

Regular Meeting – P.M.

November 26, 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, November 26, 2001.

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

Council members absent: Mayor Walter Gray and Councillor B.A. Clark.

Staff members in attendance were: Acting-City Manager, R.L. Mattiussi; Deputy City Clerk, A. Flack; Current Planning Manager, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Deputy Director of Finance, P.A. Macklem\*; Acting Cultural Manager, R. Oddleifson\*; Acting Recreation Manager, J. Gabriel\*; Community Recreation Coordinator, D. Backmeyer\*; Development Engineering Manager, S. Muenz\*; Licencing & Bylaw Enforcement Supervisor, A. Dixon\*; Manager-Airside Operations, S. Samaddar\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PLANNING

- 3.1 Planning & Development Services Department, dated November 20, 2001 re: Rezoning Application No. Z01-1052 – School District No. 23 (Culos Development (1996) Inc.) – 1180 Houghton Road

Staff:

- The rezoning is requested to facilitate a 34-lot bareland strata subdivision.
- The existing school building would occupy the property remainder and continue to operate as a private school.
- A Development Variance Permit would be required to waive the minimum lot depth requirement for some of the proposed lots.

Council:

- Staff to find out for the Public Hearing whether the trees in the area of parking lot for the school will be relocated or retained.

Moved by Councillor Nelson/Seconded by Councillor Given

**R930/01/11/26** THAT Official Community Plan Bylaw Amendment No. OCP01-014 to amend Map 15.1 - **GENERALIZED FUTURE LAND USE** of Schedule "A" of "City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the future land use designation of part of Lot A, Section 27, Township 26, ODYD Plan KAP53622 located on Houghton Road, Kelowna, B.C. from "Educational/Major Institutional" to "Single/Two Family Residential" be considered by Council;

AND THAT Rezoning Application No. Z01-1052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Section 27, Township 26, ODYD Plan KAP53622 and Park shown on Plan 30321, Section 27, Township 26, ODYD, located on Houghton Road and O'Keefe Court, Kelowna, B.C., from the P2 - Education and Minor Institutional and RU1 - Large Lot Housing zones to the RU5-Bareland Strata Housing zone as shown on Map "A" attached to the report of Planning & Development Services Department dated November 20, 2001, be considered by Council;

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AND THAT the Official Community Plan Bylaw Amendment No. OCP01-014 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND FURTHER 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

3.2 Planning & Development Services Department, dated November 20, 2001 re: Rezoning Application No. Z01-1046 – William Halton – 318 Aspen Road

Staff:

- The garage may have been used as a suite at one point but it has been decommissioned and is now used as part of the main dwelling. The suite being legalized is in the basement of the main dwelling.

Council:

- The property is serviced by a well and is on septic. The Public Health Officer's comments indicate no concerns with the septic but make no mention of whether the water is safe or there is an adequate amount of water. Staff to investigate and report at the Public Hearing.
- Staff to find out for the Public Hearing whether a variance has ever been approved for the garage setback.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R931/01/11/26** THAT Zoning Bylaw Text Amendment TA01-014 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the RR1s – Rural Residential 1 with Secondary Suite zone, as outlined in the report of the Planning and Development Services Department dated November 20, 2001, be considered by Council;

AND THAT Rezoning Application No. Z01-1046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 22, Township 28, SDYD, Plan 18222, located on Aspen Road, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the RR1s – Rural Residential 1 with Secondary Suite zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA01-014 and the zone amending bylaw 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

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3.3 Planning & Development Services Department, dated November 20, 2001 re: Rezoning Application No. Z01-1043 – Marlene R. Collinson (William Ed Collinson) – 551 Sherrydale Crescent

Staff:

- The applicant proposes to construct a 10-bedroom seniors boarding and lodging home on the property.
- The property is located within the Agricultural Land Reserve; however, the property is less than 2 acres in size and was created prior to introduction of the Land Reserve Commission and therefore the property is not subject to restrictions of the use of agricultural land within the ALR.
- Valley Road is considered the boundary between the urban development to the north and west and the rural land uses to the south and east.
- City Planning documents and policies do not support urban land uses on the east side of Valley Road.
- Planning Department staff cannot support this application and recommend that City Council not give the application initial consideration. If the application does proceed, then considerable pre-planning work should be done and a Development Variance Permit would be required to vary the servicing standards of the Subdivision Development and Servicing Bylaw for the proposed site development.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R932/01/11/26** THAT Council hear from the applicant.

