

Regular Meeting – P.M.March 10, 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 Monday, March 10, 2003.

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

Council members absent: Mayor Walter Gray and Councillor R.D. Cannan.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, A.M. Flack; City Clerk, D.L. Shipclark*; Current Planning Manager, A.V. Bruce*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Cultural District Project Manager, L. Gunn*, Cultural Services Coordinator, S. Olcen*; Deputy Director of Finance, P.A. Macklem*; Revenue Supervisor, G. Davidson*; Drainage/Solid Waste Manager, A. Newcombe*; Transportation Manager, R.W. Westlake*; Inspections Supervisor, G. Moller*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Acting-Mayor Horning called the meeting to order at 1:30 p.m.

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

3. PUBLIC IN ATTENDANCE

Moved by Councillor Given/Seconded by Councillor Shepherd

R198/03/03/10 THAT the order of business be altered and agenda item No. 6.1 be dealt with at this time.

Carried

6.1 Cultural District Project Manager, dated March 5, 2003 re: Cultural Capitals of Canada Award Application (1853-20)

Staff:

- Staff were directed last year to prepare an application for this award.
- The adjudication process will take approximately 6 months.
- Showed a CD Rom presentation that will be sent along with the hard copy of the award application for review by the panel members.
- Reviewed the capital programming budget for enhancement of existing and new cultural programming noting Plan A is based on the award application being successful, and Plan B is based on the existing approved budget.

Council:

- Supported sending someone, preferably the Mayor, to Ottawa to personally make the presentation and be available to answer questions of the panel members. Staff to check to see if municipalities are invited to make in-person presentations.

Moved by Councillor Blanleil/Seconded by Councillor Day

R199/03/03/10 THAT Council approve the Cultural Capitals of Canada Award application to be submitted to the Federal Department of Canadian Heritage as attached to the report dated March 5, 2003 from the Cultural District Project Manager.

Carried

Regular Meeting – P.M.March 10, 2003

- 3.1 Presentation of 2005 Kelowna Centennial Celebration Plan by the Recreation Manager on behalf of the Advance Planning Team
- Report from the Recreation Manager, dated March 3, 2003

Wayne Wilson, Executive Director, Kelowna Museum:

- Acknowledged the committee members who worked together on the Centennial Advance Planning Team and summarized their recommendations to Council.
- Outlined activities that the next planning team would initiate to implement the centennial celebration plan.

Staff:

- Revealed the official logo for the Kelowna 1905-2005 Centennial celebrations.
- Presented an overview of the Celebration Plan document included in Council's agenda packages and noted wording changes to section A-3 - Centennial Logo Usage Guidelines to reflect applicable City policies.
- Outlined the potential sources of revenue and estimated expenses from the budget component of the proposed plan.

Council:

- Consider commissioning local artists to produce prints for the Kelowna Centennial as a means of raising funds.

Moved by Councillor Given/Seconded by Councillor Shepherd

R200/03/03/10 THAT City Council approve the 2005 Kelowna Centennial Celebration Plan as attached to the report dated March 3, 2003 from the Recreation Manager;

AND THAT City Council consider additional funding in the amount of \$67,500 towards this project during each of 2004 and 2005 provisional budgets.

Carried

4. PLANNING

4.1 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 8935 (OCP02-0009) – 352039 BC Ltd. (PSC Planning Solutions Consulting Inc.) – 1910 KLO Road
requires majority vote of Council (5)

Moved by Councillor Blanleil/Seconded by Councillor Day

R201/03/03/10 THAT Bylaw No. 8935 be adopted.

Carried

- (ii) Bylaw No. 8936 (Z02-1035) – 352039 BC Ltd. (Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1910 KLO Road

Moved by Councillor Blanleil/Seconded by Councillor Day

R202/03/03/10 THAT Bylaw No. 8936 be adopted.

Carried

Regular Meeting – P.M.March 10, 2003

- (b) Planning & Development Services Department, dated March 5, 2003 re: Development Permit Application No. DP02-0074 – 352039 BC Ltd. (Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1850 & 1910 KLO Road

Staff:

- The Development Permit is for construction of a new gas bar, convenience store and automated car wash.
- Servicing and access issues relating to the proposed development have been addressed and the exterior design of the buildings has been revised to complement the residential building styles in the area.
- Free standing signage will conform with the sign provisions of the zone.
- The concerns of the property owner to the immediate east of the subject property have been resolved by the applicant.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R203/03/03/10 THAT Municipal Council authorize the issuance of Development Permit No. DP02-0074; for Parcel A (DD139842F and Plan B6564) of Amended Lot 62, DL 131, O.D.Y.D., Plan 186, Exc. Plans 12819, 17608, and H11088; and Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO Road, 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 signage to be constructed on the land be in general accordance with Schedule "D";
5. The applicant 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. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST READING)

- 5.1 Bylaw No. 8960 (TA02-0007) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Hobson/Seconded by Councillor Day

R204/03/03/10 THAT Bylaws No. 8960 and 8980 be read a first time.

Carried

Regular Meeting – P.M.

March 10, 2003

5.2 Bylaw No. 8980 (Z03-0007) – Various Properties (City of Kelowna)

See resolution under 5.1 above.

6. REPORTS

6.1 Cultural District Project Manager, dated March 5, 2003 re: Cultural Capitals of Canada Award Application (1853-20)

Dealt with ahead of agenda item 3.1 under Public in Attendance.

6.2 Inspections Services Manager, dated February 21, 2003 re: Filing a Notice Against 815 Webster Road (Waria Holdings Ltd.) (3220-20)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R205/03/03/10 THAT Council hear from the property owner.

Carried

Balbir Singh Warache, president and owner of Waria Holdings Ltd.

- Understands and accepts the responsibility to inform any prospective buyers of the Building Code deficiencies.
- The City will not be held liable for any damage as a result of the deficiencies.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R206/03/03/10 THAT Council authorize the City Clerk to file a Notice in the Land Title Office under section 700 of the *Local Government Act*, against the title to The east 11 chains of Lot 3 measured along the north boundary thereof by the full depth of the said lot; Section 25, Township 26, ODYD Plan 603 except Plans B797, C.B. 157 and B4993, being 815 Webster Road, Kelowna, B. C., regarding the failure to comply in every respect with Article 2.2.1.(g) of the City of Kelowna Building Bylaw, 1993 No. 7245.

AND THAT the Notice state that:

1. A resolution relating to The east 11 chains of Lot 3 measured along the north boundary thereof by the full depth of the said lot; Section 25, Township 26, ODYD Plan 603 except Plans B797, C.B. 157 and B4993, being 815 Webster Road, Kelowna, B. C. 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

Regular Meeting – P.M.

March 10, 2003

6.3 Airport General Manager, dated February 21, 2003 re: Appointments to the Airport Advisory Committee (0550-05; 0540-20)

- The Kelowna City Council appointees to the committee were confirmed at Council's Inaugural Meeting.

Moved by Councillor Shepherd/Seconded by Councillor Given

R207/03/03/10 THAT Council appoint the following representatives to the Kelowna International Airport Advisory Committee for a term to run concurrent with Council's term ending November 30, 2005:

Diana Cabott	- Economic Development Commission
Joni D. Metherell	- Kelowna Chamber of Commerce
Rod MacKenzie	- Westbank & District Chamber of Commerce
Reg Scott	- Vernon Chamber of Commerce;

AND THAT Council approve the following representatives to the Kelowna International Airport Advisory Committee, as appointed by the respective local government, for a term to run concurrent with Council's term ending November 30, 2005:

Mayor Sean Harvey	- City of Vernon
Mayor Rolly Hein	- District of Lake Country
Mayor Colin N. Mayes	- District of Salmon Arm
Mayor Bob Harriman	- District of Peachland
Councillor Robert D. Hobson	- Regional District of Central Okanagan.

Carried

6.4 Drainage/Solid Waste Manager, dated March 5, 2003 re: Garbage Collection Contract Award (2320-20)

Staff:

- Canadian Waste has the current contracts for garbage and recycling.
- Outlined the evaluation criteria.
- The report indicates an option to extend the contract for an additional 1 year period but that will not be included in the contract because that would require a counter petition.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R208/03/03/10 THAT Council approves the award of a contract to Canadian Waste Services Inc. for the provision of garbage and yard waste collection for the period August 2, 2003 to June 30, 2008;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City of Kelowna;

AND FURTHER THAT the Financial Plan be amended to reflect a garbage collection rate of \$38.48 in 2003 and \$45.35 in 2004.

Carried

Regular Meeting – P.M.

March 10, 2003

6.5 Director of Finance & Corporate Services, dated March 4, 2003 re: Property Expropriation – Enterprise/Leathead Road Extension - Montague Holdings Ltd.

Staff:

- Explained why this particular road link was chosen for the first partnership project between the Ministry of Transportation and the City of Kelowna.
- This is the final procedural step to acquire the last of 11 properties required to achieve the extension.
- The owner is not disputing the City's right to the portion of property necessary for the road extension but wants the value for that to be determined by the expropriation board.
- The recommendation before Council allows the property being expropriated to be transferred to the City and allows the owner to get paid for the property immediately.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R209/03/03/10 BE IT RESOLVED that the Council of the City of Kelowna pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c. 125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15584 does approve the said expropriation;

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
- (c) make the advance payment to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve a copy of the appraisal report(s) on which the advance payment is made and to serve the owner with the Notice of Advance Payment in Form 8;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act*;
- (e) sign and seal the Notice of Advance Payment and Vesting Notice;

Regular Meeting – P.M.March 10, 2003**SCHEDULE A**

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: City of Kelowna
1435 Water Street, Kelowna, BC V1Y 1J4
Montague Holdings Ltd. (Inc. No. 397284)
2700-700 West Georgia Street, Vancouver, BC V7Y 1B8
Inland Natural Gas Co. Ltd., now known as:
BC Gas Utility Ltd. (Inc. No. 368681)
1111 West Georgia Street, Vancouver, BC V6E 4M4

The Royal Trust Company
626 West Pender Street, Vancouver, BC

Business Development Bank of Canada
Main Floor, One Bentall Centre, 505 Burrard Street, Vancouver, BC V7X 1V3

TAKE NOTICE that the City of Kelowna, 1435 Water Street, Kelowna, BC V1Y 1J4 has approved the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15584 and affecting PID: 011-287-781, That Part Lot B Lying South of the Right of Ways as shown on Plan 2042, District Lot 125, Osoyoos Division Yale District, Plan 2042 except: (1) Part Outlined Red on Plan B5087, (2) Plans 9963, 12572, 20426 and 21777;

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Kelowna, B.C. this _____ day of _____, 2003.

City of Kelowna, 1435 Water Street
Kelowna, B.C. V1Y 1J4, (250) 763-6011

By: _____
CITY CLERK.

Carried

Regular Meeting – P.M.

March 10, 2003

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R210/03/03/10 **BE IT RESOLVED** that the Council of the City of Kelowna pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c. 125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15585 does approve the said expropriation;

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
- (c) make the advance payment to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve a copy of the appraisal report(s) on which the advance payment is made and to serve the owner with the Notice of Advance Payment in Form 8;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act*;
- (e) sign and seal the Notice of Advance Payment and Vesting Notice;

Regular Meeting – P.M.March 10, 2003**SCHEDULE A**

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: City of Kelowna
1435 Water Street, Kelowna, BC V1Y 1J4
Montague Holdings Ltd. (Inc. No. 397284)
2700-700 West Georgia Street, Vancouver, BC V7Y 1B8
Inland Natural Gas Co. Ltd., now known as:
BC Gas Utility Ltd. (Inc. No. 368681)
1111 West Georgia Street, Vancouver, BC V6E 4M4

The Royal Trust Company
626 West Pender Street, Vancouver, BC

Business Development Bank of Canada
Main Floor, One Bentall Centre, 505 Burrard Street, Vancouver, BC V7X 1V3

TAKE NOTICE that the City of Kelowna, 1435 Water Street, Kelowna, BC V1Y 1J4 has approved the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15585 and affecting PID: 011-287-781, That Part Lot B Lying South of the Right of Ways as shown on Plan 2042, District Lot 125, Osoyoos Division Yale District, Plan 2042 except: (1) Part Outlined Red on Plan B5087, (2) Plans 9963, 12572, 20426 and 21777;

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Kelowna, B.C. this _____ day of _____, 2003.

City of Kelowna, 1435 Water Street
Kelowna, B.C. V1Y 1J4, (250) 763-6011

By: _____
CITY CLERK.

Carried

Regular Meeting – P.M.

March 10, 2003

- 6.6 Deputy Director of Finance, dated March 5, 2003 re: Downtown Kelowna Association 2003 Budget (1950-06)

Moved by Councillor Given/Seconded by Councillor Shepherd

R211/03/03/10 THAT Council hear from a representative of the Downtown Kelowna Association.

Carried

Clint McKenzie, Executive Director, Downtown Kelowna Association:

- Responded to questions of Council noting that a large portion of the \$50,400 marketing budget goes into printing the marketing guide; however, the funds are also used for an array of television, print and radio advertisements and includes event marketing.
- Funding for the Biz Patrol is a separate line item.

Moved by Councillor Given/Seconded by Councillor Shepherd

R212/03/03/10 THAT Council receive the Downtown Kelowna Association 2003 Budget as attached to the report from the Deputy Director of Finance dated March 5, 2003;

AND THAT Council approve a grant to the Downtown Kelowna Association for 2003 in the amount of \$400,000 that will be funded by a levy against all taxable land and improvements which fall within Assessment Class 5 and Assessment Class 6 located within the boundaries of the improvement area as provided for in the Kelowna Downtown Business Improvement Area Bylaw No. 8273.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 8981 – Amendment No. 9 to Subdivision, Development & Servicing Bylaw No. 7900

Moved by Councillor Given/Seconded by Councillor Clark

R213/03/03/10 THAT Bylaws No. 8981, 8982 and 8983 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 8982 – Amendment No. 8 to Sign Bylaw No. 8235

See resolution under 7.1 above.

- 7.3 Bylaw No. 8983 – Amendment No. 18 to Development Application Fees Bylaw No. 8034

See resolution under 7.1 above.

Regular Meeting – P.M.

March 10, 2003

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 8966 – Amendment No. 8 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Clark/Seconded by Councillor Given

R214/03/03/10 THAT Bylaw No. 8966 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Councillor Hobson re: Terms of Reference – Urban Centres Implementation Committee (0540-20)
- Similar to the Parks & Facilities Committee, this committee is comprised only of Council members and has the authority to appoint sub-committees.

Moved by Councillor Hobson/Seconded by Councillor Day

R215/03/03/10 THAT the terms of reference for the Town Centres Implementation Committee be rescinded;

AND THAT the name of the Town Centres Implementation Committee be changed to the Urban Centres Implementation Committee;

AND FURTHER THAT the Terms of Reference for the Urban Centres Implementation Committee be approved as attached to this draft resolution dated March 5, 2003.

Carried

(b) Pandosy/Richter One-Way Couplet Proposal

Councillor Shepherd requested an update on the work being done on the socio-economic study of the one-way couplet proposal. City Manager to investigate.

9. TERMINATION

The meeting was declared terminated at 3:09 p.m.

Certified Correct:

Deputy Mayor Horning

Deputy City Clerk

BLH/am