

Regular Meeting – P.M.

May 13, 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 13, 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: Acting City Manager/Director of Planning & Development Services, R.L. Mattiussi, R.A. Born; City Clerk, D.L. Shipclark; *, Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Special Projects Planning Manager, H.M. Christy*; Director of Parks & Leisure Services, D.L. Graham*; Acting Recreation Manager, J. Gabriel*; Parks Manager, J. Creron*; Urban Forestry Supervisor, I. Wilson*; Acting Supervisor of Parks & Operations Maintenance, N. Ryder*; Acting Facility & Stadium Supervisor, D. Backmeyer*; Deputy City Clerk/Legistive & Records Supervisor, A.M. Flack*; 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 Nelson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Jay Logie, General Manager and Tom Danyk, Executive Director re: Request for Financial Assistance – 2002 ROAR HydroFest

Jay Logie and Tom Danyk:

- The 2002 ROAR HydroFest is being planned for the Labour Day weekend.
- Their goal is to establish and maintain one of the largest and most successful Aquatic Festivals in Canada, anchored by the Unlimited Classes of power boat racing but with other add-on events including a street painting festival (chalk art), a three-on-three basketball tournament, beach volleyball, and a farmer and craft market.
- Asking for \$30,000 to cover the City-related costs with the intent that the City would partner in the event and provide financial assistance each year.

Staff:

- The City's Parks & Leisure Services Committee has already approved a \$5,000 Sport Event Development Grant for the event.
- The City's Outdoor Events Committee handles the formal approval of the event and has been proceeding on the assumption that Council is supportive of the event realizing that there would be some loss of public access to portions of the park during the event.

Council:

- Questioned the event organizers at length about the type of boats that could be expected, public access to the areas requested for venues, how environmental impacts would be mitigated, and how the event would be managed.

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Jay Logie and Tom Danyk:

- The 2002 HydroFest would showcase the Unlimited light class of hydroplanes; the Unlimited class boats would be premiered in the 2003 event.
- The public would be able to walk from the Rotary Marshes to the tunnel in City Park without obstructions, throughout the event. The Hot Sands swimming area would be blocked from public access only during the 2 days the show is running.
- Explained what would be changed from the Thunderfest hydroplane races held in previous years in order to mitigate the impact on the environment, including moving the boat pit and hospitality boats from the north end of Waterfront Park to the south end of City Park by the bridge in order to stay away from the Rotary Marsh wetland area, and requiring the boating public to tie up to the log boom and shut down their motors while watching the events from the water.
- Net revenues would be returned back into the community, 50% to future events and into a hydro-tech facility on the waterfront and 50% to a local charity or non-profit group.

Council:

- Staff to confirm that HydroFest would not be a commercial event.
- Staff to confirm that The Grand Hotel, Queensway Marina, Yacht Club and Downtown Kelowna Association support the event.
- Staff to confirm the City-related costs that would actually have to be paid (versus park rental fees that could be waived).

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R437/02/05/13 THAT City Council supports, in principle, holding the ROAR HydroFest event at City Park and Waterfront Park on the Labour Day weekend in 2002.

Carried

Councillor Clark opposed.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R438/02/05/13 THAT the request from ROAR HydroFest for financial assistance from the City be deferred for 2 weeks for staff to respond to the issues raised by Council.

Carried

Councillor Clark opposed.

4. PLANNING

4.1 Planning & Development Services Department, dated May 1, 2002 re: Rezoning Application No. Z01-1061 – Georg-Michael Holzhey Ltd. – West of the 200 Block of Hollywood Road North

Staff:

- The applicant is proposing a 2-lot extension of the College Business Park which is adjacent to the east, and to develop a 74-lot bareland strata modular home subdivision on the western portion of the site.

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Council:

- Staff to provide a map, at the Public Hearing, identifying the areas to be protected by covenant and to be prepared to clarify any limitations on the industrial uses.

Moved by Councillor Nelson/Seconded by Councillor Given

R439/02/05/13 THAT Rezoning Application No. Z01-1061 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP55855 except Plans KAP63299 and KAP63302, located on Hollywood Road North, Kelowna, B.C. from the A1-Agriculture 1 zone to the I1-Business Industrial as shown on Map "A" attached to the report of Planning & Development Services Department dated May 1, 2002 be considered by Council;

AND THAT Rezoning Application No. Z01-1061 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP55855 except Plans KAP63299 and KAP63302, located on Hollywood Road North, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RU5-Bareland Strata Housing zones as shown on Map "A" attached to the report of Planning & Development Services Department dated May 1, 2002 be considered by Council;

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

AND FURTHER THAT final adoption of the I1 – Business Industrial zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

4.2 Planning & Development Services Department, dated May 9, 2002 re: Zoning Bylaw Text Amendment No. TA02-0002 – City of Kelowna

Staff:

- A growth management policy in the City of Kelowna Official Community Plan suggests that a new zone be created with a minimum 4.0 ha (10 acre) parcel size for A1 zoned lands not within the Agricultural Land Reserve (ALR).
- Rather than creating a new zone, recommend the minimum parcel size requirements of the current A1 zone be amended for lots not in the ALR.

Council:

- Staff to augment the advertising for this text amendment to ensure that the public is made aware of the proposed change and how it could impact their property.

Moved by Councillor Nelson/Seconded by Councillor Given

R440/02/05/13 THAT Council consider Zoning Bylaw Text Amendment No. TA02-0002, as outlined in the report of the Planning & Development Services Department dated May 9, 2002, to amend City of Kelowna Zoning Bylaw No. 8000 by replacing Section 11.1.4(b) with the following:

11.1.4 (b) The minimum lot area is 4.0 ha, unless located within the Agricultural Land Reserve in which case the minimum lot area is 2.0 ha.;

AND THAT Zoning Bylaw Text Amendment No. TA02-0002 be forwarded to a Public Hearing for further consideration.

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4.3 Special Projects Planning Manager, dated May 7, 2002 re: Adjustment of Neighbourhood 3 Boundaries – Southwest Mission Sector Plan (6530-06)

Councillor Clark declared a conflict of interest because the subject property is immediately adjacent to property that he owns and left the Council Chamber at 3:20 p.m.

Staff:

- The current Neighbourhood 3 boundary is at top of Steele Road and along Bellevue Creek. Suggest that the boundary be changed to follow the realigned Gordon Drive.
- The boundary adjustment would allow a 40-lot residential development on an infill basis.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R441/02/05/13 THAT the boundaries of Neighbourhood 3 as outlined in the Southwest Mission Sector Plan be amended to coincide with the realigned extension of Gordon Drive,

AND THAT no rezoning for the subject area shown on Map A attached to the Special Projects Planning Manager's report dated May 7, 2002, be granted until an Area Structure Plan for Neighbourhood 3 is commenced.

Carried

4.4 Planning & Development Services Department, dated May 8, 2002 re: Donation of Public Art for the Parkinson Recreation Centre (7800-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R442/02/05/13 THAT City Council approve the expenditure of \$13,000 from the Public Art Fund for the installation of "Toy Amenity" by Mowry Baden, donated to the Kelowna Art Gallery and displayed permanently in front of the Parkinson Recreation Centre.

Carried

Councillor Cannan opposed.

4.5 Planning & Development Services Department, dated May 8, 2002 re: Highway 33 Entrance to Kelowna Sign (7800-01)

Council:

- Referred back to the Public Art Committee to:-
 - consider including a slogan (such as welcome to wine country instead of just to Kelowna) since some people may be travelling from Big White to the Airport and not know what Kelowna is all about;
 - consider making the 'l' in Kelowna a stylized 'Sails' to be consistent with the other entrance to Kelowna signs;
 - ensure that the lettering on the sign will be legible;
 - consider adding lighting to the sign.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R443/02/05/13 THAT further consideration of the Planning Department's report dated May 8, 2002 regarding the fabrication and installation of a Welcome to Kelowna Sign be referred back to the Public Art Committee to consider the issues raised by Council.

Carried

Councillors Given and Hobson opposed.

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- 4.6 Planning & Development Services Department, dated May 8, 2002 re: Council Policy for Residents' Associations (0230-20)

Moved by Councillor Given/Seconded by Councillor Nelson

R444/02/05/13 THAT Council adopt the Council Policy as attached to the Planning Department's report dated May 8, 2002 to serve as a guiding document for communications between Residents Associations and City representatives.

Carried

5. REPORTS

- 5.1 Parks Manager, dated May 8, 2002 re: Integrated Pest Management Program (6130-13)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R445/02/05/13 THAT City Council receive for information the May 8, 2002 report from the Parks Division on the Integrated Pest Management program.

Carried

- 5.2 Chief Election Officer, dated May 8, 2002 re: 2002 General Local Government Elections (B/L 8860)

Moved by Councillor Nelson/Seconded by Councillor Given

R446/02/05/13 THAT the draft 2002 General Local Government Election Bylaw, as attached to the report of the Chief Election Officer dated May 8, 2002, be advanced for reading consideration by Council.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 8856 – Chapman Parkade Security Issuing Bylaw

Moved by Councillor Nelson/Seconded by Councillor Clark

R447/02/05/13 THAT Bylaw No. 8856 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 8860 – 2002 General Local Government Election Bylaw

Moved by Councillor Nelson/Seconded by Councillor Clark

R448/02/05/13 THAT Bylaw No. 8860 be read a first, second and third time.

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(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R449/02/05/13 THAT Bylaw No. 8846 be adopted.

Carried

- 6.4 Bylaw No. 8848 – Tax Structure, 2002

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R450/02/05/13 THAT Bylaw No. 8848 be adopted.

Carried

- 6.5 Bylaw No. 8849 – Annual Tax Rates Bylaw, 2002

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R451/02/05/13 THAT Bylaw No. 8849 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Hobson

R452/02/05/13 THAT Bylaw No. 8850 be adopted.

Carried

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

Moved by Councillor Day/Seconded by Councillor Hobson

R453/02/05/13 THAT Bylaw No. 8851 be adopted.

Carried

- 6.8 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 Day

R454/02/05/13 THAT Bylaw No. 8852 be adopted.

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

Moved by Councillor Given/Seconded by Councillor Nelson

R455/02/05/13 THAT Bylaw No. 8853 be adopted.

Carried

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

Moved by Councillor Given/Seconded by Councillor Nelson

R456/02/05/13 THAT Bylaw No. 8854 be adopted.

Carried

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R457/02/05/13 THAT Bylaw No. 8855 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Community Heritage Commission

Councillor Shepherd asked on behalf of the Community Heritage Commission that Council consider a moratorium on development activity in the Lawrence/Bernard Area (700-800 block of Bernard Avenue and the 700-1000 blocks of Lawrence Avenue) until Council can discuss designating the area as a heritage conservation area.

The Acting City Manager advised that the residents/property owners have been surveyed regarding the potential establishment of the area as a Heritage Conservation Area and Planning Department staff will be reporting on the outcome of the survey. Agreed to send Council a memo outlining the timelines and then Council can decide if they want to pursue a moratorium.

(b) Clean-Up of Graffiti

Councillor Cannan commented that some residents are feeling like they are victims of graffiti because they have to clean up their sites within 10 days or be fined. He asked that City Bylaw Enforcement staff revisit the requirement for victims to pay for the clean-up and consider options that could be put forward (i.e. locking up spray cans in retail outlets) to help reduce graffiti.

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8. TERMINATION

The meeting was declared terminated at 4:46 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am