Carried

Ed Collinson, applicant:

- Initial discussions with City staff about the proposed development indicated that there should not be any major hurdles to overcome because water and sewer services were readily available.
- The application has been reviewed and supported by the Advisory Planning Commission.
- The subject property is adjacent to a pear orchard that was planted 65 years ago. The orchard is totally uneconomic. Anticipate that the trees will be pulled out in a couple of years and that the land will be put into hay production. The proposed seniors development would have little impact on that type of farm use.
- Hopefully Council will reduce the requirements of the Works & Utilities Department which appear onerous for the small project that is proposed.
- There would be no more run-off into Brandts Creek than exists now as a result of the proposed development.
- Do not think Sherrydale Crescent would ever be a collector road.
- Report says driveway access would not be permitted onto Glenmore Road; the subject property is a long way from Glenmore Road so that must be an error.
- There are already other small pockets of development encroaching into the agricultural area and so the proposed development would not be precedent setting.
- The existing home would be torn down if the proposed development proceeds.
- The property is 1.54 acres in size. The horses that are currently being boarded on the site and the existing riding ring would hopefully remain.

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Moved by Councillor Blanleil/Seconded by Councillor Given

**R933/01/11/26** THAT OCP Bylaw Amendment No. OCP01-010 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Parcel A, (Plan B7278) of Lot 11, Blk. 8, Sec. 32, Twp. 26, O.D.Y.D. Plan 896 Exc. Plan 24197, located on Sherrydale Crescent, Kelowna, B.C., from the Rural/Agriculture designation to the Single/Two Family Residential designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated November 20, 2001, be considered by Council;

AND THAT Rezoning Application No. Z01-1043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A, (Plan B7278) of Lot 11, Blk. 8, Sec. 32, Twp. 26, O.D.Y.D. Plan 896 Exc. Plan 24197, located on Sherrydale Crescent, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6b – Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

AND THAT the Official Community Plan and 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 Works & Utilities Department being completed to their satisfaction;

AND FURTHER 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

Councillor Hobson opposed.

3.4 Planning & Development Services Department, dated November 21, 2001 re: Liquor License Application No. LL01-010 – Sumar Investments Ltd. (Dan Jmaeff/Packing House Neighbourhood Pub Ltd.) – 663 Finns Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R934/01/11/26** THAT Council supports amending the current operating restrictions for the Packing House Neighbourhood Pub Ltd. to increase the current person capacity from 100 persons to 150 persons, subject to the following:

- The applicant apply for a sign permit for an existing free-standing sign;
- The applicant add the required parking stalls at the south end of the site;

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

Carried

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4. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 4.1 Bylaw No. 8684 (Z01-1020) – Serbian Orthodox Parish – Holy Prophet St. Ilija – 585 Gerstmar Road

Moved by Councillor Nelson/Seconded by Councillor Given

**R935/01/11/26** THAT Bylaw No. 8684 be adopted.

Carried

5. REPORTS

- 5.1 Director of Finance & Corporate Services, dated November 19, 2001 re: Repayment of Outstanding Debt and Funding Change to Budgeted Debt (1760-04)

Staff:

- Two of the amounts at the top of page 2 of the report are wrong. The amount of financing to come from the Tax Appeals Reserve should be \$193,955 instead of \$221,700 and the amount from Street Cleaning should be \$257,000 instead of \$294,000.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

**R936/01/11/26** THAT Council approve the payout of \$1,495,876.17 in mortgage debt owing to BCBC for the former provincial courthouse property (James Stuart Park) on December 31, 2001 with funding from general reserves;

AND THAT Council approve a funding change to finance the City's \$500,000 obligation for the Rotary Centre for the Arts from short term borrowing to general reserves;

AND FURTHER THAT the 2001 Financial Plan be amended to reflect the increased expenditure for the mortgage payout and financing of each of these initiatives.

Carried

- 5.2 Director of Finance & Corporate Services, dated November 15, 2001 re: Schlumberger Contract – Water Meter Debt (5600-03)

Moved by Councillor Nelson/Seconded by Councillor Given

**R937/01/11/26** THAT Council approve the payout of water meter debt on December 31, 2001 in the amount of \$2,891,284.57, to Schlumberger RMS, with refinancing from City of Kelowna general reserves;

AND THAT Council approve a 2001 Financial Plan amendment to reflect this refinancing.

Carried

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- 5.3 Manager, Airside Operations dated November 14, 2001 re: Storage, Handling and Dispensing of Aviation Fuels (B/L 8770; 0550-05; 8400-01)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R938/01/11/26** THAT no company or operator at the Kelowna International Airport is authorized to operate a stand-alone mobile fuelling vehicle without first having a fixed fuelling facility that conforms with the latest regulatory requirements;

AND THAT Petroleum Products Storage Tank Bylaw No. 8267 be amended accordingly.

Carried

- 5.4 Airport General Manager, dated November 8, 2001 re: Supplemental Agreement to Vehicle Rental Licences

Moved by Councillor Hobson/Seconded by Councillor Nelson

**R939/01/11/26** THAT Council authorize the Mayor and City Clerk to sign the Supplemental Agreements to Vehicle Rental Concession Licences at the Kelowna International Airport on behalf of the City of Kelowna for the following companies:

Aviscar Inc.  
Budget Rent A Car of BC Ltd.  
Hertz Canada Limited  
National Car Rental System (Canada) Inc.

Carried

- 5.5 Airport General Manager, dated November 19, 2001 re: Supplemental Agreement To Air Terminal Building Space Sub-Lease For Air Canada Regional Inc. (0550-05; 2380-20-8039)

Moved by Councillor Given/Seconded by Councillor Nelson

**R940/01/11/26** THAT Council authorize the Mayor and City Clerk to sign the supplemental agreement to air terminal building space sub-lease for Air Canada Regional Inc. at the Kelowna International Airport.

Carried

- 5.6 Airport General Manager, dated November 21, 2001 re: Black & McDonald Air Terminal Building Space Sub-Lease (0550-05; 2320-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R941/01/11/26** THAT Council approve sub-leasing 24.40 square metres of space in the air terminal building to Black & McDonald Limited;

AND THAT Council authorize the Mayor and City Clerk to sign the sub-lease on behalf of the City of Kelowna

Carried

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5.7 Development Engineering Manager, dated November 14, 2001 re: Frost Road Closure (B/L 8768)

Staff:

- The proposed road closure bylaw is requested in order to close Frost Road at the north side of the Frost/Killdeer Road intersection.
- The owners of the six affected properties are in agreement with the proposed road closure.
- The proposed road closure would be advertised to solicit input from the public over the next 30 days.

Council:

- There are other properties besides the six that have been notified that also use the portion of road being closed.

Moved by Councillor Nelson/Seconded by Councillor Hobson

**R942/01/11/26** THAT Council authorize staff to proceed with a Road Closure Bylaw for Frost Road;

AND THAT Frost Road Closure Bylaw No. 8768 be advanced for initial reading consideration by Council;

AND THAT a sign be erected stating the City's intent to close the road and providing the name and phone number of the City staff person who can be contacted for more information;

AND FURTHER THAT notice be sent to the owners of all properties fronting Frost Road advising of the City's intent to close the road.

Carried

5.8 Licence & Bylaw Enforcement Supervisor, dated November 19, 2001 re: Increase Parking Fine Rates and Amendments to City Policy No. 105 and Municipal Ticket Information Utilization Bylaw No. 6550-89 (B/L 8769)

Staff:

- The current parking fine is \$10, reduced to \$5 if paid within 10 days of the date issued. The proposed amendment would change the fine to \$20, reduced to \$5 if paid on the date issued and reduced to \$10 if paid within 7 days of the date issued.
- Convenient drop-off boxes have been provided for ticket payments.

Council:

- Agreed to allow the reduced \$5 fine to extend until midnight the next day.

Moved by Councillor Nelson/Seconded by Councillor Given

**R943/01/11/26** THAT the Parking Policy Fees and Penalties in Council Policy No. 105 be amended as outlined in the report from the Licence and Bylaw Enforcement Supervisor dated November 19, 2001, but with **Section 11(a)** revised to read "Voluntary Penalty of \$20.00 (\$5.00 if paid before midnight the next day and \$10.00 if paid within 7 days of date issued)";

AND THAT Bylaw No. 8769 (Amendment No. 58 to Municipal Ticket Information Bylaw No. 6550-89) be advanced for reading consideration by Council.

Carried

Councillors Blanleil, Day and Shepherd opposed.

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Deputy Mayor Cannan altered the order of business and advised that the bylaws under agenda items 7.1 to 7.3 would be dealt with next.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

7.1 Bylaw No. 8768 – Road Closure – Frost Road

Moved by Councillor Shepherd/Seconded by Councillor Given

**R944/01/11/26** THAT Bylaw No. 8768 be read a first, second and third time.

Carried

7.2 Bylaw No. 8769 – Amendment No. 58 to Ticket Information Utilization  
Bylaw No. 6550-89

Moved by Councillor Nelson/Seconded by Councillor Given

**R945/01/11/26** THAT Bylaw No. 8769 be read a first, second and third time.

Carried

Councillors Blanleil and Shepherd opposed.

7.3 Bylaw No. 8770 – Amendment No. 2 to Petroleum Products Storage Tank  
Bylaw No. 8267

Moved by Councillor Shepherd/Seconded by Councillor Given

**R946/01/11/26** THAT Bylaw No. 8770 be read a first, second and third time.

Carried

5.9 Acting Recreation Manager, dated November 21, 2001 re: Outdoor Events Update (0360-20)

Council:

- Staff to report back with a report for Council with a recommendation with respect to changing the downtown parade route to Water Street.

Moved by Councillor Day/Seconded by Councillor Hobson

**R947/01/11/26** THAT the report dated November 21, 2001 from the Acting Recreation Manager outlining the City's role in managing outdoor events be received for Council's information.

Carried



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5.10 Acting Cultural Services Manager, dated November 20, 2001 re: Arts & Cultural Advisory Committee and the Festival Fund

Council:

- Would like an opportunity to consider the criteria/focus for the signature festival.
- The Terms of Reference for the Arts & Cultural Advisory Committee should state what organizations will be represented on the committee and should perhaps include a couple of community-at-large members.

Moved by Councillor Given/Seconded by Councillor Shepherd

**R948/01/11/26** THAT the Kelowna City Council continue to support the Festival Fund as administered by the Arts and Cultural Advisory Committee (ACAC);

AND THAT the unspent budget from 2001 and future years, be reserved in the Festivals and Community Celebrations Reserve Account;

AND THAT the annual distribution of the Festival Fund for 2002-2005 be:-

- \$40,000 to Festivals and Community Celebrations Reserve Account,
- \$60,000 to support applications for festivals as per the ACAC Terms of Reference;

AND THAT Council authorize staff to submit a proposal to host the BC Festival of the Arts in Kelowna in 2005, as a component of the City of Kelowna's 100<sup>th</sup> Birthday Celebrations;

AND THAT the Festival Fund Reserve Account be used to fund the BC Festival of the Arts in the amount of \$120,000 in 2005;

