

Regular Meeting – P.M.

November 18, 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, November 18, 2002.

Council members in attendance were: Mayor Walter Gray*, Deputy Mayor R.D. Hobson; Councillors R.D. Cannan, B.A. Clark, C.B. Day, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and B.D. Given.

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*; Wastewater Manager, W.J. Berry*; Licence & Bylaw Enforcement Supervisor, A. Dixon*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

Mayor Gray advised he would be leaving the meeting early to catch a flight to Vancouver and participate in the Memorial Cup bid for Kelowna to host the 2004 Memorial Cup.

2. Councillor Cannan was requested to check the minutes of the meeting.
3. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:
 - 3.1 Planning & Development Services Department, dated October 18, 2002 re: Liquor Licencing Application No. LL02-0009 – Fairhaven Enterprises (David Habib) – 1255/1265 Ellis Street – Deferred from November 4, 2002 Regular Meeting

Staff:

- The subject application was deferred from the November 4, 2002 Regular meeting.
- The application is similar to an application in August of this year by the same licensee to relocate the licence to a location on Lawrence Avenue.
- The proposed facility would include a restaurant/eating area in the front of the building and dance floor around 2 bar areas in the rear of the building.
- At maximum capacity the building could accommodate over 500 people but the applicant is only seeking to transfer the existing 304-seat capacity from the Leon location.
- Staff still recommend non-support for the application primarily due to the concerns of the RCMP that transferring the licence would be moving problems into an area where there are no problems now.

Mayor Gray invited the applicant to come forward.

Dan Crocket, representing the applicant:

- David Habib was not consulted on the date for the deferral and was unable to attend today's meeting. He asks that after hearing from the audience, Council adjourn the meeting to December 9th which is the next meeting that Mr. Habib is able to attend.

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

Ken Thom, 1262 St. Paul Street:

- His concerns are outlined in a letter forwarded to Council but is available to answer questions if necessary.

Joe Iafrancesco, 1298 St. Paul Street:

- Also speaking on behalf of his sister who owns the property at 1290 St. Paul Street.
- The proposed cabaret would result in more traffic in the alley behind their properties. Opposed unless the area can be policed better.

Chris Fraser, on behalf of Trish Eddy-Wright who is out of town (owner of 1302 St. Paul Street):

- Ms. Eddy-Wright remains adamantly opposed to the application for the reasons set out in her correspondence.

Bill Shepherd, owner of Flashbacks Nite Club:

- His position of opposition has already been stated. Is here to answer questions.
- Under the new Fire Marshall regulations, the seating capacity in Flashbacks will be increased from 400 to 536. Even with the Snooty Fox licence remaining at 300 capacity, if this application was approved the capacity between the two clubs would be 800+.
- Has always had great concerns about any club in the city being across the street from an existing club.
- Parking is already a problem in the area, although people will always find a place to park.

The City Clerk confirmed that a letter has been received from the Downtown Kelowna Association indicating they no longer object to relocation of the liquor licence to the Ellis Street location.

Council:

- The application was deferred from the November 4th meeting because the Cabaret Proposal Sign notifying the public of the meeting date for Council's further consideration of this application had not been posted on the property 10 days prior to the meeting as required.
- The posting requirement has been met for today's date and, having posted the sign which clearly indicated the application would be considered at today's meeting, the applicant had ample notice of this meeting date yet expressed no concern until today.
- Agreed to proceed with making their decision on this application.

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R415/02/11/18 THAT Municipal Council not support the transfer of a Class "C" cabaret license for the relocation of the Snooty Fox from 540 Leon Avenue to 1255 Ellis Street;

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

Carried

Councillor Cannan opposed.

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Council:

- Expressed concern at the number of times the community has had to come forward on applications that were relatively unchanged with respect to the relocation of this liquor licence. Staff to report back with suggestions on how to address this concern at the first opportunity after the pending new Provincial rules for liquor regulations come forward.

Mayor Gray left the meeting at 2:11 p.m. Deputy Mayor Hobson assumed the Chair.

4. PLANNING

- 4.1 Planning & Development Services Department, dated November 13, 2002 re: Rezoning Application No. Z02-1043 – 569726 BC Ltd. (Hans Neumann) – 1358 St. Paul Street

Staff:

- A 3-storey office building is proposed for development on the site.

Moved by Councillor Cannan/Seconded by Councillor Day

R416/02/11/18 THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part Lot 2, District Lot 139, ODYD, Plan KAP68461, located on St. Paul Street, Kelowna, B.C., from the I2 – General Industrial zone to a C7 – Central Business Commercial zone;

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

AND FURTHER THAT final adoption of the zoning bylaw be considered in conjunction with Council's consideration of Development Permit DP02-0090 and Development Variance Permit DVP02-0100.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR SECOND AND THIRD READING AND ADOPTION)

- 5.1 Bylaw No. 8921 (Z02-1044) – Progressive Lands Ltd. (Protech Consultants Ltd.) – 5065 Frost Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R417/02/11/18 THAT Bylaw No. 8921 be adopted.

Carried

6. REPORTS

- 6.1 Licence and Bylaw Enforcement Supervisor, dated October 29, 2002 re: City of Kelowna Rotational Towing List – Council Policy No. 291 (4000-00)

Moved by Councillor Cannan/Seconded by Councillor Day

R418/02/11/18 THAT City Council approve the revised City of Kelowna Rotational Towing List Policy 291 as attached to the report from Licence and Bylaw Enforcement Supervisor dated October 29, 2002.

Carried

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- 6.2 Director of Finance & Corporate Services, dated November 7, 2002 re: Land Lease Survey – City of Kelowna Property to Kelowna Flightcraft Ltd. (0917-20-031; 2380-20-8025)

Moved by Councillor Nelson/Seconded by Councillor Clark

R419/02/11/18 THAT the City commission a survey, for lease purposes, of a portion of Lot A, Plan KA59550 for lease to Kelowna Flightcraft Ltd. for an aviation warehouse development in accordance with the reduced copy of the survey plan attached to the report from the Director of Finance & Corporate Services dated November 7, 2002;

AND THAT the Mayor and City Clerk be authorized to execute the survey plan and all documents necessary to complete this Land Titles Office transaction.

Carried

- 6.3 Wastewater Manager, dated November 13, 2002 re: 2003 Sewer Rates (B/L 1824-02)

Moved by Councillor Day/Seconded by Councillor Nelson

R420/02/11/18 THAT Council approve an increase to both Residential and Sewer Strength surcharge rates effective on January 1, 2003 and billings that occur subsequent to that date, as follows:

	2002	New 2003
Residential		
- Flat Rate	\$ 11.90 / month	\$ 12.35 / month
Commercial (I/C/I)		
- Minimum charge	\$ 8.00 / month	Unchanged
- All usage (per m ³)	\$ 0.75 / m ³	Unchanged
Sewer Strength Surcharge Rates		
- BioChemical Oxygen Demand	\$ 0.375 / kg	\$ 0.40 / kg
- Total Suspended Solids	\$ 0.375 / kg	\$ 0.40 / kg
- Fats, Oil and Grease	\$ 0.161 / kg	\$ 0.175 / kg
- Volume	\$ 0.750 / m ³	\$ 0.750 / m ³

AND THAT Council direct staff to prepare an amended Sewer Regulation Bylaw for approval.

Carried

- 6.4 City Clerk, dated November 7, 2002 re: Bylaw and Terms of Reference Amendments – Council Advisory Committees (0540; B/L 8546; B/L 8934)

Staff:

- The proposed revisions include rolling the existing bylaw and Terms of Reference (T of R) for the Advisory Planning Commission into a new bylaw; rescinding the bylaw governing the Community Heritage Commission (CHC) and adopting T of R for the Commission and eliminating Council representation on the Commission; clarifying that Tourism Kelowna nominates their representative on the Agricultural Advisory Committee (AAC) but that the appointment is made by Council; amalgamating the Social Planning Board and the Community Housing Needs Committee into one Social Planning & Housing Committee; and bringing the term of all the Council Committees in line with the 3-year term of Council.

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- A letter received just prior to the meeting from FRAHCAS has been circulated to all members of Council.

Moved by Councillor Shepherd/Seconded by Councillor Day

THAT Advisory Planning Commission Bylaw No. 8546, as attached to the City Clerk's report dated November 7, 2002, be advanced for reading consideration by Council;

AND THAT Bylaw No. 8934, being a Bylaw to Repeal the Community Heritage Commission Bylaw No. 7816, as attached to the City Clerk's report dated November 7, 2002, be advanced for reading consideration by Council;

AND THAT the Terms of Reference for the Community Heritage Commission, as attached to the City Clerk's report dated November 7, 2002, be endorsed by Council;

AND THAT the Terms of Reference for the Agricultural Advisory Committee, as attached to the City Clerk's report dated November 7, 2002, be endorsed by Council;

AND THAT the Terms of Reference approved by Council on August 26, 2002 for the Social Planning Board be rescinded;

AND THAT the Terms of Reference approved by Council on August 26, 2002 for the Community Housing Needs Committee be rescinded;

AND FURTHER THAT the Terms of Reference for the new Social Planning & Housing Committee, as attached to the City's Clerk's report dated November 7, 2002, be endorsed by Council.

Amendment Moved by Councillor Shepherd/Seconded by Councillor Day

THAT the draft Terms of Reference for the Community Heritage Commission be amended to provide for the appointment of one Councillor to the CHC as a non-voting liaison member;

AND THAT the draft Terms of Reference for the Social Planning & Housing Committee (SPHC) be amended to provide for the appointment of up to two Councillors as non-voting liaison members.

