

Regular Meeting – P.M.March 4, 2002

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, March 4, 2002.

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*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Community Planning Manager, T. Eichler*; Director of Parks & Leisure Services, D.L. Graham*; Deputy Director of Finance, P.A. Macklem*; Revenue Supervisor, M. Crossley*; Fire Chief, G. Zimmermann*; 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 Shepherd was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

- 3.1 Planning & Development Services Department, dated February 27, 2002 re: Development Variance Permit Application No. DVP01-10,066 – Okanagan Mission Community Hall Association (Dick Leppke) – 4409 Lakeshore Road

Staff:

- Council consideration of this application was deferred from the Regular Meeting of February 25, 2002.
- The application is to vary the southwest side yard and rear yard setback requirements for the building that would enclose the existing tennis courts. Both setbacks are about 3 m short of bylaw requirements.
- Last Monday, Council heard one alternative would be to move the proposed building forward by 10 ft. and lower it by approximately 5 ft. This would eliminate need for the rear yard setback but a variance would still be required for the southwest side yard setback. However, to shift the building would incur additional construction costs that the applicant would not be able to pay for. The applicant has revised his initial \$80,000 estimate of costs for site excavation and the changes required to the parking lot if the building was to be moved forward by 10 ft. and the 3 existing courts reconstructed at the lower elevation to \$120,000.
- On the weekend the applicant looked at another option that would place the building for the tennis courts such that no variances would be required but the Scout Hall would have to be moved and reconstructed. The applicant is now requesting a deferral of the subject application until they can have a better look at that option.
- The staff position of non-support for any of the variances or for moving the building forward and lowering the building remains the same.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R199/02/03/04 THAT Council hear from the applicant.

Carried

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Dick Leppke:

- The option now under consideration could provide the best solution as it eliminates both variance requirements.
- Asked that Council defer the subject application to allow the Association 4-6 weeks time to do due diligence working with City staff on this option.
- The building project for the tennis court enclosure is the most important part of the business plan but the indoor courts are also desperately needed. Whether the building goes ahead or not, the additional courts are needed.
- Asked that Council adopt the three business plan bylaws relevant to this project and allow them to proceed with building the 3 new outdoor courts now.
- Confident that the option to relocate the Scout Hall can work and the cost for this option would be less than the \$120,000 estimate but still more money would be required from the City. The business plan could absorb a slightly higher mortgage but not the full amount. Expect that the City, as partner in this proposal, would deal with the extra costs that the Association is unable to pay.
- Committed to having the changes that need to be made to the Society Constitution and Bylaws done before coming back to Council.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R200/02/03/04 THAT Development Variance Permit No. DVP01-10,066; Okanagan Mission Hall Association; Dick Leppke; Lot 1, DL 358, O.D.Y.D., Plan KAP69898, located on Lakeshore Road and DeHart Road, Kelowna, B.C. to grant variances to the minimum interior side yard setback and minimum rear yard setback **not** be approved by the Municipal Council.

Carried

Councillor Blanleil opposed.

Council:

- Now that the business plan is changed, staff need to determine for sure whether the City-owned property is the right location for the outdoor courts. Building the outdoor courts in advance of a planning process for the entire site could eliminate some options, and providing the new outdoor tennis courts would not have been a priority for the City without the partnership for the indoor facility.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R201/02/03/04 THAT Council supports proceeding with a site planning process for the future city park site from the Okanagan Mission Community Hall to Gordon Drive at the City's expense, and agrees in principle to participate in the funding of the proposed outdoor courts once the plan is complete;

AND THAT a satisfactory business plan be negotiated, with a report back to Council within 2 months.

Carried

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- 4.1 (a) Letters dated February 15 & 25, 2002 from David and Sam Habib re: Transfer of Liquor Licence Request – 274 Lawrence Avenue
- (b) Director of Planning & Development Services, dated February 27, 2002 re: Transfer of Liquor License Request – 274 Lawrence Avenue (4320-50)

Staff:

- Staff and the RCMP have concerns with cabarets in the downtown area.
- The applicant does not require a letter of support from Council in order to apply for transfer of the liquor licence.
- When the moratorium was lifted on the number of cabarets in the downtown area, staff were directed to come up with a policy for dealing with applications.
- Recommend that Council not provide the requested letter of support and that the applicants be told to follow Council's policy and go through the application process if they want a letter from Council.

Moved by Councillor Cannan/Seconded by Councillor BlanleilR202/02/03/04 THAT Council hear from the applicant.Carried

David Habib:

- Read sections of the Liquor Licencing Act regarding policy rationale for relocation of a licence.
- The RCMP does not want to do a letter of support or objection.
- Not trying to circumvent the City of Kelowna policy. It was City staff who said to submit a letter with the request to transfer the licence.
- Not asking for an increase in capacity, just wanting to relocate an approved licence to a more operational facility 2 blocks away in order to go back to catering to a more mature 30+ crowd.
- May not be able to survive if not permitted to transfer the license.
- Most of the people that were opposed to the Lazarium liquor licence application are in support of the transfer of this liquor licence.
- If Council does not support moving the facility to the proposed location, then would like to know where Council would support and will try to find a location there.
- Would hope that Council would approve this transfer of licence before approving any applications to expand capacity.
- Responded to questions of Council regarding operation of the existing all-night dance club and explained that the transfer of licence would be more restrictive because it would restrict admittance to only patrons over 19 and restrict hours.
- Council lifted the moratorium despite a negative recommendation from staff and the RCMP so Council could also agree to provide a letter of support despite their negative recommendation.
- Views Council's removal of the moratorium as an invitation for more liquor licences in the downtown area. Will submit the request for transfer of the liquor licence to the General Manager of the Liquor Control Branch tomorrow and if he feels more input is needed, then will come back to Council.

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Sam Habib:

- Council Policy No. 255 applies to applications for a new liquor licence. This request is just for transfer of an existing licence to a new location.
- A precedent was set a few years back when the moratorium was in place and Council approved a different club moving 2 blocks from near the sails on Bernard Avenue to a location on Leon Avenue where there was another club right next door. This request is also to move 2 blocks.
- As owner of The Snooty Fox, has had a clean record with no liquor violations. Runs a clean establishment and would maintain the same standard.

Staff in response to questions of Council:

- Staff use Council Policy No. 255 for applications to increase seating capacity, to change location, or for a new licence.
- Staff's position for an alternate location that could be supported for this liquor licence would be to a location outside of the downtown, provided the location was compatible with surrounding uses.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R203/02/03/04 THAT, if Quail Place Estates chooses to submit an application to the Director of Planning & Development Services for transfer of the liquor licence from the Snooty Fox Nite Club at 540 Leon Avenue to the Voodoo Lounge and Area 51 Nite Clubs at 274 Lawrence Avenue, the application be brought forward to the Regular Meeting of Tuesday, March 19, 2002 for public input;

AND THAT the General Manager of the Liquor Licencing Branch be notified of this motion of Council.

Carried

5. PLANNING

5.1 Planning & Development Services Department, dated February 26, 2002 re: Rezoning Application No. Z00-1061 – Wade Benner – 640 Seaford Road

Moved by Councillor Hobson/Seconded by Councillor Nelson

R204/02/03/04 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8641 be extended until April 15, 2002.

Carried

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- 5.2 Planning & Development Services Department, dated February 27, 2002
re: Rezoning Application No. Z01-1067 – Deby Helpard and David Gelpke – 956 Ryder Drive

Councillor Nelson declared a conflict of interest being a neighbour to the subject property and left the Council Chamber at 3:43 p.m.

Staff:

- The applicant is applying to construct a suite in the basement of the house. Some improvements have been done without a permit by a previous owner.

Moved by Councillor Blanleil/Seconded by Councillor Clark

R205/02/03/04 THAT Rezoning Application No. Z01-1067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Sec. 29, Twp. 26, ODYD, Plan 24397, located on Ryder Drive, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forward 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 the Department's satisfaction.

Carried

Councillor Nelson returned to the Council Chamber at 3:44 p.m. and took his place at the Council Table.

- 5.3 Planning & Development Services Department, dated February 26, 2002
re: Rezoning Application No. Z01-1066 – Gerald & Helena Doeksen (Grant Maddock/Protech Consultants Ltd.) – 759 DeHart Road

Staff:

- The rezoning would facilitate a proposed 4-lot single family residential subdivision.
- Three of the 4 lots would be have vehicular access from Westpoint Court. The fourth lot with the existing house would be off an access easement from Westpoint Drive.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R206/02/03/04 THAT Rezoning Application No. Z01-1066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 358, ODYD, Plan 18576, located on DeHart Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

Carried

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- 5.4 Community Planning Manager, dated February 25, 2002 re: Request for Start-Up Grant by North End Residents' Association (0230-20)

Staff:

- The North End Residents' Association has been in existence since 1990 but they have never applied for start-up funding.
- The Association have indicated that they would like to change their boundaries from what is shown in the 1994 area sector plan.

Moved by Councillor Given/Seconded by Councillor Nelson

R207/02/03/04 THAT City Council approve the request for a \$500 start-up grant for the North End Residents' Association on the basis that it conforms to the provisions established by Council through resolution S1190/93/10/18 adopted on October 18, 1993;

AND THAT the funds be appropriated from the reserve fund for neighbourhood association formation, if available, or otherwise be appropriated from Council Contingency.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8696 (Z01-1009) – Robert J. Ohlmann – 1316 Bernard Avenue

Moved by Councillor Nelson/Seconded by Councillor Given

R208/02/03/04 THAT Bylaw No. 8696 be adopted.

Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Given

R209/02/03/04 THAT Bylaw No. 8735 be adopted.

Carried

7. REPORTS

- 7.1 Fire Chief, dated February 25, 2002 re: 1250 IGPM Pumper Fire Truck (1715-01)

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R210/02/03/04 THAT Council approve the purchase of a 1250 IGPM Pumper Fire Truck from Superior Emergency Vehicles Limited, Red Deer, Alberta, for the price of \$392,763 plus tax.

Carried

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- 7.2 Deputy Director of Finance, dated February 20, 2002 re: Fees for Tax Related Services (1970-01)

Staff:

- The fee increase deals with mortgage company reliance on the City to manage tax payments for them.

Moved by Councillor Nelson/Seconded by Councillor Clark

R211/02/03/04 THAT Council approve a \$5.00 per tax roll administration fee to mortgage companies effective May 1st, 2002 in order to cover the administrative cost of processing tax refunds, tax payments and maintenance of mortgage listings;

AND THAT Council approve an increase to the fee charged for manual tax certificates, effective May 1st, 2002 from \$10.00 to \$20.00 per certificate;

AND FURTHER THAT the 2002 Financial Plan be amended to include estimated revenue from these fees of \$50,000.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.1 Bylaw No. 8754 – Utility Billing Customer Care Bylaw

Moved by Councillor Given/Seconded by Councillor Nelson

R212/02/03/04 THAT Bylaw No. 8754 be adopted.

Carried

- 8.2 Bylaw No. 8809 – Amendment to Sewerage System User Bylaw, 1972, No. 3480

Moved by Councillor Shepherd/Seconded by Councillor Clark

R213/02/03/04 THAT Bylaw No. 8809 be adopted.

Carried

- 8.3 Bylaw No. 8810 – Amendment to Water Regulation, 1960, Bylaw No. 2173

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R214/02/03/04 THAT Bylaw No. 8810 be adopted.

Carried

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- 8.4 Bylaw No. 8811 – Amendment No. 6 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R215/02/03/04 THAT Bylaw No. 8811 be adopted.

Carried

- 8.5 Bylaw No. 8813 – 2002 Local Improvement Assessment Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson

R216/02/03/04 THAT Bylaw No. 8813 be adopted.

Carried

9. COUNCILLOR ITEMS

- (a) Orchard Park as Polling Location

Councillor Blanleil advised that the manager at Orchard Park Mall has changed and asked that staff again look into the potential for setting up a polling station at the Mall for the upcoming civic election.

- (b) Councillor Clark re: Establishment of a Sister City Fund for Exchange Visits (0230-20)

Councillor Clark advised that subsequent to putting Council on notice that he would be bringing forward a motion to establish a Sister City fund to assist with costs of exchange visits, he has learned that such a fund already exists and that there is still a considerable amount of money in the fund.

Moved by Councillor Clark/Seconded by Councillor Nelson

R217/02/03/04 THAT \$2,265 be allocated from the Sister City Fund to the Veendam Sister City Association to assist with the costs of a Veendam school band visit to Kelowna on May 1-5, 2002.

Carried

- (c) Glenmore Community Police Station

Councillor Cannan asked for an update from staff on the status of the Request for Proposals that went out a couple of months ago for the establishment of a Community Police Station in Glenmore.

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(d) Gellatly Nut Farm Loan Authorization

Councillor Hobson advised that the Local Government Act requires that the Regional District obtain a resolution from Council consenting to the borrowing for the acquisition of the Gellatly Nut Farm. There is no financial impact from this bylaw on the City of Kelowna.

Moved by Councillor Hobson/Seconded by Councillor Day

R218/02/03/04 THAT Kelowna City Council hereby consents to the Regional District of Central Okanagan Parks Loan Authorization Bylaw No. 962, 2002, to provide capital financing for the acquisition of the Gellatly Nut Farm.

Carried

10. TERMINATION

The meeting was declared terminated at 4:21 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk