considering whether the upgrade warrants a speed limit increase. He commented that the speed limit should have been increased with the 4-laning of Glenmore Drive (other than by the Glenmore Elementary School) and that Benvoulin is another road where the speed limit should have been increased with the road upgrade. The City Manager advised that staff are monitoring how the intersection works on Glenmore at the school and then will address the speed limit issue with their report back to Council in a month or so.

(d) Nations in Bloom Awards Ceremony – Shenzhan, China

Councillor Cannan reported that the City of Kelowna has been selected as a finalist in the Nations in Bloom competition for the title of "Most Beautiful City in the World". The winner will be announced at an awards ceremony in China.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R791/01/10/1** THAT Mayor Gray be authorized to travel to Shenzhan, China to attend the Nations in Bloom awards ceremony on November 29 to December 3, 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

(e) Sarsons Beach

Councillor Hobson advised he has received a petition signed by about 60 residents of the Sarsons Beach area asking that a 7 ft. to 8 ft. high gate be installed across the entrance to Sarsons Beach to prevent night-time access to the beach and hopefully deter problems they are experiencing with night-time activities that go on at that beach. He said he would pass the petition to the City Manager and asked that staff consider the matter and report back to Council with a recommendation prior to budget discussions.

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Councillor Hobson also suggested that one of the Yield signs at the intersection of Hobson and Sarsons Roads needs to be changed to a Stop sign.

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R792/01/10/1** THAT the petition from residents of the Sarsons Beach area requesting installation of a gate across the entrance to Sarsons Beach to prevent night-time access to the beach be referred to Parks Department staff for review and a recommendation back to Council prior to 2002 budget discussions;

AND THAT City Transportation staff be requested to consider changing one of the Yield signs at Hobson and Sarsons Roads to a Stop sign.

Carried

11. TERMINATION

The meeting was declared terminated at 3:22 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk