

Regular Meeting – P.M.October 20, 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, October 20, 2003.

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

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

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Director of Financial Services, P.A. Macklem*; Director of Parks & Leisure Services, D.L. Graham*; Director of Works & Utilities, J. Vos*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Recreation & Cultural Manager, R. Oddleifson*; Manager of Community Development & Real Estate, D.L. Shipclark*; Financial Planning Manager, K. Grayston*; Environmental Manager, M. Watt*; Drainage/Solid Waste Manager, A. Newcombe*; Wastewater Manager, W.J. Berry*; Parks Manager, J. Creron*; Sports & Facilities Manager, J. Gabriel*; Urban Forestry Supervisor, I. Wilson*; Revenue Supervisor, G. Davidson*; Planner-Long Range, G.L. Stephens*; and Deputy City Clerk S.C. Fleming acting as the Council Recording Secretary.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.0 City of Kelowna High School Students – Not to Drink and Drive pledges presentation

- As an early kickoff to National Students Against Impaired Driving (NSAID) Day on October 21, about 50 high school students, all members of their schools' CARS BC (Counter Attack Road Safety) groups, unveiled a series of large banners covered in signatures that represented pledges never to let anyone drive impaired.

3.1 Okanagan Mountain Provincial Park Forest Fire

(a) Miscellaneous Presentations

- Presentations by the Director of Works & Utilities and the Director of Financial Services, regarding the various activities undertaken since the fire and the estimated preliminary recovery costs.
- Presentation by Don Dobson, Dobson Engineering Ltd. outlining recommendations for dealing with storm drainage in the fire ravaged areas.
- Presentation by Leo Gillich, Ministry of Forests, regarding the fires that occurred this year within the Penticton Fire Zone.

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- (b) Parks Manager, dated October 15, 2003 re: Tree Removal in Crawford Falls (6300-02)

Moved by Councillor Hobson/Seconded by Councillor Day

R854/03/10/20 THAT Council authorize the removal of dangerous trees from the City-owned portion of Crawford Falls Park using helicopter logging and that the area be seeded, as per the recommendations of Dobson Engineering Ltd.

AND THAT all costs associated with this project, estimated to total \$200,000, be charged to chartfield 1092-0-00120 with the 2003 Financial Plan amended with interim funding from the Insurance Deductible Reserve.

Carried

- (c) Presentation by Gail Temple, Kelowna & Area Okanagan Mountain Park Fire Recovery Society re: Society Funding Priorities

- Overview of the Recovery Centre process to date.

4. PLANNING

- 4.1 Planning & Corporate Services Department, dated October 15, 2003 re: Official Community Plan – Draft (Amendment of Bylaw 8600)

Moved by Councillor Day/Seconded by Councillor Hobson

R855/03/10/20 THAT Council receive the Planning and Corporate Services report of October 15, 2003, plus attachments, regarding the draft OCP "Kelowna 2020 – Official Community Plan" for information;

AND THAT the remaining components of the draft OCP "Kelowna 2020 – Official Community Plan" be authorized for presentation at a public open house and at the Advisory Planning Commission prior to formal introduction of the bylaw for Council consideration;

AND FURTHER THAT the remaining components of the draft OCP "Kelowna 2020 – Official Community Plan" be forwarded to the Regional Board, Agricultural Land Commission, and adjoining municipalities for initial review prior to the formal referral after first reading.

Carried

- 4.2 Planning & Corporate Services Department, dated October 7, 2003 re: Rezoning Application No. Z00-1052 – Brian & Moira Drosdovech – 1561 Sutherland Avenue

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R856/03/10/20 THAT Municipal Council authorize two 6-month extensions to Rezoning Application No. Z00-1052 (Bylaw 8726) to expire on April 3, 2004.

Carried

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- 4.3 Planning & Corporate Services Department, dated September 29, 2003 re: Application No. LUC03-0003 – Simple Pursuits Inc. (Scott Brown) – 1889 Spall Road (BL 9098)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R857/03/10/20 THAT the discharge of Land Use Contract No. LUC76-1109 from the property at 1889 Spall Road be considered by Council;

AND THAT Bylaw No. 9098 to discharge the Land Use Contract be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Land Use Contract Discharge Bylaw No. 9098 be held pending confirmation by the applicant that currently pending tenancies are in place.

Carried

- 4.4 Planning & Corporate Services Department, dated October 14, 2003 re: Agricultural Land Reserve Appeal No. A03-0010 – 654736 BC Ltd. (New Town Planning Services) – 202 Drake Road

Withdrawn from the agenda at the request of the applicant.

- 4.5 Planning & Corporate Services Department, dated October 15, 2003 re: Rezoning Application No. Z03-0037 – Double Day Development (David Davies) – 1585 Lewis Road

Staff:

- The applicant is seeking to rezone in order to create an additional lot for a single unit residential dwelling.
- The application is not supported by relevant planning and development policy documents and therefore staff do not recommend support.

Moved by Councillor Day/Seconded by Councillor Hobson

R858/03/10/20 THAT Council hear from the applicant.

Carried

The applicant was not in attendance.

Moved by Councillor Shepherd/Seconded by Councillor Day

R859/03/10/20 THAT Rezoning Application No. Z03-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, Plan 72858, Sec. 13, Twp. 26, ODYD, located on Lewis Road, Kelowna, B.C. from the RR2–Rural Residential 2 zone to the RR3–Rural Residential 3 zone be supported by Council;

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

Carried

Councillor Hobson opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 8953 (Z02-1027) – No. 21 Great Projects Inc. and Michal & Suzanne Jilek (Runnalls Denby/Neil Denby) – 1228 Paret Road, 889 & 904 Steele Road

Councillor Clark declared a conflict of interest as owner of property within the notification area and left the Council Chamber at 3:45 p.m.

Moved by Councillor Hobson/Seconded by Councillor Day

R860/03/10/20 THAT Bylaw No. 8953 be adopted.

Carried

Councillor Clark returned to the Council Chamber at 3:45 p.m. and took his place at the Council Table.

6. REPORTS

- 6.1 Wastewater Manager, dated October 15, 2003 re: Award of Consulting Assignment – North Rutland Sewer Project SSA20 – Zone D

Moved by Councillor Day/Seconded by Councillor Shepherd

R861/03/10/20 THAT Urban Systems be engaged to perform the Design and Construction engineering services for Zone D of the North Rutland sewer project for the amount of \$311,274.77 which includes engineering design and construction services, geotechnical work and GST.

Carried

- 6.2 Director of Financial Services, Director of Works & Utilities, and Director of Parks & Leisure Services, dated October 1, 2003 re: 20-Year Servicing Plan and Financing Strategy (3150-20; BL9095)

Moved by Councillor Hobson/Seconded by Councillor Clark

R862/03/10/20 THAT Council adopt the 20-Year Servicing Plan and Financing Strategy, attached as Appendix "A" to the report dated October 1, 2003 from the Directors of Finance, Works & Utilities, and Parks & Leisure Services, as the infrastructure financing plan for new growth within the City of Kelowna as projected in the Official Community Plan to the year 2020;

AND THAT Kelowna Development Cost Charge Bylaw No. 9095 be advanced for reading consideration by Council;

AND FURTHER THAT final adoption be considered following approval of Bylaw No. 9095 by the Inspector of Municipalities and concurrent with adoption consideration of the pending Official Community Plan 2000-2020 bylaw amendments.

Carried

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- 6.3 Director of Financial Services, dated October 14, 2003 re: 2004 Tax Exemption Bylaw No. 9104

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R863/03/10/20 THAT Council hear presentations from the public gallery.

Carried

MAYDAY Society for Seniors:

- It is difficult to undertake fundraising initiatives as the average age of members is 83.
- The Society is a non-profit organization and therefore should not have to pay taxes.
- Gave a brief overview of their monthly income and expenses.

Moved by Councillor Hobson seconded by Councillor Cannan

R864/03/10/20 THAT the MAYDAY Society for Seniors be added to the 2004 Tax Exemption Bylaw.

