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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** August 22, 2002  
**File No.:**

**To:** Ron Born, City Manager

**From:** R.L. Mattiussi, Director of Planning and Development Services

**Subject:** The Mayor's Entertainment District Task Force -Terms of Reference

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**Recommendation:**

That Council endorses the report dated August 21, 2002 for the establishment of the Mayor's Entertainment District Task Force.

**Council Directive:**

During the Council meeting of June 25, 2002 Council expressed concerns about the existing alcohol related problems on the downtown streets; future changes to liquor licensing regulations, the need to establish an entertainment district; daytime "dead zones" and the impact of the current entertainment establishments on the development of residential land uses in the downtown. Staff was requested to bring back draft terms of reference dealing with the issues raised.

**Background:**

In 2000 Council ended a moratorium on Cabaret expansion in the core of the downtown. The moratorium was in place since the riots of the 1980's. Since one of the biggest concerns was the large number of cabaret customers in a small area, the purpose of the moratorium was an attempt to control the number of people in the downtown on the streets after the Cabarets closed. Council was concerned that although effective, the moratorium should be now lifted and applicants allowed to apply for licenses. Council could decide on each application based on its merits. Although nothing similar to the 1980 riots has occurred since, the RCMP have had concerns that there is potential for trouble from the Cabaret crowds especially during long weekends in the summer.

Once the Moratorium was removed Council received two applications for Cabaret or "C" Class licenses in the core. During deliberations Council was faced with a number of questions, first and foremost was the direction liquor Licensing would take in future and in particular the role of Local Government in the process. Secondly, could Council impose conditions such as control of glass containers, hours of operation, crowd control lighting, clean up etc. through either the Liquor License or Business License? Council was also concerned about the future of

Cabarets in the downtown and the effect on existing and future potential for residential expansion.

The Planning Department shared those concerns as Cabarets have land use impacts beyond their site and may need a buffer area between them and other uses like residential. In addition, the Planning Department is concerned about the “dead zones” which are created on the streets in the cabaret areas because clubs do not open until later in the evenings and close in the early morning hours. During the day the blocks on which they are situated are vacant with little or no pedestrian activity.

There is an acknowledgment that the Cabarets are only one component of a mixture of problems impacting the Downtown’s livability. The problem of broken glass and garbage is compounded by the proliferation of social agencies located in the core in the vicinity of the Cabarets. These facilities attract a range of clientele who also purchase alcohol and often leave their bottles, cans and garbage in the streets, alleys and parks.

Finally the RCMP still have an overriding concern with the concentration of Cabarets in one area due to the potential for trouble from large crowds at 2:00 am when their resources are limited.

R.L. Mattiussi MCIP  
Director of Planning and Development Services



# CITY OF KELOWNA

## TERMS OF REFERENCE

### MAYOR'S ENTERTAINMENT DISTRICT TASK FORCE

#### INTRODUCTION

The Task Force is set up to investigate existing public safety problems related to the sale and consumption of alcohol in the Downtown, its impact on existing and future residential development as well as examining the need to establish a downtown entertainment district. The investigation will concentrate on the area of the Downtown Plan.

The Mayor's Entertainment District Task Force is a **select committee** of Council. (Sec. 238 LGA)

#### OBJECTIVE

The objective of the Task Force is to:

- To make recommendations to Kelowna City Council regarding liquor licensing, land use and business license policy.

#### SCOPE OF WORK

To achieve this objective, the Task Force will undertake the following:

- Receive input from the various downtown stakeholders including but not limited to Liquor License holders (cabaret, restaurant and hotel), the Downtown Kelowna Association, Social Services agencies, residents of the downtown and the public at large.
- Review proposed changes to Provincial Liquor Licensing regulations
- Review the Kelowna Downtown Plan and the Cultural District strategy.

Without limiting their scope the Task Force should specifically consider:

- The adjacency of cabarets and similar businesses (i.e. The proximity of other cabarets)
- The impact of the proposed 4:00 a.m. closing times
- Control of negative impacts through Business or Liquor License restrictions.

#### MEMBERSHIP

1. Mayor
2. RCMP Senior Member
3. BC Liquor Control & Licensing Branch representative
4. Stakeholder representing Downtown Businesses
5. Stakeholder representing Downtown Entertainment Establishments
6. Stakeholder representing Downtown Residents
7. One representative of the community at large

Staff Advisors:

Director of Planning & Development Services  
Legislative Services Supervisor  
Urban Design Planner

## **APPOINTMENT AND TERM**

Members shall be appointed by Council for a six-month term.

Committee members may stand for re-appointment at the conclusion of their term.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

## **CHAIR**

The Mayor shall be Chair of the Committee.

## **MEETING PROCEDURES**

The Chairperson shall call meetings of the Committee as required

Unless otherwise authorized by Section 242.2 of the *Local Government Act* or City of Kelowna Council Bylaw No. 7906 all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee shall represent a quorum.

The order of business is to be as set out in an agenda package to be provided to the committee members in advance of the meeting date. A copy of the agenda will be forwarded electronically to the City Clerks Department at least three complete working days prior to the meeting date. Minutes of the meetings will be prepared by the clerical staff from the Clerk's Office and then signed by the Committee Chair. Originals of the minutes will be forwarded to the City Clerk for safekeeping.

Committee members have a responsibility to make decisions based on the best interests of the City-at-large. Committee members must abide by the conflict of interest provisions of the *Local Government Act* and City of Kelowna Council Bylaw 7906. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting:

- All members of a committee, including the chair, vote on every question unless they have declared a conflict and left the meeting
- Any member who does not indicate how they vote, or has left the meeting without declaring a conflict, is counted as having voted for the question
- If the votes are equal for and against, the question is defeated:

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, or as a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna. This means they must be consistent with the City's position on specific issues.

## **REPORTING TO COUNCIL**

Recommendations of the Committee must be adopted by Committee resolution prior to presentation to Council. The Committee will regularly report to Council regarding current activities and recommendations.

The Chairperson or his designate will report to Council on behalf of the Committee.

## **BUDGET**

The routine operations and any special initiatives of the Committee will be funded by allocations within the Planning and Development Services Department budget.

## **STAFF SUPPORT**

The staff advisors listed under the Membership section shall attend the meetings in an advisory capacity only and shall not have a vote.

The Planning and Development Services Department shall provide administrative and technical support for the Committee.

The Planning and Development Services Department shall provide secretarial support for the Committee. Typical support functions include the following:

- organizing and preparing the agenda, in conjunction with the Committee Chair & staff liaison
- distributing the agenda packages to Committee members
- forwarding the agenda to the City Clerk for posting as a public notice
- mailing or delivering all meeting notices and agendas
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee
- taking and preparing draft minutes, and providing the final minutes to the City Clerk and Committee members
- managing the files of the committee, as necessary
- maintaining a list of outstanding issues for committee action

Endorsed by Council:  
Revised: