

Regular Meeting – P.M.

October 21, 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, October 21, 2002.

Council members in attendance were: Mayor Walter Gray*, Deputy Mayor B.D. Given*; Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, 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*; Special Projects Planning Manager, H.M. Christy*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:34 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Charity Redman, Central Okanagan YM-YWCA re: 7th Annual YWCA Week Without Violence – October 20-26, 2002

Charity Redman, YM-YWCA:

- The week without violence encourages the community to put an end to violence.
- Asked that Council take a stand against all forms of violence within the Central Okanagan.

3.1.1 Steve Francis, Community Development Coordinator, Canadian Blood Services re: Kelowna /Prince George Challenge for Donating Blood

Steve Francis, Community Development Coordinator, Canadian Blood Services:

- The success of the city-against-city challenge between Kelowna and Prince George for blood donations has been noted from coast to coast in Canada.
- Expressed appreciation on behalf of people needing blood for the thousands of lives saved.

3.2 Lesley Dieno, Executive Director and Don Nettleton, Financial Manager of Okanagan Regional Library re: Library's Upcoming Budget

Don Nettleton, Financial Manager:

- Update on library activities over the past year and projected activities that will impact future library budgets.
- Over the next 5 years looking for increases of about \$1.00 to \$1.50 per average value home per year.
- Kelowna has had significant library improvements over the past 5-6 years – the additional books and materials will impact Kelowna.

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Council's Representative on the Okanagan Regional Library Board:

- The 5-year financial plan the library board has prepared proposes a 3.99% budget increase for this year; 4% for 2004; 3.99% in 2005; 4.98% in 2006; and 2.93% in 2007. Each year the budget must be passed by the Board so if there are issues such as a downturn in the economy, the plan can be varied. The board also prepared a strategic plan and it is tied to the 5-year financial plan.
- The Okanagan Regional Library budget will be discussed by the library board this coming Wednesday. Kelowna holds 1/3 of the weight for voting because of the population and assessment value in Kelowna.
- Asked if Council had any advice on how to vote when the budget is discussed by the library board.

Council:

- Generally agreed they would prefer about 1% less than the proposed 3.99% increase for this year but left it to the discretion of their Council representative to vote appropriately.

4. UNFINISHED BUSINESS

4.1 Impact of Permanently Closing Left Turn Movements from Abbott Street Onto Highway 97 (5400-20)

- Director of Works & Utilities, report dated October 1, 2002
- Director of Works & Utilities, supplemental report dated October 16, 2002

Staff:

- At the Regular Meeting of October 7, 2002, a staff recommendation to reinstate left turns from Abbott Street onto Okanagan Lake bridge and through traffic movements from Abbott Street to downtown upon completion of the Abbott Street Recreational Corridor was defeated by a tie vote of Council.
- Further consideration of the matter was deferred to this meeting to allow Council additional time to consider the impact of permanently removing left turning movements from Abbott onto the bridge.
- The supplemental report reiterates the advice provided verbally by staff when this matter was discussed two weeks ago.
- If Council wishes to eliminate left turns from Abbott onto the bridge, the RCMP have advised that signage instead of an island to direct traffic would be difficult to enforce.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R882/02/10/21 THAT once the Abbott Street Recreation Corridor construction work is complete, Abbott Street south of Highway 97 be opened only to right-in/right-out and straight through traffic with no left turns permitted onto the bridge.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Day, Given and Hobson opposed.

Council:

- Staff to work toward solving the problems that would allow the elimination of left turns from Abbott to the Highway in future. That could include dual left turning lanes off Richter and Pandosy onto the Highway; relocating the traffic signal from Pandosy and the Highway to Water Street and the Highway; implementing traffic calming measures on the side streets between Pandosy and Abbott (i.e. Lake and Park Avenues) to reduce the speed of commuters wanting to get to Abbott Street.

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Staff:

- The long term solution would be the one-way couplet.
- Can proceed with the necessary analysis and report back with options to handle the traffic projections for the next 5 years.
- Phase 2 of the Abbott Street Recreational Corridor is targeted for completion by late June/early July 2003.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R883/02/10/21 THAT staff evaluate the impact of reinstating the left turns from Abbott Street onto Okanagan Lake bridge and explore potential options/alternatives that might provide for left turns to be closed in future and come back with an interim report in 6 months.

Carried

Staff:

- Clarified that the Abbott Street Recreational Corridor project will now be completed with full turning movements as initially authorized when phase one of the project was approved by Council.

Mayor Gray left the meeting at 3:32 p.m. and Deputy Mayor Given assumed the Chair.

5. PLANNING

5.1 Planning & Development Services Department, dated October 8, 2002 re: Rezoning Application No. Z02-1044 – Progressive Lands Ltd. (Grant Maddock, Protech Consultants Ltd. and City of Kelowna) – 5065 Frost Road

Staff:

- The rezoning is required to correct a mapping inaccuracy.
- The recommendation in the report before Council includes the standard wording to advance the application to Public Hearing. However, because this is such a minor rezoning application and the requested zoning is consistent with the City of Kelowna Official Community Plan, Council has the option of waiving the Public Hearing in this instance.

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R884/02/10/21 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, D.L. 357, SDYD Plan KAP48057 except Plans KAP51584 and KAP71894 as shown on Map "A" attached to the report of Planning & Development Services dated October 8, 2002, located on Frost Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone;

AND THAT pursuant to Section 890 of the Local Government Act, the requirement for a Public Hearing be **waived**.

Carried

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- 5.2 Planning & Development Services Department, dated October 10, 2002
re: Rezoning Application No. Z02-1036 – Double-Day Development Corp. (City of Kelowna) – 1585 Lewis Road

Moved by Councillor Hobson/Seconded by Councillor Nelson

R885/02/10/21 THAT Rezoning Application No. Z02-1036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 13, Township 26, ODYD, Plan 4636, located on Lewis Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR2 – Rural Residential 2 and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Development Services Department dated October 10, 2002 be considered by Council;

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

Carried

- 5.3 Planning & Development Services Department, dated October 16, 2002
re: Options for 2490 Richter Street (5040-20)

Withdrawn from the agenda.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8744 (Z01-1039) – Johnathon & Michelle Demmers – 3265 O'Reilly Court

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R886/02/10/21 THAT Bylaw No. 8744 be adopted.

Carried

- 6.2 Bylaw No. 8840 (Z02-1005) – David & Gertrude DeGroot (Robert Edwards) – 3933 Bluebird Road

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 3:42 p.m.

Staff:

- The covenant that would ensure that the secondary suite is constructed with an attached wall has not in fact been registered against the title of the property. The applicant's solicitor has, however, provided an undertaking that the covenant will be registered, an application for a building permit has been received based on the covenant, and the Land Title Office has acknowledged receipt of the covenant and advised that it will be processed when it comes to the top of the queue.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R887/02/10/21 THAT Bylaw No. 8840 be adopted.

Carried

Councillor Day returned to the Council Table at 3:48 p.m. and took his place at the Council Table.

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- 6.3 Bylaw No. 8898 (Z02-1030)- Jo-Anna Long (Marlin & Shanny Toews) – 255 Mail Road

Moved by Councillor Nelson/Seconded by Councillor Hobson

R888/02/10/21 THAT Bylaw No. 8898 be adopted.

Carried

7. REPORTS

- 7.1 Wastewater Manager, dated October 16, 2002 re: North Rutland Sewer Specified Area No. 20 (5340-09-20)

Staff:

- This will be the biggest specified area that the City of Kelowna has done if it proceeds.

Council:

- Staff to inform Council of the dates of the open house meetings when this is taken to the public.

Moved by Councillor Cannan/Seconded by Councillor Day

R889/02/10/21 THAT Council direct the Wastewater Manager to advise and involve property owners that will be affected by the proposed North Rutland Sewer Project, and to prepare and present the required documents that will allow Council to initiate a bylaw to create a Sewer Specified Area project for the properties generally indicated on the map attached to the Wastewater Manager's report dated October 16, 2002,

AND THAT Council approve of the amended cash commutation charge of \$6,940 per EDU for Sewer Specified Area No. 21A (McKenzie Bench).

Carried

- 7.2 Deputy Director of Finance, dated October 16, 2002 re: 2003 Tax Exemptions (B/L8922; 1970-50)

Staff:

- Outlined the proposed changes from last year's exemptions and reviewed the requests for properties not being recommended for tax exemption.
- Advised that the people who submitted the applications not being supported for exemption were contacted and invited to attend this meeting in case Council had questions.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Clark

R890/02/10/21 THAT the New Opportunities for Women (NOW) Canada Society be added to the list of exemptions for their income-assisted housing project at 1720 Ethel Street (Roll No. 78779) on a non-prejudicial basis for year 2003 and on the condition that they provide records tracking the length of stay of their tenants with their request for the next year's exemption.

Carried

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Moved by Councillor Cannan/Seconded by Councillor Hobson

R891/02/10/21 THAT Council hear presentations from the public gallery.

Carried

The treasurer for Kelowna Yoga House and an instructor for the facility asked that Council reconsider their application and grant their request for exemption for reasons including:-

- Kelowna Yoga House is a non-profit society run by a board of directors. They offer no classes other than yoga and they currently provide services to about 400 members.
- Kelowna Yoga House receives referrals from various therapists in the community and offers bursaries to those who cannot afford the classes. They also allow free classes in exchange for community services.
- Without the exemption they would lose the ability to offer smaller classes to people with disabilities as well as the ability to offer bursaries to those who otherwise would not be able afford to take yoga.

Amendment Moved by Councillor Hobson/Seconded by Councillor Nelson

R892/02/10/21 THAT exclusive of the residential component, Kelowna Yoga House be added to the list of exemptions for their facility at 1272 St. Paul Street (Roll No. 16670) on a non-prejudicial basis for year 2003;

AND THAT staff draft a formal guideline/policy for dealing with all property tax exemption requests.

Carried

Councillors Blanleil and Cannan opposed.

The motion, as amended, was then voted on and carried as follows:

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R893/02/10/21 THAT a by-law under sections 339, 340 and 341 of the Local Government Act, to provide exemption from taxation for the year 2003, include the following property changes in addition to those set out in Schedules A through D of the 2002 Tax Exemption By-law No. 8738:

Schedule A:

1. Add Roll No. 4660.000, Lot 1, Plan 4877 (585 Gerstmar Rd) – Serbian Orthodox Parish – Holy Prophet St. Ilija – Exempt 2,780 sq. ft. ground floor building and land. Non-exempt 680 sq. ft. upper floor residence;

Schedule D:

1. Add Roll No. 79932, Lot A, Plan KAP67454 (421 Cawston Ave.) – Art Gallery, Rotary Centre for the Arts. Exempt the Art Gallery and Art Walk area and the following area within the Rotary Centre for the Arts:–
 - Kelowna Visual and Performing Arts Centre Society area 37,034 sq. ft.;
 - Okanagan Artists Alternative Association (2 areas) 2,058 sq. ft.;
 - Sunshine Theatre Society area 892 sq. ft.;
 - Ponderosa Spinners, Weavers & Fibre Artists Guild area 409 sq. ft.;
 - (Total exempt area 40,393 sq. ft.);*
 The following leased areas will be non-exempt:–
 - Staccatos (restaurant & food preparation) area 1,522 sq. ft.;
 - Tri Art Inc. area 1,185 sq. ft.;
 - Potters Addict area 1,589 sq. ft.;
 - Stephen Smalley studio area 350 sq. ft.;
 - Don Elzer's Centre for Contemp. Canadian Art area 350 sq. ft.;
 - Mel Gagnon studio area 428 sq. ft.;
 - Vivian Khun studio area 444 sq. ft.;
 - Julia Trops studio area 370 sq. ft.;
 - Mayumi Hatano studio area 429 sq. ft.;
 - (Total non-exempt area 6,667 sq. ft.);*
2. Add Roll No. 51680, Lot 8, Plan 11487 (785 Rose Ave.) – Okanagan Independent Living Society.
3. Add Roll No. 33110, Lot 2, Plan 3929 (2609 2611 Richter St.) – New Opportunities for Women (NOW) Canada Society;

AND THAT the New Opportunities for Women (NOW) Canada Society be added to the list of exemptions for their income-assisted housing project at 1720 Ethel Street (Roll No. 78779) on a non-prejudicial basis for year 2003 and on the condition that they provide records tracking the length of stay of their tenants with their request for the next year's exemption;

AND THAT exclusive of the residential component, Kelowna Yoga House be added to the list of exemptions for their facility at 1272 St. Paul Street (Roll No. 16670) on a non-prejudicial basis for year 2003;

AND FURTHER THAT staff draft a formal guideline/policy for dealing with all property tax exemption requests.

Carried

Staff:

- The 2003 Tax Exemption Bylaw is on today's agenda for first 3 readings by Council. The bylaw will have to be withdrawn from this agenda so that the changes directed by Council can be implemented. The bylaw will be brought back for initial readings by Council at their Regular Meeting tomorrow night.

Council:

- Would like to be able to debate the annual tax exemptions earlier next year when not under such pressure to proceed with the bylaw right away.

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January 6, 13, 20 and 27
 February 3, 10, 17 and 24
 March 3, 10, 17, 24 and 31
 April 7, 14 and 28
 May 5, 12 and 26
 June 9 and 23
 July 7 and 21
 August 18
 September 8, 15 and 29
 October 6, 20 and 27
 November 3, 10, 17 and 24
 December 1, 8, 15 and 22

Public Hearing/Regular Meetings

January 7 and 21
 February 4 and 18
 March 4 and 18
 April 1, 15 and 29
 May 13 and 27
 June 10 and 24
 July 8 and 22
 August 5 and 19
 September 2, 16 and 30
 October 14 and 28
 November 18
 December 2 and 16

Carried8.2 Draft Resolution re: Cancellation of November 5, 2002 Council Meetings (0550-01)Moved by Councillor Nelson/Seconded by Councillor Shepherd**R895/02/10/21** THAT the Public Hearing and Regular Meeting scheduled for Tuesday, November 5, 2002 be cancelled.Carried9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**9.1 Bylaw No. 8922 – 2003 Tax Exemption Bylaw **requires a 2/3 majority vote of all Council (6)**

Withdrawn from the agenda.

9.2 Bylaw No. 8923 – Water Service Parcel Tax BylawMoved by Councillor Shepherd/Seconded by Councillor Clark**R896/02/10/21** THAT Bylaws No. 8923 and 8924 be read a first, second and third time.Carried

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See resolution under agenda item No. 9.2.

10. COUNCILLOR ITEMS(a) Sharing of Correspondence Received by Members of Council From the Public

Councillor Shepherd noted that she and other members of Council received numerous emails and faxed letters with respect to the report under agenda item No. 4.1 regarding left turns from Abbott onto the Highway. She further noted that one of the faxed letters ended up being circulated by staff as a late item, thus singling it out for special attention. Councillor Shepherd suggested that a policy is needed for how to deal with the correspondence that is emailed and faxed directly to members of Council.

(b) Traffic Bylaw No. 8120

Councillor Cannan noted that last week the owner of a vehicle parked in the City Hall parking lot returned to the lot only to find that his vehicle was hooked up and ready to be towed. The tow truck operator charged him \$60 to drop the vehicle rather than towing it. Under Traffic Bylaw 8120 the fee would have been \$35 plus the storage fee had the vehicle been towed. Councillor Cannan asked that staff provide a report back with a recommendation for an amendment to include a drop fee in the Traffic Bylaw.

(c) Impact of Library Budget Increase on City of Kelowna Taxpayers

Councillor Day reported that City Finance staff have clarified for him that the impact of the 2003 increase of 3.99% in the library budget on the City budget would be less than 2% or less than \$1 for the average home owner in Kelowna.

(d) Changes to Contaminated Sites Legislation

Councillor Hobson reported that the Urban Development Institute (UDI) will be discussing changes to contaminated sites legislation at their November 30th UDI meeting and suggested City staff consider attending the meeting.

11. TERMINATION

The meeting was declared terminated at 5:09 p.m.

Certified Correct:

 Mayor

 Deputy Mayor Given

 City Clerk

BLH/am