Carried

Kelowna and District Fish & Game Club:

- Stated why they believe they deserve a tax exemption.

Staff:

- Clarified that Council does not have the authority to exempt the caretaker's residence or the telecommunications tower from taxes.

Moved by Councillor Hobson seconded by Councillor Day

R865/03/10/20 THAT the Kelowna and District Fish and Game Club be added to the 2004 Tax Exemption Bylaw.

Carried

Kelowna Yoga House:

- Explained why they believed they deserve a tax exemption.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R866/03/10/20 THAT the Kelowna Yoga House be added to the 2004 Tax Exemption Bylaw.

Carried

Councillor Clark opposed

Moved by Councillor Hobson/Seconded by Councillor Day

R867/03/10/20 THAT a bylaw under sections 339, 340 and 341 of the *Local Government Act*, to provide exemption from taxation for the year 2004, include the following property changes in addition to those set out in Schedules A through D of the 2003 Tax Exemption By-law No. 8922:

Schedule A:

1. *Change* Roll No. 4608.000, Lot 6, Plan 3576 (515 Gerstmar Road). Property sold to the Church of God Lirio de los Valles. BCAA has approved a general exemption on the Church property excepting two modular buildings and some land on the property that is taxable;

Schedule B:

1. *Delete* Roll No. 4799.000, Lot 14, Plan 18085 (135 Davie Road) – Interior Health Authority – May Bennett Home. This property is now servicing Adult Day Care, a meals program and offices for community nurses. Taxable in 2004;
2. *Add* Roll No. 6372.527, Lot A, Plan KAP 53622, (1180 Houghton Road) – Vedanta Educational Society. This property is a private school – K to grade 12 servicing approximately 140 students. 339 (1) (k);
3. *Delete* Roll No. 50080, Lot 25, Plan 10689 (1279-1281 Centennial Crescent) – Belaire Women's Recovery Centre. Property sold to Resurrection Recovery Society, see Schedule D.;

Schedule C:

1. *Change* Roll No. 77062, Lot 1, Plan 42511, (1304 Ellis Street), City of Kelowna - portion leased to Kelowna Centennial Museum Association and sub-lease holders:-

Exempt areas-

Theatre Kelowna Society (TKS), area 338 sq. ft.
 Associate Director, Kelowna Museum Association (KMA), area 166 sq. ft.
 Sunshine Theatre, area 328 sq. ft.
 CUPE Local #338, area 337.5 sq. ft.
 Sunshine Theatre (reception), area 328 sq. ft.
 Okanagan Science Opportunities for Kids (SOKS) area 327.5 sq. ft.
 Kelowna and District Arts Council, area 327.5 sq. ft.
 Okanagan Science Opportunities for Kids (SOKS), area 328 sq. ft.
 City of Kelowna's Cultural District, area 327.5 sq. ft.
 Viva Musica, area 328.5 sq. ft.
 City of Kelowna's Cultural District, area 332 sq. ft.
 Kiwanis Music Festival, area 340 sq. ft.
 Total exempt area 3808.5 sq. ft.

The following areas will be non-exempt-

Carbon Design, area 328 sq. ft.
 Netcentrics, area 327.5 sq. ft.
 Julie Cosgrave, 234 sq. ft.
 Event Publications, 978.73 sq. ft.
 Total non-exempt 1868.23 sq. ft.;

Schedule D:

1. *Add* Roll No. 50080, Lot 25, Plan 10689 (1279 Centennial Crescent) – Resurrection Recovery Society. Provides housing for men who are undergoing drug and alcohol addiction counselling 341 (2) c
2. *Change* Roll No. 48750, Lot 33, Plan 10011 DL 137 (1350-52 Belaire Avenue) – H.O.S.O.T.O. Change exemption from 75% to 100% exemption. Change of use – caretaker no longer living in home. 341 (2) c
3. *Delete* Roll No. 32520, Lot 3, Plan 3910, DL 14 (434 Glenwood Avenue) – Abbeyfield Houses Society of Kelowna. Property sold and is taxable for 2004.
4. *Delete* Roll No. 5929.000, Lot 1, Sec. 26, Twp.26, Plan 10157, (255 Rutland Road N) Kelowna General Hospital Foundation (Gift Shop). Property sold and is taxable in 2004.
5. *Add* Roll No. 6773.850, Lot 5, Plan 24739, (1208 Irene Road), New Opportunities for Women Canada Society (NOW). Provides temporary housing residency, 6 – 8 month term, for sexually exploited female youth and their children. 341 (2) c
6. *Add* Roll No. 5476.408, Lot 15, Plan 27679, (800 Princess Court), NOW Canada. Provides temporary housing residency, 6 – 10 month term, for sexually exploited female youth. 341 (2) c
7. *Add* Roll No. 12184.557, Lot 2, District Lot 358, Plan KAD69898 and part of Lot A, District Lot 358, Plan 21520 , (639 Dehart Road). Okanagan Mission Community Hall Association leases property from City of Kelowna in order to provide recreational tennis courts. 341 (2) b
8. *Change* Roll No. 79932 non-exempt Vivian Khun studio area 444 sq. ft. to Elizabeth Gordon studio area 444 sq. ft.

AND THAT the Kelowna Yoga House (Roll No. 16670) for exemption of property at 1272 St. Paul Street **not** be deleted from Schedule “D”;

AND THAT the MAYDAY Society for Seniors (Roll No. 5477.053) be added to the list of exemptions for their property at 147 Park Road;

AND FURTHER THAT the Kelowna & District Fish & Game Club (Roll No. 4009.000) be added to the list of exemptions for their non-commercial and non-residential classed property at 4047 Casorso Road.

Carried

- 6.4 Recreation and Cultural Services Manager, dated October 14, 2003 re: Future Aquatic Facility – Computer Compact Disc and Survey (6240-20)

Moved by Councillor Clark/Seconded by Councillor Cannan

R868/03/10/20 THAT City Council receive for information the computer compact disc containing details on the prototypes, options and survey for a new major leisure aquatic facility in the Mission District Park as attached to the report from the Recreation and Cultural Services Manager dated October 14, 2003.

Carried

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- 6.5 Recreation and Cultural Services Manager, dated October 3, 2003 re: Memorial Arena Space Allocation Plan (7900-20)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R869/03/10/20 THAT the Council approve the space allocation plan for Memorial Arena which dedicates space to Kelowna Minor Hockey Association, Okanagan Military Museum Society and the Kelowna Minor Lacrosse Association as per the report attached from the Recreation and Cultural Services Manager dated October 3, 2003;

AND THAT staff be directed to develop partnership agreements with each of Kelowna Minor Hockey Association, Okanagan Military Museum Society and the Kelowna Minor Lacrosse Association to include the capital development and the operational responsibilities for the dedicated spaces.

Carried

- 6.6 Recreation and Cultural Services Manager, dated October 10, 2003 re: City of Kelowna Arts Foundation Board of Directors Membership (0230-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R870/03/10/20 THAT City Council re-appoint three members, Larry Widmer, Roger Setka and Gary Taylor to the City of Kelowna Arts Foundation for a three-year period commencing October 1, 2003.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9095 – Development Cost Charge Bylaw

Moved by Councillor Shepherd/Seconded by Councillor Clark

R871/03/10/20 THAT Bylaw No. 9095 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9104 – 2004 Tax Exemptions **requires 2/3 majority vote of Council (6)**

Moved by Councillor Cannan/Seconded by Councillor Day

R872/03/10/20 THAT Bylaw No. 9104 be read a first, second and third time.

Carried

8. COUNCILLOR ITEMS

- (a) Internet Voting

Councillor Clark mentioned a recent Federation of Canadian Municipalities (FCM) article about internet voting.

Staff to review the article and report back for Council with recommendations.

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9. TERMINATION

The meeting was declared terminated at 5:34 p.m.

Certified Correct:

Deputy Mayor Horning

City Clerk

SCF/am/blh