AND THAT the ACAC, in collaboration with the Cultural District Alliance steering committee, be directed to create a Request for Proposal to establish a major **"Signature Festival"** to be launched in year 2004 and to be partially funded from the Festivals and Community Celebrations Reserve Account;

AND THAT Council approve the revised Terms of Reference for the Arts and Cultural Advisory Committee as attached to the report dated November 20, 2001 from the Acting Cultural Services Manager,

AND THAT Council appoint the following individuals to the ACAC for a one-year term starting January 1, 2002;

- Mr. Randy Leslie, Executive Director, Rotary Centre for the Arts
- Mr. Robert Metcalfe, Artistic Director, Sunshine Theatre
- Ms. Young-Mi Snyder, General Manager, Okanagan Symphony
- Ms. Linda Sawchyn, Curator, Kelowna Art Gallery;

AND FURTHER THAT the ACAC be authorized to approve grants up to \$10,000 from the Festivals Fund, with grants over \$10,000 continuing to be recommended to Council.

Carried

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6. RESOLUTIONS

- 6.1 Draft Resolution re: Appointment – Economic Development Commission (0360-20)

Moved by Councillor Nelson/Seconded by Councillor Given

**R949/01/11/26** THAT Councillor Andre Blanleil be appointed to continue as Council's representative on the Economic Development Commission for the year 2002.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 7.1 Bylaw No. 8768 – Road Closure – Frost Road

Dealt with after agenda item No. 5.8.

- 7.2 Bylaw No. 8769 – Amendment No. 58 to Ticket Information Utilization Bylaw No. 6550-89

Dealt with after agenda item No. 5.8.

- 7.3 Bylaw No. 8770 – Amendment No. 2 to Petroleum Products Storage Tank Bylaw No. 8267

Dealt with after agenda item No. 5.8.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.4 Bylaw No. 8748 – Amendment No. 4 to Heritage Procedures Bylaw No. 7776 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Nelson/Seconded by Councillor Blanleil

**R950/01/11/26** THAT Bylaw No. 8748 be adopted.

Carried

- 7.5 Bylaw No. 8749 – Amendment No. 13 to Development Application Fees Bylaw No. 8034

Moved by Councillor Blanleil/Seconded by Councillor Nelson

**R951/01/11/26** THAT Bylaw No. 8749 be adopted.

Carried

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- 7.6 Bylaw No. 8755 – Capital Works, Machinery & Equipment Reserve Expenditure, 2001 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Day

**R952/01/11/26** THAT Bylaw No. 8755 be adopted.

Carried

- 7.7 Bylaw No. 8759 – Killdeer Road Name Alteration Bylaw

Moved by Councillor Day/Seconded by Councillor Blanleil

**R953/01/11/26** THAT Bylaw No. 8759 be read a first, second and third time.

Carried

## 8. COUNCILLOR ITEMS

- (a) Kelowna Heritage Register

Councillor Shepherd reported that the Community Heritage Commission has completed their review of the class 'c' designated buildings. The list of the properties being recommended for addition to the Kelowna Heritage Register will be at the Laurel Building on November 27, 2001 from 2:00 to 7:00 p.m. The owners of the properties being recommended for the register have all been notified.

- (b) Notice of Motion – Funding from Council Contingency

Councillor Shepherd put Council on notice that she intends to bring forward a motion at the next Council meeting requesting a one-time allocation of \$15,000 of contingency funds to the Central Okanagan Foundation to support a Youth Endowment Fund, Youth Philanthropy Council and Youth Grants.

- (c) Kelowna Weather Office

Councillor Hobson advised that the future of the Kelowna Weather Office is threatened. Senator Fitzpatrick is working on keeping the office from closing, and a letter from Council may also help.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R954/01/11/26** THAT a letter be sent to the Federal Minister of the Environment to inform him of the many services the Kelowna Weather Office provides to the Interior and state Council's wish to have the office remain open.

Carried

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9. TERMINATION

The meeting was declared terminated at 4:25 p.m.

Certified Correct:

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Deputy Mayor Cannan

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Deputy City Clerk

BLH/am