Amendment to the Amendment Moved by Councillor Cannan/Seconded by Councillor Shepherd

R421/02/11/18 THAT the draft Terms of Reference for the Community Heritage Commission be amended to provide for the appointment of up to two Councillors as non-voting liaison members.

Carried

Councillor Nelson opposed.

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Amendment as Amended Moved by Councillor Shepherd/Seconded by Councillor Day

R422/02/11/18 THAT the draft Terms of Reference for the Community Heritage Commission be amended to provide for the appointment of up to two Councillors as non-voting liaison members;

AND THAT the draft Terms of Reference for the Social Planning & Housing Committee (SPHC) be amended to provide for the appointment of up to two Councillors as non-voting liaison members.

Carried

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

Moved by Councillor Shepherd/Seconded by Councillor Day

R423/02/11/18 THAT Advisory Planning Commission Bylaw No. 8546, as attached to the City Clerk's report dated November 7, 2002, be advanced for reading consideration by Council;

AND THAT Bylaw No. 8934, being a Bylaw to Repeal the Community Heritage Commission Bylaw No. 7816, as attached to the City Clerk's report dated November 7, 2002, be advanced for reading consideration by Council;

AND THAT the draft Terms of Reference for the Community Heritage Commission attached to the City Clerk's report dated November 7, 2002, be amended to provide for the appointment of up to two Councillors to the CHC as non-voting liaison members, and be endorsed as amended;

AND THAT the Terms of Reference for the Agricultural Advisory Committee, as attached to the City Clerk's report dated November 7, 2002, be endorsed by Council;

AND THAT the Terms of Reference approved by Council on August 26, 2002 for the Social Planning Board be rescinded;

AND THAT the Terms of Reference approved by Council on August 26, 2002 for the Community Housing Needs Committee be rescinded;

AND FURTHER THAT the draft Terms of Reference for the new Social Planning & Housing Committee attached to the City's Clerk's report dated November 7, 2002, be amended to provide for the appointment of up to two Councillors to the SPHC as non-voting liaison members, and be endorsed as amended.

Carried

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- 6.5 City Clerk, dated November 13, 2002 re: Sanitary Sewer Specified Area No. 22C (Hein Road) Bylaw No. 8912 – Hein Road Local Improvement Construction Bylaw No. 8913 (L.I. File No. 651)

Moved by Councillor Day/Seconded by Councillor Cannan

R424/02/11/18 THAT Council receive the Certificate of Sufficiency dated November 13, 2002 pertaining to Sanitary Sewer Specified Area No. 22C (Hein Road) Bylaw No. 8912;

AND THAT Council receive the Certificate of Sufficiency dated November 13, 2002 pertaining to Hein Road Local Improvement Construction Bylaw No. 8913.

Carried

- 6.6 City Clerk, dated November 13, 2002 re: Sanitary Sewer Specified Area No. 22B (Vista Road) Bylaw No. 8911

Moved by Councillor Shepherd/Seconded by Councillor Day

R425/02/11/18 THAT Council receive the Certificate of Sufficiency dated November 13, 2002 pertaining to Sanitary Sewer Specified Area No. 22B (Vista Road) Bylaw No. 8911.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8546 – Advisory Planning Commission Bylaw

Moved by Councillor Nelson/Seconded by Councillor Clark

R426/02/11/18 THAT Bylaws No. 8546 and 8934 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8934 – Repeal Community Heritage Commission Bylaw No. 7816

See resolution adopted under agenda item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.3 Bylaw No. 8920 – Road Exchange Bylaw – Lane off Glenmore Road

Moved by Councillor Nelson/Seconded by Councillor Clark

R427/02/11/18 THAT Bylaw No. 8920 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) Petition re Proposed Specified Area in Rutland

Councillor Day noted he received a petition from the tenants of a trailer park in Rutland and that it is clear that there has been a misunderstanding of the information the residents received from the City. The City Manager advised he will follow-up on the petition with City Works & Utilities staff.

(b) Suggestions for the Next Civic Election

Council directed staff to invite the 22 candidates and the public to provide comments on Saturday's civic election and suggestions on how to improve voter-turnout in future.

(c) Motor Vehicle Accident Statistics

Councillor Shepherd expressed concern that ICBC is no longer keeping statistics on the number of accidents that occur at intersections in the municipality and suggested that the City Manager find a way for City staff to record vehicle accidents and if need be designate funds for that purpose.

(d) Election Signs

Councillor Hobson commented that although election signs are not to be attached to utility poles, some were, and suggested that next election, staff be on the look-out for this and have the signs immediately removed.

9. TERMINATION

The meeting was declared terminated at 3:10 p.m.

Certified Correct:

Mayor

Deputy Mayor Hobson

City Clerk

BLH/am