

Regular Meeting – P.M.December 15, 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, December 15, 2003.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Development Services Manager, A.V. Bruce*; Subdivision Approving Officer R.G. Shaughnessy*, Director of Works & Utilities, J. Vos*; Roadways/Equipment Superintendent, D. Beaudry*, Transportation Manager, R.W. Westlake*; Traffic & Transportation Engineer, H. Thompson*; and Acting Council Recording Secretary, A.M. Rathbone.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 George Ivany, Chairman of the Board, Okanagan University College re: Future Development and Direction of OUC

George Ivany, Okanagan University College:

- Outlined OUC's white paper which was presented to the Provincial Government seeking inclusion into the University Act.
- OUC's business plan for a full status university will be completed in January.

Council:

- Asked to have OUC's business plan presented to Council when it is finished.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R1028/03/12/15 THAT the Mayor send a letter to the Minister of Advanced Education, copied to the local MLAs, expressing Council's support for the direction that the Board of Governors of Okanagan University College is taking in seeking full university status for OUC.

Carried

4. PLANNING

4.1 Planning & Corporate Services Department, dated December 8, 2003 re: Proposed Re-Naming of a Portion of Leathead Road West of Highway 97 (5450-20; BL9141)

Moved by Councillor Day/Seconded by Councillor Cannan

R1029/03/12/15 THAT Municipal Council consider re-naming that portion of Leathead Road situated west of Highway 97, and as identified on Schedule "A" attached to the report from the Planning & Corporate Services Department dated December 8, 2003, to Enterprise Way;

AND THAT staff be directed to prepare the necessary road name change bylaw.

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- 4.2 Planning & Corporate Services Department, dated December 9, 2003 re: Development Permit Application No. DP03-0107 – Pacific Sun Enterprises Ltd. – 3600 Gordon Drive

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1030/03/12/15 THAT Council authorize the issuance of Development Permit No. DP03-0107 for Lot 9, Blk. 2, DL 134, O.D.Y.D., Plan 515, Exc. Plans B685 & H17514, located on Gordon and Barnes Roads, 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 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

- 4.3 Planning & Corporate Services Department, dated December 2, 2003 re: Development Permit Application No. DP03-0141 – John & Irma Schepp – 743-747 Francis Avenue

Moved by Councillor Given/Seconded by Councillor Hobson

R1031/03/12/15 THAT Council authorize the issuance of Development Permit No. DP03-0141 for Lot A, D.L. 136, ODYD, Plan 13766, located on Francis Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the additional units to be added to the existing building be in general accordance with Schedule "A".

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR AMENDMENT AT FIRST READING)

- 5.1 Bylaw No. 9096 – A bylaw to amend Bylaw No. 7600 in order to complete an updated Official Community Plan – *Kelowna 2020* **Requires majority vote of all Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

R1032/03/12/15 THAT Bylaw No. 9096 be amended at first reading by correcting the future land use designation in Schedule 6 of Bylaw No. 9096 (Map 19.1 Generalized Future Land Use) to Industrial for the portions of the following properties located between Highway 97, Mill Creek, and the future proposed road extension of McCurdy Road, as shown on the information map included as item 5.1 in the December 15, 2003 Regular Council meeting agenda:

Part of Lot 1, Plan 1879 (2750 Highway 97 N); Part of Lot A, Plan 8341 (2760 Highway 97 N); Part of Lot 2, Plan 1879 (2784 Highway 97 N); Part of Lot A, Plan 4571 (2786 Highway 97 N); and Part of Lot 3, Plan 1879 (2788 Highway 97 N).

Carried

6. REPORTS

- 6.1 Assistant Airport General Manager, dated December 8, 2003 re: Public Pay Phone Licence (0550-05; 2320-20)

Moved by Councillor Given/Seconded by Councillor Horning

R1033/03/12/15 THAT Council approve entering into a five-year licence agreement with Telus Communications Inc. for the provision of pay telephone services at Kelowna International Airport, commencing January 1, 2004 with an ultimate expiry date of December 31, 2009;

AND THAT Council authorize the Mayor and City Clerk to sign the licence agreement on behalf of the City of Kelowna.

Carried

- 6.2 Environment Manager, dated December 10, 2003 re: Petroleum Products Storage Tank Bylaw (3900-20; BL9137)

Moved by Councillor Horning/Seconded by Councillor Given

R1034/03/12/15 THAT Petroleum Products Storage Tank Bylaw No. 8267 be amended to reflect recent changes to the CCME Codes of Practice;

AND THAT the proposed amendments to the Petroleum Products Storage Tank Bylaw No. 8267 be advanced for reading consideration by Council.

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- 6.3 Transportation Manager, dated December 10, 2003 re: Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82

Staff:

- The deceased animals are taken to the Landfill at the present time.
- The cost of removal would be born by the property owner and would be based on the equipment and staff required to remove the animal and the time of day the removal takes place.

Moved by Councillor Day/Seconded by Councillor Hobson

THAT Council approve amendment No. 6 to the Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82, to enable the City of Kelowna to charge a fee for the collection and disposal of deceased animals located on private land;

AND THAT the amending bylaw be advanced for reading consideration by Council.

Council:

- Concerned about charging a fee for this service, that the City would be taking deceased animals to the landfill when others are not permitted that option, and that the Landfill Operation Certificate may not permit this into the future.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R1035/03/12/15 THAT further consideration of the Transportation Manager's December 3, 2003 report regarding the removal and disposal of deceased animals found on private property be deferred until staff can provide clarification about charging a fee for this service and disposing of the animals at the landfill.

Carried

- 6.4 Transportation Manager, verbal report re: One-Way Couplet Alternatives

Staff:

- Outlined the various options for handling traffic on Harvey Avenue in context of a new Okanagan Lake bridge.
- Information on the options is available on the City's website.
- Information to the public will be via:
 - Council presentation December 15, 2003
 - Media & Website coverage
 - Downtown Kelowna Association/Chamber of Commerce/City of Kelowna Information Session December 17, 2003, noon to 7 p.m. at the Grand Hotel
 - Newspaper insert – January 9, 2004
 - Public Meeting January 13, 2004 at 7 p.m. at the Community Theatre
 - OCP Public Hearing January 15, 2004 at the Community Theatre, which includes the couplet.

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Council:

- At the information meetings, staff to provide the background information on the following options:
 - Growth information
 - Trip generation assumptions
 - Mode split (buses, cars, etc.)
 - Desire lines of people moving during the day
 - What generates the traffic problems, what people do, and what will they do in the future and why
 - What new lanes of road are already planned regardless of the couplet
 - Cost alternatives (i.e. DCC's)

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9126 – Land Sales Reserve Fund Expenditure Bylaw
Requires 2/3 majority vote of Council (6)

Moved by Councillor Day/Seconded by Councillor Blanleil

R1036/03/12/15 THAT Bylaws No. 9126, 9127, 9132, 9133 and 9137 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9127 - Amendment No. 1 to Bylaw No. 9027 – Five Year Financial Plan, 2003-2007

See resolution adopted under agenda item No. 7.1.

- 7.3 Bylaw No. 9130 - Amendment No. 6 to Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82

Reading consideration of this bylaw deferred as a result of the deferral motion adopted under agenda item No. 6.3.

- 7.4 Bylaw No. 9132 – A bylaw to amend Sewer System User Rates Bylaw, 1972, No. 3480

See resolution adopted under agenda item No. 7.1.

- 7.5 Bylaw No. 9133 – A bylaw to amend Sewer Service Parcel Tax Bylaw No. 8924

See resolution adopted under agenda item No. 7.1.

- 7.6 Bylaw No. 9137 – Amendment No. 3 to Petroleum Storage Tank Bylaw

See resolution adopted under agenda item No. 7.1.

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- 7.7 Bylaw No. 9124 – A bylaw to change the name of Laurence Road to Pioneer Road

Moved by Councillor Given/Seconded by Councillor Horning**R1037/03/12/15** THAT Bylaw No. 9124 be adopted.Carried

- 7.8 Bylaw No. 9125 – A bylaw to change the name of College Way to University Way

Moved by Councillor Clark/Seconded by Councillor Shepherd**R1038/03/12/15** THAT Bylaw No. 9125 be adopted.Carried8. COUNCILLOR ITEMS(a) Carriage Houses

Councillor Shepherd enquired about whether any open houses in addition to the one on December 18, 2003 are taking place regarding the issue of Carriage Houses. City Manager to investigate.

(b) Noise Bylaw

Councillor Shepherd enquired about the progress of staff's review of the City's Noise Bylaw. Referred to staff.

(c) Cell Phone Cameras

Councillor Shepherd enquired about possible development of policies for controlling use of cell phone cameras in City recreation facilities. Referred to staff.

9. TERMINATION

The meeting was declared terminated at 3:34 p.m.

Certified Correct:_____
Mayor_____
City Clerk

BLH/am