

Regular Meeting – P.M.

January 12, 2004

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, January 12, 2004.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Manager of Policy, Research & Strategic Planning, S.K. Bagh*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Financial Planning Manager, K. Grayston*; Manager of Community Development & Real Estate, D.L. Shipclark*; Director of Parks & Leisure Services, D.L. Graham*; Parks Manager, J. Creron*; Parks Planning & Administrative Supervisor, D. Lange*; Wastewater Manager, W.J. Berry*; Water Manager, D. Degen*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Day called the meeting to order at 1:32 p.m.

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

3. PLANNING

3.1 Planning & Corporate Services Department, dated December 19, 2003 re: Agricultural Land Reserve Appeal No. A03-0014 – Stephen Cipes – 4870A Chute Lake Road

Staff:

- The applicant is requesting permission from Land Reserve Commission for non-farm use within the Agricultural Land Reserve and to upgrade the existing license to a full liquor licence.
- The Agricultural Advisory Committee reviewed the application and passed a resolution of non-support on the basis that the expanded use does not support the original goal of winery restaurants (promotion of their own product); the proposed expansion pushes the boundaries of the agri-tourism definition and intent; and the expanded use has the potential to impact negatively on traffic in agricultural areas.
- Staff do not recommend support for similar reasons and because of concern that the requested full liquor licence would allow Summerhill unfair competition with similar commercial operations that do not enjoy lower farm taxes. A full service restaurant should not be associated with farming and approval could set a precedent.

Moved by Councillor Shepherd/Seconded by Councillor Given

R005/04/01/12 THAT Council hear from the applicant.

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Stephen Cipes, applicant:

- Summerhill is today Canada's most visited winery with up to 3,000 visitors per day but has been tremendously impacted by the events of 9/11, SARS and the Okanagan Mountain Park Forest Fire.
- Summerhill is now serving wines from other estate wineries in addition to its own and is the only winery in all of Canada that is converting to organic.
- Summerhill has given a lot to this community and is now asking for a little reciprocation.
- Has been a leader in all changes to Provincial liquor licensing regulations as they relate to wineries. Could not apply for this until now because liquor licencing regulations were not in place to allow the application.
- Does not intend to make liquor service a prime objective. Being able to serve beer and liquor would allow Summerhill to compete and offer weddings and other special events.
- Does not intend to have a bar or have singles nights or to sell anything off-site or otherwise play up the liquor licence.
- There are no problems with traffic now and does not think the full liquor license would change that.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R006/04/01/12 THAT Agricultural Land Reserve Appeal No. A03-0014, Lot A, Sec. 24 & 25, Twp. 28, SDYD, Plan KAP67429, located on Chute Lake Road, in Kelowna, B.C. in order to allow the existing winery restaurant to apply for a full liquor licence, pursuant to Section 20(3) of the Agricultural Land Commission Act be supported by Council.

Carried

3.2 Planning & Corporate Services Department, dated December 15, 2003re: Rezoning Application No. Z03-0057 – Professional Diving Technology Inc (Vern Johnston/Diving Dynamics) – 1884 Ambrosi Avenue

Staff:

- The rezoning would allow the site to be redeveloped with a 2-storey commercial building to be occupied by the four divisions of Diving Dynamics.

Moved by Councillor Given/Seconded by Councillor Hobson

R007/04/01/12 THAT Rezoning Application No. Z03-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

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- 3.3 Planning & Corporate Services Department, dated January 5, 2004 re: Rezoning Application No. Z03-0068 – Patricia Veitch – 1336 Mountainview Street

Staff:

- The rezoning would allow for a secondary suite to be developed in a 1.5 storey accessory building that is proposed for construction.

