

Regular MeetingFebruary 18, 2003

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 Tuesday, February 18, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor B.A. Clark.

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; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:14 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting, February 3, 2003  
Public Hearing, February 4, 2003  
Regular Meeting, February 4, 2003  
Regular Meeting, February 10, 2003

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R146/03/02/18** THAT the Minutes of the Regular Meetings of February 3, February 4 and February 10, 2003 and the Minutes of the Public Hearing of February 4, 2003 be confirmed as circulated.

Carried

4. Councillor Given was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

5.1 Bylaw No. 8956 – Z02-1051 – Walter and Lidia Baumgart – 952 & 962 Lawson Avenue

Council adopted a resolution at the Public Hearing held immediately prior to this meeting, adjourning the portion of the Public Hearing dealing with Bylaw No. 8956 to the April 1, 2003 Public Hearing.

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

5.2 Bylaw No. 8957 – Z02-1058 - Brian & Donna Choboter – 2265 James Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R147/03/02/18** THAT Bylaw No. 8957 be read a second and third time, and be adopted.

Carried

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- 5.3 Bylaw No. 8958 – OCP01-015 – Destination Resorts (New Town Planning Services) – Quail Ridge requires majority vote of full Council (5)

Moved by Councillor Day/Seconded by Councillor Cannan

**R148/03/02/18** THAT Bylaw No. 8958 be read a second and third time, and be adopted.

Carried

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

- 6.1 Planning & Development Services Department, dated January 27, 2003 re: Liquor Licencing Application No. LL03-0002 – Darwin Enterprises (Ken Hutchinson) – 311 Harvey Avenue

Staff:

- Chicago Grill is a Food Primary licensed establishment with an entertainment endorsement.
- The applicant feels that he is being punished by having the entertainment endorsement because it was with that endorsement that his hours of operation were cut back from 1 a.m. to midnight.
- The applicant is trying to get back on an even footing with other restaurants that are permitted liquor service to 1 a.m.
- Staff do not support this application because Chicago Grill has already had approval to expand what is allowed in a Food Primary operation; the Province has reduced the type of liquor licences that are available from 8 to 2 and it is important to keep a clear line between liquor primary and food primary; this issue will likely be discussed as part of the review by the Mayor's Entertainment Task Force and the Task Force should be permitted to complete that review before further changes are considered.
- A third option not in the report that Council could consider would be to recommend a temporary amendment to the hours of the existing licence, with the concurrence of the applicant.

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

Ken Hutchinson, applicant:

- Other full service restaurants in the province are allowed to be open until 1 a.m.
- After getting permission to have dancing the closing time for Chicago Grill was cut back to midnight.
- Now under new Liquor Control Board regulations other restaurants without dancing could be open until 4 a.m.
- Just wants to be open later to facilitate the dine and dance and to allow his patrons to be able to stay for the evening and not have to move to another location.
- Would be happy to get back to a 1 a.m. closing (Thursdays, Fridays and Saturdays) but is asking for approval to operate until 2 a.m. Chicago Grill opens at 11:30 a.m. and during the week generally closes by about 10:30 p.m. or 11:00 p.m.
- The outdoor patio has ceiling speakers but they cannot be heard from behind the building and are not intrusive. Has yet to have a complaint registered against Chicago Grill.

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THAT Council support an extension to the permitted hours of operation from midnight to **1 a.m.** (Thursday, Friday, Saturday) for the Chicago Grill Restaurant at 311 Harvey Avenue;

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

Amendment Moved by Councillor Hobson/Seconded by Councillor Cannan

**R149/03/02/18** THAT the extension be approved on a temporary basis to the end of September 2003 to allow the Task Force the option of coming forward with an unfettered recommendation and to provide an opportunity to see how the 1 a.m. closing time works on a trial basis.

Carried

Councillors Blanleil, Horning and Shepherd opposed.

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

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R150/03/02/18** THAT Council support a **temporary** extension to the permitted hours of operation from midnight to **1:00 a.m.** (Thursday, Friday, Saturday) to the end of September 2003 for the Chicago Grill Restaurant at 311 Harvey Avenue;

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

Carried

Staff:

- Clarified that the support would be temporary until Council passes another resolution saying otherwise.

## 7. **BYLAWS**

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

7.1 Bylaw No. 8973 – Sewer Specified Area No. 22A (Gerstmar Road) Parcel Tax

Moved by Councillor Horning/Seconded by Councillor Given

**R151/03/02/18** THAT Bylaws No. 8973 and 8974 be read a first, second and third time.

Carried

7.2 Bylaw No. 8974 – Sewer Specified Area No. 21A (McKenzie Road) Parcel Tax

See resolution under 7.1 above.

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8. REMINDERS

- February 28<sup>th</sup> is the deadline for OMMA resolutions.

9. TERMINATION

The meeting was declared terminated at 9:44 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk