

Regular Meeting – P.M.

August 26, 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, August 26, 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 Works & Utilities, J. Vos*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Supervisor-Programs, J. Miles*; Deputy Director of Finance, P.A. Macklem*; Inspection Services Manager, K. Skinner*; Current Planning Manager, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; 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 Blanleil was requested to check the minutes of the meeting.

3. UNFINISHED BUSINESS

- 3.1 (a) Planning & Development Services Department, dated August 7, 2002 re: Rezoning Application No. Z00-1026 – Total Mechanical Systems Inc. – 700 McCurdy Road (B/L 8573) **Deferred from the Regular Meeting of August 12, 2002 in order to hear from the applicant**

Staff:

- The applicants have submitted a letter saying they plan to build a new building on the property but are not willing to demolish the existing house until they are ready to redevelop the property and have a signed lease for the new building that is proposed.
- Staff do not recommend a further extension because the applicant has had sufficient time to comply with the conditions of the zone amending bylaw with the two 6-month extensions they have already been granted.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R734/02/08/26 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of the Zone Amending Bylaw No. 8573 (Z00-1026 – Total Mechanical Systems Inc. – 700 McCurdy Road) be extended to December 26, 2002.

Carried

Councillors Clark and Hobson opposed.

(BYLAW PRESENTED FOR DEFEAT AT FOURTH READING)

- (b) Bylaw No. 8573 (Z00-1026) – Total Mechanical Systems Inc. – 700 McCurdy Road

Withdrawn from agenda.

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4. CORRESPONDENCE

4.1 District of Wells Mayor and Council, dated August 14, 2002 re: Request to Support Emergency Resolution at 2002 UBCM Convention and AGM

- The Quesnel School District has recently voted to close the only elementary school in the District of Wells and bus the children 160 km daily to attend school. The resolution is to lobby the Ministry of Education to continue to use the Small Community Supplement to keep rural schools open.

Council:

- This will be debated at the UBCM Convention and that will be the opportunity to decide whether or not to support the resolution.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R735/02/08/26 THAT the correspondence dated August 14, 2002 from the District of Wells concerning the Provincial funding supplement for rural schools be received for the information of Council.

Carried

5. PLANNING

5.1 Planning & Development Services Department, dated August 21, 2002 re: Rezoning Application No. Z02-1025 – Donald & Sharifah Luttmmer – 926 Lawrence Avenue

Staff:

- The applicant proposes to develop a 4-plex on the site.
- Staff do not recommend support because the proposed rezoning would yield densities lower than those anticipated in the Official Community Plan and because the two properties west of the subject property would be isolated and not large enough to be consolidated and developed to the higher density either.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R736/02/08/26 THAT Rezoning Application No. Z02-1025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the west 70.55 feet of Lot 6, Block 55, D.L. 138, ODYD, Plan 262 except Plan B7988, located on Lawrence Avenue, Kelowna, B.C. from the RU6 – Large Lot Housing zone to the RM1 – Four-Plex Housing 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 in conjunction with Council's consideration of a Development Permit for the form and character of the proposed Multiple Unit Residential development on the subject property.

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5.2 Planning & Development Services Department, dated August 21, 2002 re: Development Permit Application No. DP02-0054 – Johannes & Irma Schepp – 743-747 Francis Avenue

Staff:

- The intent is to redevelop the property with a 4-plex initially but with the ability to put in an additional 2 units for an ultimate total of 6 units at some point in the future.
- Parking would be provided at the rear of the property off the lane.

Moved by Councillor Nelson/Seconded by Councillor Day

R737/02/08/26 THAT Council authorize the issuance of Development Permit No. DP02-0054 for Lot A, D.L. 136, ODYD Plan 13766, located on Francis Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicants be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

5.3 Planning & Development Services Department, dated August 21, 2002 re: Rezoning Application No. Z02-1032 – Robert & Benigna Cummings – 1931 Abbott Street

Staff:

- The property is within the Abbott Street Heritage Conservation Area.
- The applicant is proposing to build an accessory building with a garage, a bedroom and a bathroom for use by the owners on the main floor and a secondary suite in the upper level.
- A Heritage Alteration Permit has been submitted to deal with the siting and form and character of the accessory building.
- The application was reviewed and supported by the Community Heritage Commission subject to all of the parking being in the rear yard and a design that matches that of the existing house.

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Moved by Councillor Hobson/Seconded by Councillor Day

R738/02/08/26 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part Lot 27, Blk. 5 shown on Plan B597; District Lot 14, ODYD, Plan 348, located on Abbott Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

Carried

5.4 Planning & Development Services Department, dated August 15, 2002 re: Rezoning Application No. Z02-1030 – Joanna Long (Marlin & Shanny Toews) – 255 Mail Road

Staff:

- The intent is to remove the existing mobile home and build a bungalow style dwelling with a secondary suite that would be separated from the house by a garage.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R739/02/08/26 THAT Rezoning Application No. Z02-1030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 3, Township 23, Osoyoos Division Yale District Plan 21032, located on 255 Mail Road, Kelowna, B.C. from the A1 – Agriculture zone to the A1s – Agriculture 1 with Secondary Suite zone 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 zone amending bylaw be held until suitable arrangements have been made to remove the existing mobile home prior to occupancy at the proposed new building.

Carried

5.5 Planning & Development Services Department, dated August 20, 2002 re: Rezoning Application No. Z02-1029 – Barry & Sandi Domes – 1907 Abbott Street

Staff:

- The property is within the Abbott Street Heritage Conservation Area and a Heritage Alteration Permit has also been submitted. A requested variance for a reduced setback from the corner of the accessory building to Abbott Street from 4.5 m required and 2.9 m proposed would be considered as part of the HAP.
- The Community Heritage Commission suggested the same log house exterior be used for the accessory building as the main dwelling but the applicant is proposing to use stucco and gable ends instead.

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Moved by Councillor Given/Seconded by Councillor Blanleil

R740/02/08/26 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that Remainder Lot 28, Blk. 5, District Lot 14, ODYD, Plan 348 except Sublot 1 on Plan B967, Sublot 2 on Plan B1037, and parts outlined red on Plan B3957 and B4788, located on Abbott Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

Carried

5.6 Director of Planning & Development Services, dated August 21, 2002 re: The Mayor's Entertainment District Task Force – Terms of Reference

Staff:

- On June 25th Council asked staff to come back with Terms of Reference to establish a task force 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 examine the need to establish a downtown entertainment district.
- The task force would be appointed for a 6-month term and would be a Select committee of Council with 7 members and 3 staff advisors. Council will be asked to endorse the appointees to the task force probably in mid-September.

Council agreed to a friendly amendment to the motion to provide potential for the Mayor to expand the list for representation on the committee.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R741/02/08/26 THAT the establishment of the Mayor's Entertainment District Task Force be endorsed by Council as outlined in the Terms of Reference attached to the Director of Planning & Development Services' report dated August 21, 2002;

AND THAT the membership of the Task Force be expanded to include other representation as deemed appropriate by the Mayor.

Carried

Council:

- Expressed frustration over upcoming changes to liquor regulations and the lack of consultation by the Province.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R742/02/08/26 THAT this Council send a letter to The Hon. Rich Coleman, Solicitor General with copies to Premier Gordon Campbell and the Hon. Ted Nebbeling, Minister of State for the Community Charter, that initial analysis of changes to liquor regulations does not appear to be consistent with Community Charter attempts to delegate more powers to cities and municipalities, specifically:

- expansion of restaurant lounge seats,
- expansion of number of drinking seats in existing licensed establishments, both of which would no longer require municipal approval;

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AND THAT while expressing total agreement with the granting of more municipal authority regarding liquor licensing, it is noted that all liquor licensing revenues are to be retained by the province despite the significant increase in municipal responsibility and obligations, which is surely inconsistent with government commitments to disallow downloading.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

BYLAWS PRESENTED FOR FIRST READING)

- 6.0 Bylaw No. 8888 (TA02-0003) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Day/Seconded by Councillor Hobson

R743/02/08/26 THAT Bylaw No. 8888 be read a first time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 6.1 Bylaw No. 8530 (Z99-1002)- Excalibur Enterprises Ltd. and Carey Road Properties (Al Kleinfelder) – 2650, 2658, 2260 & 2590 Highway 97 North and North of Cary Road, and City of Kelowna Official Community Plan Amendment No. OCP99-003 **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R744/02/08/26 THAT Bylaw No. 8530 be read a second and third time.

Carried

7. REPORTS

- 7.1 Inspections Supervisor, dated August 21, 2002 re: Filing a Notice Against 845 Toovey Road (3220-20)

Councillor Day declared a conflict of interest as owner of property in close proximity to the subject property and left the Council Chamber at 2:31 p.m.

Mayor Gray invited the property owner to address Council. The owner was not in attendance at the meeting.

Moved by Councillor Blanleil/Seconded by Councillor Nelson

R745/02/08/26 THAT Council authorize the City Clerk to file a Notice in the Land Title Office under Section 700 of the *Local Government Act*, against Lot 1, Section 24, Township 26, ODYD Plan KAP46293, being 845 Toovey Road, Kelowna, B.C., regarding the differential settlement and related damages to the building and structures, as well as the attempted remedial repairs to the residential dwelling that took place in or about the summer of 1994 without the required permits and inspections;

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AND THAT the Notice state that:

1. A resolution relating to Lot 1, Section 24, Township 26, ODYD Plan KAP46293 has been made under Section 700 of the *Local Government Act*; and
2. Further information respecting the resolution may be inspected at the office of the Municipality;

AND FURTHER THAT the owner be responsible for all costs.

Carried

Councillor Day returned to the Council Chamber at 2:33 p.m. and took his place at the Council Table.

- 7.2 Director of Finance & Corporate Services, dated August 12, 2002 re: BC Gas Legacy Opportunity – 2001 Additions (B/L 8660; 5500-03)

Moved by Councillor Hobson/Seconded by Councillor Nelson

R746/02/08/26 THAT the City exercise its option to lease the BC Gas distribution system 2001 additions contained within the City of Kelowna boundary and having a declared capital cost of \$605,089 and a net book value at the City's option exercise date of \$592,483;

AND THAT the Deputy Director of Finance initiate all processes to obtain necessary approvals prior to October 10, 2002 as required in the Additions Option portion of the Lease Agreement;

AND THAT Council authorize the Mayor and City Clerk to execute the Agreement to Lease for 2001 additions, subject to a counter petition opportunity being initiated concurrently with this report and expiring on September 30, 2002;

AND FURTHER THAT costs associated with this acquisition in the amount of \$633,957 be funded from the BC Gas Legacy Opportunity Reserve and the 2002 Financial Plan be amended to reflect this expenditure.

Carried

- 7.3 City Clerk, dated August 16, 2002 re: Counter Petition – BC Gas Legacy Opportunity Fund – 2001 Additions (B/L 8660)

Moved by Councillor Nelson/Seconded by Councillor Hobson

R747/02/08/26 THAT 4:00 p.m., Monday, September 30, 2002 be set as the deadline for receipt of Counter Petitions by the City Clerk in relation to lease of the BC Gas Distribution system 2001 additions.

Carried

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- 7.4 Wastewater Manager, dated August 16, 2002 re: Byrns/Benvoulin Road Water Specified Area No. 16 (B/L 8886; 5340-07)

Councillor Day declared a conflict of interest because direct family members own property within the proposed specified area and left the Council Chamber at 2:38 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R748/02/08/26 THAT the City of Kelowna initiate a Water Specified Area project pursuant to Section 646 of the Local Government Act, for the area shown on the map attached to the Wastewater Manager's report dated August 16, 2002, which indicates the proposed service area of 17 properties on Byrns Road and Benvoulin Road;

AND THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the Local Government Act;

AND FURTHER THAT the 2002 Financial Plan be amended to provide for this additional project.

Carried

Councillor Day returned to the Council Chamber at 2:42 p.m. and took his place at the Council Table.

- 7.5 City Clerk, dated August 20, 2002 re: Water Specified Area No. 16 (Byrns/Benvoulin Road) (B/L 8886)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R749/02/08/26 THAT Council receive the Certificate of Sufficiency dated August 20, 2002 pertaining to the Water Specified Area No. 16 (Byrns/Benvoulin Road) Bylaw No. 8886;

AND THAT Water Specified Area No. 16 (Byrns/Benvoulin Road) Bylaw No. 8886 be advanced for reading consideration.

Carried

- 7.6 Recreation Supervisor – Programs, dated August 20, 2002 re: Recreation Opportunities Program Update – Coupon Book

Staff:

- The coupon book would be distributed by Rainbow of Opportunities and is supplemental to other programs already in place.

Moved by Councillor Nelson/Seconded by Councillor Given

R750/02/08/26 THAT City Council accepts the report from the Recreation Supervisor dated August 20, 2002, as an update on a program initiative to better address the needs of individuals who are financially disadvantaged in the area of recreational opportunities.

Carried

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8. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

8.1 Planning & Development Services Department, dated August 21, 2002 re: Liquor Licencing Application No. LL02-0008 – Fairhaven Enterprises (David Habib) – 1255/1265 Ellis Street

Staff:

- Two previous attempts by the applicant to relocate to Lawrence Avenue have been denied by Council because of the close proximity to other Class “C” licenced establishments in the downtown.
- The property now proposed for the cabaret is located outside the boundary of the former moratorium area.
- The property is zoned I4 and has no on-site parking. The former dance studio and the existing mini-storage uses of the property are non-conforming and therefore 61 stalls can be grandfathered. However, the applicant is required to provide the additional stalls to meet today’s parking standards for eating and drinking establishments which require him to provide an additional 69 stalls.
- The new cabaret and restaurant would have a maximum occupancy load of about 519 in total.
- Flashbacks nite club, with a maximum occupancy load of 350, is located directly across the street from the subject property.
- The RCMP encourage Council not to support this licence relocation, as do staff.
- The alternate recommendation at the end of the staff report had a typo glitch from an alternate recommendation pulled from a previous report and the address is wrong. It should be Ellis Street not Lawrence in the alternate recommendation.

David Habib, applicant:

- Trying to relocate an existing licence for a downtown nite club and restaurant.
- Council made it clear that a location in the downtown was not acceptable; the proposed location is not in the downtown core and is even outside the boundaries of the previous moratorium area.
- Still proposing a combination restaurant in the front of the building with a cabaret that would offer a variety of entertainment (not just drinking establishment) in the back. The 2002 Western Canadian Boxing Championships would be the first major event in the facility. The restaurant would open at 11:30 a.m. and be open all day.
- Parking is available. The subject property is next door to a 95 stall parking lot and across the street from the Cannery parking lot with 72 stalls and across from Skyreach Place with 366 stalls and down the street from the 468 stall Library Parkade.
- Read a letter from a solicitor offering an opinion that a covenant could be registered to allow temporary use of the premises at 274 Lawrence as a nite club for a set period of time to allow the new club to be readied for opening. Upon expiration of the period, if the cabaret use continued the City could file an injunction for a court order.
- The original application indicated a 4 a.m. closing time to get Council thinking about extending operation hours so that not all the patrons of the clubs are emptying into the streets at one time.
- Has learned, since starting up the Downtown Nightclub Association, that scattering cabarets around creates more of a negative effect on police safety and public safety. An Entertainment District is better because then the RCMP only have to man one area.
- The subject property is a relatively big dead zone right now with no life during the day. If this application is supported the building would be updated and brought to life.
- The building on the subject property is all cement so would provide more sound attenuation than the existing location.
- If this application is supported, the City should consider a crosswalk at Coronation where it unofficially extends to Ellis Street.

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Mayor Gray invited anyone in the public gallery who deemed themselves affected by this liquor licence application to come forward.

Trish Eddy-Wright, 1302 St. Paul Street:

- Owns a neighbouring property which she purchased in hopes of building a larger office building in the future. Approval of this application would negatively impact her ability to solicit tenants.
- Works in a downtown location with three nite clubs in close proximity and sees nothing positive coming from them.
- Strongly objects to this application.

Owner of Lot 17, 1262 St. Paul:

- Has emailed his opposition to all the Councillors.
- Often has to clean up broken glass from his parking lot and it can be annoying.
- The area under consideration is a block away from a residential neighbourhood and would have a negative impact on them.

Bill Shepherd, Flashbacks:

- Pleased that the Mayor is striking a task force to consider a potential Entertainment District in the downtown. The Task Force ought to consider requiring cabaret applicants to carry out a neighbourhood survey when they are wanting to locate on properties adjacent to residential areas.
- There is a enough activity in the area already. When there is an event at Skyreach it is difficult to find a place for his staff to park at 8 p.m.
- The clientele at Flashbacks is a little older than the patrons of the downtown cabarets.

Rita Milne, President of the Downtown Kelowna Association:

- Not speaking on behalf of the DKA Board on this because the DKA received no notification that this application was being considered by Council today and the DKA does not meet again until October. The DKA should be being told about these applications.
- The DKA objected to the lifting of the moratorium and will oppose the establishment of any other Class "C" establishments within the old moratorium boundaries until a solution is found to the problems downtown.
- The Mayor's task force is a step in the right direction. Should put a hold on all applications until the task force can have their first meeting to get set up so this application goes through the task force.

A gentleman who said he was associated with Flashbacks:

- Commented that he thought the moratorium area included Clement Avenue.

Staff:

- The moratorium boundary went down Ellis Street to Clement and staff were recommending that the moratorium area be expanded primarily for this type of reason.

Clint McKenzie, Executive Director, Downtown Kelowna Association:

- The DKA did not have significant opportunity to communicate with their membership about this issue.
- There are a lot of disheartened property owners within the downtown because of having to deal with cabaret licences instead of projects in the downtown that should be higher priority.

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Staff:

- Liquor Licencing applications are advertised by signage posted on the site, through the newspapers, and via notices delivered to properties within a 100 m radius.
- Liquor Licencing and development applications are not typically referred to the DKA.
- The reason why the DKA was notified for the Lazarium application was because the DKA office was within the 100 m radius for notification.

The City Clerk confirmed that the following correspondence had been received:

- Letter of opposition from Eddy-Wright & Associates Inc.
- Letter of opposition from Whitworth Holdings Ltd.
- E-mail from Bill Scutt opposing the application and referring to comments made by a number of people whom he spoke with about the application.

Council:

- The comments by other people in Mr. Scutt's e-mail to be disregarded as hear-say.

David Habib, applicant:

- For each application to relocate his liquor licence he has had to pay the cost of delivering the notifications to the properties within the 100 m radius. This time it cost \$655 and only 3 or 4 letters of opposition were received and not all of the comments in the email from Bill Scutt were negative.
- The proposed establishment would provide a controlled environment and a place for people to go indoors instead of milling around on the street.
- Leon Avenue location became the cleanest street in the downtown once he started operating there.
- His liquor licence will have to be moved from the 540 Leon Avenue address as soon as the new tenants take occupancy of the new building at that location which will likely be in the next 4-6 weeks. Would like a temporary transfer of the business licence to the Lawrence Avenue address until he can get ready for business at a permanent location.
- The proposed 519 capacity would be split between the restaurant and the cabaret.
- Would like to retain at least the same 304 occupancy load in the cabaret as was in Snooty Fox.

Staff:

- The proposed location would allow occupancy of up to 244 without triggering the need for additional parking.
- Has not seen the letter from the Solicitor that Mr. Habib talked about but has doubts the City's ability to get an injunction if Council granted a temporary relocation of the liquor licence to the Lawrence Avenue address and Mr. Habib breached the covenant.
- At 304 capacity in the cabaret, the amount of parking that Mr. Habib would need to secure would be reduced to another 15 stalls.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R751/02/08/26 THAT Council support the relocation of the Class "C" liquor licence from 540 Leon Avenue to 1255/1265 Ellis Street subject to the seating in the cabaret being limited to 304, as was in Snooty Fox, and the applicant providing 15 parking stalls and meeting all fire and building code requirements, as well as the requirements of the Health Unit;

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

DEFEATED

Mayor Gray and Councillors Clark, Hobson, Nelson and Shepherd opposed.

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9. RESOLUTIONS

- 9.1 Draft Resolution re: Clarification of Voting Procedures – Statutory Council Committees (0540)

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R752/02/08/26 THAT the Terms of Reference for the following Statutory Council Committees be amended to (1) indicate that that all members of a committee, including the chair, vote on every question unless they have declared a conflict and left the meeting, (2) that anyone who does not indicate how they vote, or has left the meeting without declaring a conflict, is counted as having voted for the question, and (3) that if the votes are equal for and against, the question is defeated:

Agricultural Advisory Committee
 Airport Advisory Committee
 Audit Committee
 City Council Water Committee
 Community Heritage Commission
 Community Housing Needs Committee
 Kelowna Parking Committee
 Parks & Facilities Committee
 Public Art Committee
 Social Planning Board
 Urban Centre Implementation Committee.

Carried

10. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 10.1 Bylaw No. 8886 – Water Specified Area No. 16 - Byrns/Benvoulin Road

Councillor Day declared a conflict of interest because direct family members own property within the proposed specified area and left the Council Chamber at 4:45 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R753/02/08/26 THAT Bylaw No. 8886 be read a first, second and third time.

Carried

Councillor Day returned to the Council Chamber at 4:45 p.m. and took his place at the Council Table.

(BYLAWS PRESENTED FOR ADOPTION)

- 10.2 Bylaw No. 8120 – Traffic Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Clark

R754/02/08/26 THAT Bylaw No. 8120 be adopted.

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- 10.3 Bylaw No. 8691 – Amendment No. 57 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Given/Seconded by Councillor Nelson

R755/02/08/26 THAT Bylaw No. 8691 be adopted.

Carried

- 10.4 Bylaw No. 8890 – Amendment No. 5 to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R756/02/08/26 THAT Bylaw No. 8890 be adopted.

Carried

- 10.5 Bylaw No. 8891 – Housing Agreement Authorization Bylaw – Okanagan Families Society – 628 & 630 Cadder Avenue

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R757/02/08/26 THAT Bylaw No. 8891 be adopted.

Carried

11. COUNCILLOR ITEMS

(a) Bylaw Enforcement – Aviaries on Private Property

Councillor Shepherd noted that a resident in the city has put in an outdoor aviary on a small lot next to someone who is in ill health. The aviary is causing the neighbour considerable stress and Bylaw Enforcement staff have found that there is little they can do because the City's bylaws do not address keeping of birds on outdoor premises. Staff to investigate potential bylaw amendments that would allow the City to address problems such as this.

(b) Sculpture Symposium

Councillor Clark commented that he has received some disturbing letters regarding the Sculpture Symposium and the allocation of space in the Art Centre.

Councillor Shepherd declared a conflict of interest as a volunteer on the Symposium Board and left the meeting at 4:58 p.m.

The City Manager advised that staff are dealing with the issues and added that that these types of complaints are best dealt with through the City Manager's office or the Mayor's office.

Councillor Shepherd returned to the Council Chamber at 5:02 p.m.

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(c) Cedar Creek Park

Councillor Blanleil commented that apparently the activities that are causing concern for the neighbourhood are getting worse at Cedar Creek Park.

Councillor Cannan suggested that a public meeting be organized to get feedback from the public and bring forward recommendations to address the complaints about activities contrary to the Criminal Code so that Council can take a position regarding public nudity in our parks. Mayor Gray and Councillor Shepherd questioned the need for a public meeting when the problems are already well documented and it has already been determined that the activities are contrary to the Criminal Code and are being dealt with appropriately by the RCMP.

The City Clerk commented that his department has consulted the City Solicitor on how to respond when staff get questions about this across the counter and suggested that this be referred to staff for a report back to Council.

Moved by Councillor Cannan/Seconded by Councillor Nelson

R758/02/08/26 THAT staff report back with recommendations for what can be done to address complaints about public nudity related activities contrary to the Criminal Code.

Carried

(d) Acts of Vandalism on Private Property in Outlying Areas

Councillor Hobson suggested that the RCMP need to do something about damage being done to agricultural property by All Terrain Vehicle owners as well other vandalism and destruction that is being done on private property in outlying areas of the city. Councillor Clark added that one day there will be a fire out in the fringes and expressed frustration that areas such as the South Mission (Jack Smith Lake and the Thomson property) are not being patrolled by the RCMP, nor are the RCMP doing regular patrols of Cedar Creek Park.

The City Manager advised that Council has never given the RCMP direction via resolution to do nightly patrols of Cedar Creek Park or in South Mission. The City Manager advised he would get a report from the RCMP on how many complaints they have received and what they are doing about them.

(e) Dilworth Park

Councillor Hobson asked that the City Manager investigate the reasons for the delay in bringing forward an application to rezone the park on Dilworth Mountain, now that the decision has been made not to develop a restaurant on the site and to retain the land as park.

(f) Nomination Packages – November 16th Civic Election

The City Clerk reported that nomination packages will be available for pick-up in the Clerk's Department at City Hall from Wednesday, August 28 to Friday October 11, 2002.

Regular Meeting – P.M.

August 26, 2002

12. TERMINATION

The meeting was declared terminated at 5:32 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am