

Regular Meeting – P.M.May 6, 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, May 6, 2002.

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

Council members absent: Councillor J.D. Nelson.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A.M. Flack; Director of Planning & Development Services, R.L. Mattiussi*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Long Range Planning Manager, S.K. Bagh*; Assistant Airport General Manager, S. Samaddar*; Deputy Director of Finance, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Financial Accounting & Systems Manager, R. Mayne*; 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 Given was requested to check the minutes of the meeting.

3. PLANNING

3.1 Planning & Development Services Department, dated April 25, 2002 re: Rezoning Application No. Z01-1065 – Bill Harasin – 235 Langford Road

Staff:

- The rezoning would legalize an existing suite in the lower floor of the dwelling.
- The report should indicate that the existing rear yard setback meets requirements for an accessory building (the garage).

Moved by Councillor Shepherd/Seconded by Councillor Given

R401/02/05/06 THAT Rezoning Application No. Z01-1065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26, Sec. 26, Twp. 26, ODYD, Plan 15377, located on Langford Road, 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 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;

AND FURTHER THAT the applicant be required to connect the subject property to the sanitary sewer prior to adoption of the zone amending bylaw.

Carried

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3.2 Planning & Development Services Department, dated April 30, 2002 re: Rezoning Application No. Z02-1007- Paul Jollymore – 573 McClure Road

Staff:

- The applicant proposes to remove the existing circular driveway and construct a new driveway along with a double vehicle garage with a suite above.

Moved by Councillor Hobson/Seconded by Councillor Day

R402/02/05/06 THAT Rezoning Application No. Z02-1007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, D.L. 167, ODYD, Plan 18442, located on McClure Road, 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.

Carried

3.3 Planning & Development Services Department, dated May 1, 2002 re: Rezoning Application No. Z02-1009 – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Burtch Road

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 1:39 p.m.

Staff:

- There is a previous application (still in-stream) to rezone the property to RM7 – Mobile Home Park for development of a 254-unit mobile home park for modular homes.
- For tax implication reasons, the applicant is now applying to rezone the property to RU5 to facilitate a 251-lot bareland strata subdivision, also in a modular housing form.
- The basic difference in land tenure between the 2 projects is that the mobile home park would have been on a modular home pad rental basis whereas the bareland strata subdivision would offer fee simple lots purchased on a long term 99-year leasehold basis.
- Variances would be required for a reduced side yard setback and to reduce the sum of the two side yards.
- As a bareland strata fee simple subdivision, no Development Permit would be required.

Council:

- Staff to provide information, at the Public Hearing, on how the traffic impact on agricultural traffic on Byrns Road would be mitigated and the timing of the Burtch Road extension.

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Moved by Councillor Cannan/Seconded by Councillor Blanleil

R403/02/05/06 THAT Rezoning Authorizing Bylaw No. 8467 (Z99-1007 – Aberdeen Holdings Ltd. – 2350 Burtch Road) be advanced for adoption consideration and be DEFEATED by Council;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, D.L. 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, as shown on Map "A" attached to the report of the Planning and Development Services Department dated May 1, 2002, located on Burtch Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RU5 – Bareland Strata Housing zone;

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

AND FURTHER THAT final adoption of the new zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

Councillor Day returned to the Council Chamber at 2:03 p.m.

3.4 Planning & Development Services Department, dated April 30, 2002 re: Rezoning Application No. Z98-1032 – Kathleen Mackenzie/Hilltop Sand & Gravel Co. Ltd. – 5065 Frost Road

Staff:

- The Public Hearing for the subject application was held in September 1999 for a 200-lot single family residential subdivision together with some park area.
- The application has received three 6-month extensions and at the last extension, staff recommended support subject to conditions that have not been met by the applicant.

Council:

- Recognized that a lot of issues can change in an area over 3 years but prepared to support a final 6-month extension.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R404/02/05/06 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 8460 (Z98–1032 – Hilltop Sand & Gravel Co. Ltd. – Frost/Barnaby Roads) be extended to October 25, 2002.

Carried

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- 3.5 Planning & Development Services Department, dated April 30, 2002 re: Bylaw No. 7600 Official Community Plan – Amendment Bylaw 8839

Staff:

- The proposed amendments are intended to clarify Development Permit sections of the OCP.
- Recommend also proceeding with one additional change to reflect the future land uses endorsed by Council when the University South Area Structure Plan was considered.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R405/02/05/06 THAT OCP Bylaw Text Amendment Bylaw No. OCP02-004 to amend Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 as outlined in Schedule 1 attached to the report of the Planning and Development Services Department dated April 30, 2002 be considered by Council;

AND THAT Schedule 1 be further amended to revise Future Land Use Map 19.1 to incorporate future land use designations as previously set out in the University South Area Structure Plan (Bylaw No. 8165);

AND FURTHER THAT OCP Bylaw Text Amendment No. OCP02-004 be forwarded to a Public Hearing for further consideration.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 8760 (TA01-005) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Hobson/Seconded by Councillor Cannan

R406/02/05/06 THAT Bylaw No. 8760 be adopted.

Carried

- 4.2 Bylaw No. 8761 (Z01-1060) – City of Kelowna - Miscellaneous rezonings from the A2 – Agriculture 2 zone to the A1 – Agriculture 1 zone

Moved by Councillor Cannan/Seconded by Councillor Hobson

R407/02/05/06 THAT Bylaw No. 8761 be adopted.

Carried

- 4.3 Bylaw No. 8827 (Z01-1068) – Philip Flett – 2205 Bonn Road

Moved by Councillor Hobson/Seconded by Councillor Day

R408/02/05/06 THAT Bylaw No. 8827 be adopted.

Carried

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- 4.4 Bylaw No. 8831 (Z02-1006) – Jozsef & Elizabeth Csiki – 455 Hollywood Court

Moved by Councillor Given/Seconded by Councillor Shepherd

R409/02/05/06 THAT Bylaw No. 8831 be adopted.

Carried

Councillor Clark opposed.

(BYLAWS PRESENTED FOR DEFEAT AT 4TH READING AND TO CLOSE THE FILE)

- 4.5 Bylaw No. 8460 (Z98-1032) – Hilltop Sand & Gravel Co. Ltd. (New Town Planning Services) – 5065 Frost Road and 611 & 625 Barnaby Road

Withdrawn From Agenda.

- 4.6 Bylaw No. 8467 (Z99-1007) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Burtch Road, and City of Kelowna Official Community Plan Amendment No. OCP99-006

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 2:16 p.m.

Moved by Councillor Given/Seconded by Councillor Clark

R410/02/05/06 THAT Bylaw No. 8467 be adopted.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Clark, Given, Hobson and Shepherd opposed.

Councillor Day returned to the Council Chamber at 2:17 p.m. and took his place at the Council Table.

5. REPORTS

- 5.1 Airport Manager, dated April 26, 2002 re: Kelowna T-Hangars Inc. Land Sub-Lease for T-Hanger Facility (2380-20-8116)

Staff:

- Kelowna T-Hangers are proposing to build two hangars each capable of housing up to 12 aircraft.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R411/02/05/06 THAT, subject to counter petition requirements, Council approve entering into a sub-lease for approximately 56,928.98 square feet of land at the Kelowna International Airport with Kelowna T-Hangars Inc.;

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

AND FURTHER THAT Council direct staff to prepare the sub-lease authorization for the required counter petition procedure.

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- 5.2 Deputy Director of Finance, dated April 30, 2002 re: Amendment No. 3 to Bylaw No. 8628 – Five Year Financial Plan, 2001-2005 (B/L 8855)

Staff:

- Highlighted the major changes.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R412/02/05/06 THAT Council approve amendment #3 to the Five Year Financial Plan, 2001-2005 Bylaw 8628 as required by the Local Government Act, to reflect changes in the Operating Budget and Capital Expenditure Program for 2001.

Carried

- 5.3 Mayor Gray, Chairman, Audit Committee, dated April 30, 2002 re: Financial Statements for Year Ending December 31, 2001 (1830-20; 0540-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R413/02/05/06 THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report for the City of Kelowna for the year ending December 31, 2001 be received;

AND THAT Council approve the appropriation of \$2,412,400 of surplus generated from all general fund operations in 2001 to general reserves and unappropriated surplus as detailed in the Audit Committee's report of April 30, 2002;

AND THAT the Statement of Financial Position, Statement of Financial Activities and Auditor's Report be reprinted in booklet form;

AND FURTHER THAT the Council Remuneration and Expenses, Employee Remuneration and Payment for Provision of Goods and Services report for the year ended December 31, 2002 be received.

Carried

- 5.4 City Manager, dated April 29, 2002 re: 2002 Financial Plan – Amendment No. 2 (B/L 8850)

Staff:

- Reviewed the 2002 supplemental requests with Council.

Moved by Councillor Hobson/Seconded by Councillor Day

R414/02/05/06 THAT Bylaw No. 8850, being Amendment No. 2 to the 2002-2006 Financial Plan, be advanced for reading consideration by Council;

AND THAT Council approve the formulation of 2002 Property Tax Rates which will raise the required funds in 2002, from General Taxation, of \$58,945,000, resulting in an average net property owner impact of 1.65%.

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Moved by Councillor Hobson/Seconded by Councillor Day

R415/02/05/06 THAT the tax levy analysis presented by the Financial Planning Manager to demonstrate the average impact on 2002 taxes for the residential and business classes be received.

Carried

5.5 Civic Properties Manager, dated April 30, 2002 re: Heat Recovery Coil Replacement – Athans Aquatics Centre (0760-20)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R416/02/05/06 THAT City Council approves the expenditure of \$26,000 to repair the heat recovery system at Athans Aquatics Centre;

AND THAT the funding come from the Building Repair Reserve;

AND FURTHER THAT the 2002 budget be so amended.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

6.0 Bylaw No. 8846 – Amendment No. 3 to Clean Indoor Air and Smoking Regulation Bylaw No. 5980-86

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R417/02/05/06 THAT Bylaw No. 8846 be read a first, second and third time.

Carried

6.1 Bylaw No. 8848 – Tax Structure, 2002

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R418/02/05/06 THAT Bylaw No. 8848 be read a first, second and third time.

Carried

6.2 Bylaw No. 8849 – Annual Tax Rates Bylaw, 2002

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R419/02/05/06 THAT Bylaw No. 8849 be read a first, second and third time.

Carried

6.3 Bylaw No. 8850 – Amendment No. 2 to Five Year Financial Plan Bylaw, 2002-2006, No. 8788

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R420/02/05/06 THAT Bylaw No. 8850 be read a first, second and third time.

Carried

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- 6.4 Bylaw No. 8851 – Parking Reserve Fund Expenditure Bylaw, 2002 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R421/02/05/06 THAT Bylaw No. 8851 be read a first, second and third time.

Carried

- 6.5 Bylaw No. 8852 – Development Cost Charge Reserve Fund Expenditure Bylaw, 2002 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R422/02/05/06 THAT Bylaw No. 8852 be read a first, second and third time.

Carried

- 6.6 Bylaw No. 8853 – Capital Works, Machinery & Equipment Reserve Fund Expenditure Bylaw, 2002 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R423/02/05/06 THAT Bylaw No. 8853 be read a first, second and third time.

Carried

- 6.7 Bylaw No. 8854 – City-Owned Land Reserve Fund Expenditure Bylaw, 2002 **requires 2/3 majority vote of Council (6)**

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R424/02/05/06 THAT Bylaw No. 8854 be read a first, second and third time.

Carried

- 6.8 Bylaw No. 8855 – Amendment No. 3 to Five Year Financial Plan Bylaw, 2001-2005, No. 8628

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R425/02/05/06 THAT Bylaw No. 8855 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.9 Bylaw No. 8762 – Amendment No. 7 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Hobson/Seconded by Councillor Day

R426/02/05/06 THAT Bylaw No. 8762 be adopted.

Carried

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6.10 Bylaw No. 8763 – Amendment No. 6 to Sign Bylaw No. 8235

Moved by Councillor Day/Seconded by Councillor Hobson

R427/02/05/06 THAT Bylaw No. 8763 be adopted.

Carried

6.11 Bylaw No. 8764 – Amendment No. 11 to Local Improvement Charges
Bylaw No. 6600-90

Moved by Councillor Hobson/Seconded by Councillor Day

R428/02/05/06 THAT Bylaw No. 8764 be adopted.

Carried

6.12 Bylaw No. 8765 – Amendment No. 10 to Kelowna Development Cost
Charge Bylaw No. 7728

Moved by Councillor Hobson/Seconded by Councillor Day

R429/02/05/06 THAT Bylaw No. 8765 be adopted.

Carried

6.13 Bylaw No. 8766 – Amendment No. 14 to Development Application Fees
Bylaw No. 8034

Moved by Councillor Day/Seconded by Councillor Hobson

R430/02/05/06 THAT Bylaw No. 8766 be adopted.

Carried

6.14 Bylaw No. 8767 – Amendment No. 5 to City of Kelowna Animal and
Poultry Regulation and Animal Pound Bylaw No. 5421-82

Moved by Councillor Shepherd/Seconded by Councillor Clark

R431/02/05/06 THAT Bylaw No. 8767 be adopted.

Carried

6.15 Bylaw No. 8824 – Sterile Insect Release Program Parcel Tax Bylaw 2002

Moved by Councillor Clark/Seconded by Councillor Shepherd

R432/02/05/06 THAT Bylaw No. 8824 be adopted.

Carried

Councillor Blanleil opposed.

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7. COUNCILLOR ITEMS

(a) 2002 OMMA Convention

- Members of Council commented on the success of the OMMA Convention held May 1-3 at Silver Star Ski Resort in Vernon.
- Advised that the two resolutions submitted by the City of Kelowna, regarding minimum heating standards for residential tenants and national safety standards for spectators at hockey events, were supported by OMMA.
- Congratulated Councillor Cannan for being elected President of OMMA for next year.

(b) Veendam School Band Visit to Kelowna

- Councillor Clark presented a clock that he had received on behalf of Council as a gift from the Winker Prins Harmonie Veendam school band in recognition of their visit to Kelowna on May 1-5, 2002.

8. TERMINATION

The meeting was declared terminated at 3:20 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk