

Regular Meeting – P.M.

October 28, 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 28, 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 Planning & Development Services, R.L. Mattiussi\*; Special Projects Planning Manager, H.M. Christy\*; Long Range Planning Manager, S.K. Bagh\*; Community Planning Manager, T. Eichler\*; Acting Cultural Services Manager, R. Oddleifson\*; Water Manager, D. Degen\*; Financial Planning Manager, K. Grayston\*; Transportation Demand Supervisor, J. Dombowski\*; Urban Design Planner, P.J. McCormick\*; 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 to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Clint McKenzie, Executive Director, Downtown Kelowna Association (DKA) and Scott Schaffrick, Downtown Patrol Team Leader re: Downtown Patrol – 2002 Update

Clint McKenzie, Executive Director, DKA:

- Reviewed the role of the downtown patroller, their responsibilities, partnerships.
- The DKA is committed to continue the program in 2003, in partnership with the City.

4. PLANNING

4.1 Planning & Development Department, dated October 16, 2002 re: Heritage Revitalization Application No. HRA02-0001 – Doctors Andrew Luoma, Michael Humer and Bill Nelems (Brian Quiring/MQLN Architects) – 2178 Pandosy Street

Staff:

- The Heritage Revitalization Agreement (HRA) would facilitate use of the heritage building on the subject property as a medical office for three physicians and three support staff. The three physicians would rotate so only one would be operating on the site at any given time. Anticipate between 8-12 patients per day with no more than 3 on the site at any one time.
- As an ancillary use, the office would also be used as a video conferencing facility for seeing patients in other BC communities.
- Not proposing any exterior alterations to the building. Minimum alternations would be required inside. A residential component would be retained.
- The site plan shows 4 on-site parking stalls but the doctors have committed to park at the hospital. Zoning bylaw requirements for on-site parking would be 2 stalls under the RU1 zone or 15 stalls for a commercial medical office.

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- Have to weigh preserving the heritage building against location, siting and parking concerns.
- The HRA allows a tighter control than simply rezoning the property (i.e. hours of operation, number of staff, etc.)

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R913/02/10/28** THAT the City of Kelowna enter into a Heritage Revitalization Agreement for the property at Lot 3, Twp. 25, Sec. 13 & 24, ODYD, Plan 7535, located on Pandosy Street, in the form of such agreement attached as "Schedule A" to the Planning Department's report dated October 16, 2002;

AND THAT the Heritage Revitalization Agreement be forwarded to a Public Hearing;

AND FURTHER THAT final adoption of the Heritage Revitalization Agreement be considered subject to the submission of a report from an equivalency engineer approved by the Inspection Services Department addressing outstanding Building Code issues, and all Works and Utilities requirements being completed to the department's satisfaction.

Carried

- 4.2 Community Planning Manager, dated October 23, 2002 re: Community Planning Progress Report/Social Planning Board Involvement (5080-02; 5040-20)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R914/02/10/28** THAT Council receive, for information, the annual progress report on the Social Planning Board as outlined in the report dated October 23, 2002 from the Community Planning Manager.

Carried

- 4.3 Planning & Development Services Department, dated October 9, 2002 re: Program for Seasonal Extension for Sidewalk Cafes (6530-12)

Staff:

- Doc Willoughby's Downtown Pub has requested an extension of the season for sidewalk cafes to April 30, 2002 to allow for winter outdoor seating on a trial basis.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R915/02/10/28** THAT Council endorse the changes to the Program for Seasonal Extension for Sidewalk Cafes outlined in the report from the Planning and Development Services Department dated October 9, 2002 that will allow the year-round use of portions of the road right-of-way for outdoor seating on a trial basis until the 2003 review of the Program.

Carried

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5. REPORTS

- 5.1 Deputy Director of Finance, dated October 23, 2002 re: Amendment No. 3 to Bylaw No. 8788 – Five Year Financial Plan, 2002-2006 (B/L 8926)

Moved by Councillor Nelson/Seconded by Councillor Cannan

**R916/02/10/28** THAT Council approve amendment No. 3 to the Five Year Financial Plan, 2002-2006 Bylaw 8788 as required by the Local Government Act, to reflect changes in the Operating Budget and Capital Expenditure Program for 2002;

AND THAT the amending Bylaw No. 8926 be advanced for reading consideration.

Carried

- 5.2 Cultural Services Manager, dated October 23, 2002 re: Funding for Artists Fees Related to the Okanagan Thompson International Sculpture Symposium (OTISS) (0230-20)

Councillor Shepherd declared a conflict of interest as a former director of OTISS and left the Council Chamber at 2:38 p.m.

Staff:

- The City has contributed \$96,000 to the Sculpture Symposium (through the Public Art Committee) to assist with funding the five works of art that will remain in Kelowna. OTISS is now asking for another \$39,400 from the City to pay outstanding artist's fees.
- The value of the art works exceeds the contribution from the City and legal opinions indicate that granting the additional money would not increase the City's liability to claims from artists working in other cities.

Moved by Councillor Hobson/Seconded by Councillor Given

**R917/02/10/28** THAT City Council authorize the expenditure of \$39,400 from the Council Contingency fund to pay the outstanding artists fees related to the Okanagan Thompson International Sculpture Symposium;

AND THAT the distribution of these funds be conditional upon the receipt, by the City, of a release executed by each of the artists and the Okanagan Thompson International Sculpture Symposium Society (OTISSS).

Carried

Councillors Blanleil and Cannan opposed.

- 5.3 Transportation Manager, dated October 23, 2002 re: Downtown Parking Lot Rate Adjustments (5480-08)

Moved by Councillor Hobson/Seconded by Councillor Day

**R918/02/10/28** THAT City Council approve the adjustment of the monthly parking rate at the Lawrence & Richter lot (Boys & Girls Club); the Doyle & Ellis lot; and the St. Paul Street north lot to \$47.00 per month (inclusive of gst) effective January 1, 2003.

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Mayor Gray altered the order of business and advised that agenda item No. 5.5 would be dealt with next.

- 5.5 City Clerk, dated October 23, 2002 re: Waived Public Hearings (B/L 8927)

Staff:

- The Development Application Procedures Bylaw permits Council to waive the public hearing requirement for commercial, industrial, institutional and mixed use rezoning applications under certain conditions.
- Dealing with the conditions of waiver by policy rather than bylaw would allow Council the option of also waiving the public hearing for residential when the amendment is inconsequential.
- The proposed policy will be presented at the November 4, 2002 Regular Meeting when the subject bylaw is presented for adoption by Council.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R919/02/10/28** THAT Bylaw No. 8927 be advanced for reading consideration by Council.

Carried

- 5.4 Water Manager, dated October 23, 2002 re: Okanagan Lake Limnology Study – Water Quality Task Force (5260-02)

Deferred to the November 4, 2002 Regular Meeting due to technical difficulties with the equipment.

- 5.5 City Clerk, dated October 23, 2002 re: Waived Public Hearings (B/L 8927)

Dealt with earlier after agenda item No. 5.3.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 6.1 Bylaw No. 8926 – Amendment No. 3 to Five Year Financial Plan Bylaw, 2002-2006, No. 8788

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R920/02/10/28** THAT Bylaw No. 8926 and 8927 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 8927 – Amendment No. 6 to Development Application Procedures Bylaw No. 8140

See resolution under item No. 6.1.

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**(BYLAWS PRESENTED FOR ADOPTION)**

6.3 Bylaw No. 8922 – 2003 Tax Exemption Bylaw

Moved by Councillor Nelson/Seconded by Councillor Given

**R921/02/10/28** THAT Bylaw No. 8922 be adopted.

Carried

6.4 Bylaw No. 8923 – Water Service Parcel Tax Bylaw

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R922/02/10/28** THAT Bylaw No. 8923 be adopted.

Carried

6.5 Bylaw No. 8924 – Sewer Service Parcel Tax Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson

**R923/02/10/28** THAT Bylaw No. 8924 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Petition for Increased Transit Services to Black Mountain

Councillor Cannan advised that a petition bearing over 300 names of residents in Black Mountain has been received asking for increased transit service.

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R924/02/10/28** THAT the petition from residents of Black Mountain requesting increased transit service to their area of the city be received and forwarded to the next Regional Transportation Committee meeting for consideration.

Carried

(b) Privatizing Retail Liquor Outlets

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R925/02/10/28** THAT the Mayor write a letter to the Solicitor General asking what the community benefits are of the Provincial Government's plan to privatize liquor retail outlets in British Columbia.

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8. TERMINATION

The meeting was declared terminated at 3:48 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am