Moved by Councillor Given/Seconded by Councillor Hobson

R008/04/01/12 THAT Rezoning Application No. Z03-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 20, Section 29, Township 26, ODYD Plan 5070, located on Mountainview Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

Carried

- 3.4 Planning & Corporate Services Department, dated December 31, 2003 re: Rezoning Application No. Z03-0062 – Robtree Enterprises Inc. (Robert Gaspari) – 2629 Richter Street

Staff:

- The rezoning is requested to accommodate construction of a 2-storey 4-plex on the site. Parking would be accessed from a rear lane.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R009/04/01/12 THAT Rezoning Application No. Z03-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 135, ODYD Plan 11018, located on Richter Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Plex Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

- 3.5 Planning & Corporate Services Department, dated January 6, 2004re: Rezoning Application No. Z01-1004 – W.H. & M.W. Reid (Wally Reid) – 659-687 Dehart Road

Moved by Councillor Given/Seconded by Councillor Horning

R010/04/01/12 THAT Municipal Council authorize two 6 month extensions to Rezoning application No. Z01-1004 (Bylaw No. 8700) to expire on January 17, 2005.

Carried

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Mayor Gray entered the Council Chamber at 2:45 p.m. and assumed the Chair.

4. REPORTS

4.1 City Manager, dated January 7, 2004 re: 2004 Financial Plan (1700-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R011/04/01/12 THAT the 2004 Financial Plan as summarized by total revenues and expenditures on Schedule A in the amount of \$213,908,729 be approved, reflecting total operating and capital costs including changes made by Council during the financial plan review meeting of January 6, 2004.

Carried

4.2 Director of Financial Services, dated January 2, 2004 re: Permissive Exemption Request – Kelowna General Hospital Foundation (1970-50)

Moved by Councillor Shepherd/Seconded by Councillor Horning

R012/04/01/12 THAT Council consider a request for a 2004 permissive taxation exemption, municipal share of taxes only, for a property owned by the Kelowna General Hospital Foundation, roll no. 5763.000 located at 140 Dougall Road North;

AND THAT funding of up to \$2,000.00 be provided from Council contingency and applied towards 2004 taxes for this property.

Carried

4.3 Director of Planning & Corporate Services, dated December 17, 2003 re: “Old KSS” Redevelopment Plans (0710-20)

Council:

- Discussed whether or not their consensus from in-camera discussions about the redevelopment of the former KSS site was that retaining the buildings on the site would be essential.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R013/04/01/12 THAT the Deputy City Clerk read the resolution adopted by Council during the ‘closed session’ of the Regular Meeting held November 17, 2003 regarding redevelopment of the former KSS site.

Carried

The Deputy City Clerk read the resolution, as follows:

THAT staff proceed with a process to receive public input on the City’s goals for redevelopment of the old KSS property;

AND THAT the results of that process be reviewed and the City’s goals be amended as Council deems appropriate;

AND FURTHER THAT staff incorporate the finalized goals into a recommendation, for consideration by Council at an open meeting, for development of the KSS property by a party selected after a public RFEI/RFQ/RFP process.

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Staff:

- Cost of refurbishing the gym and brick school house to meet current Building Code requirements would be high. Ongoing maintenance costs would be also be difficult to justify.
- Recommend retaining the 3 buildings and invite proposals to include using one or all of the buildings but that retaining the buildings on the site not be essential.

Moved by Councillor Hobson/Seconded by Councillor Day

R014/04/01/12 THAT staff be directed to organize an Open House to solicit public feedback on the “old KSS” site draft redevelopment objectives noted in Attachment #2 of the Planning and Corporate Services report dated December 17, 2003;

AND THAT the Urban Centres Implementation Committee be directed to provide guidance into the refinement of site redevelopment objectives after receiving public feedback;

AND FURTHER THAT staff report back to Council prior to issuing a ‘Request for Qualifications/Expressions of Interest’ for redevelopment of the “old KSS” site.

Carried

Councillors Clark and Shepherd opposed.

4.4 Water Manager, dated January 6, 2004 re: Award of Consulting Assignment – Ultraviolet Retrofit Design (5600-05)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R015/04/01/12 THAT Associated Engineering Ltd. be engaged to perform the Equipment Pre-selection, Design and Construction engineering services for the Ultraviolet Retrofit Design for the amount of \$382,101 which includes engineering design and construction services, geotechnical and environmental work and GST.

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- 4.5 Wastewater Manager, dated January 5, 2004 re: Sewer Connection Charge Bylaw Amendments (5340-09; BL8469)

Moved by Councillor Day/Seconded by Councillor Hobson

R016/04/01/12 THAT the report from the Wastewater Manager dated January 5, 2004 describing amendments to the Sewer Connection Charge Bylaw be received for information;

AND THAT Bylaw No. 8469, the Sewer Connection Charge Bylaw, be amended to incorporate the following changes:

1. Add a new Connection Charge Area - North End Industrial area;
2. Add a new Connection Charge Area – Cary Road;
3. Increase the Connection Charge amount in Schedule 3 for Service Area No. 23 (Rutland -South) from \$6,900/SFE to \$7,300/SFE;
4. Add certain properties to Connection Charge area No. 28 (Okaview);
5. Remove all the properties in Specified Area No. 20 from their respective Connection Charge areas;
6. Remove a property from Connection Charge area No. 21;
7. Change certain properties from Connection Charge area No. 21 to Connection Charge area No. 22;
8. Change any references to EDU (Equivalent Dwelling Unit) in the bylaw to SFE (Single Family Equivalent);
9. Amend Schedule 1 to change Mobile Homes from 1 SFE to 0.7 SFE's;
10. Re-number Connection Area No. 29 (Bopart) to Connection Area No. 31.

Carried

- 4.6 City Clerk, dated January 2, 2004 re: Sewer Specified Area No. 28A (Okaview Road) (BL 9088)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R017/04/01/12 THAT Council receive the Certificate of Sufficiency dated January 2, 2004 pertaining to the proposed Sewer Specified Area No. 28A (Okaview Road);

AND THAT Sewer Specified Area No. 28A (Okaview Road) Bylaw No. 9088 be advanced for final adoption consideration.

Carried

- 4.7 Parks Manager, dated January 10, 2004 re: Waterfront Walkway – Response to Walley Lightbody Council Submission (0910-01)

Council:

- Discussed whether this section of the proposed walkway should include the additional width to also accommodate cyclists and rollerbladers as opposed to cyclists and rollerbladers continuing to use Abbott Street.

Staff:

- The concept plan is intended as a long term goal. There has never been any consideration of expropriating to achieve the walkway. Will find practical solutions for the short term so as not to put undue pressure on property owners who have not bought into the concept and do not wish to sell their property to the City.

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Moved by Councillor Clark/Seconded by Councillor Given

R018/04/01/12 THAT Council receive the report dated January 10, 2004 from the Parks Manager in response to the presentation made to Council by Mr. Walley Lightbody on November 24th, 2003 opposing the Waterfront Walkway Concept Plan which has been approved by Council as the long term vision for the waterfront area between Kinsmen Park and Royal Avenue.

Carried

Moved by Councillor Clark/Seconded by Councillor Shepherd

R019/04/01/12 THAT Council hear from Mr. Lightbody.

Carried

Walley Lightbody:

- The City should hold a separate Public Hearing on the issue of the walkway instead of including the walkway as part of the OCP amendment being considered on January 15th. Asked that the walkway be excluded from the January 15th Public Hearing.

Staff:

- The proposed mapping changes have already been advertised for the January 15th Public Hearing, including the walkway.

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9088 – Sewer Specified Area No. 28A – Okaview Road

Moved by Councillor Given/Seconded by Councillor Shepherd

R020/04/01/12 THAT Bylaw No. 9088 be adopted.

Carried

5.2 Bylaw No. 9138 – Amendment to Sewerage System User Bylaw No. 3480

Moved by Councillor Shepherd/Seconded by Councillor Given

R021/04/01/12 THAT Bylaw No. 9138 be adopted.

Carried

5.3 Bylaw No. 9139 – Amendment No. 1 to Housing Opportunities Reserve Fund Bylaw No. 8593

Moved by Councillor Hobson/Seconded by Councillor Cannan

R022/04/01/12 THAT Bylaw No. 9139 be adopted.

Carried

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5.4 Bylaw No. 9141 – Road Renaming Bylaw – Leathead Road

Moved by Councillor Hobson/Seconded by Councillor Cannan

R023/04/01/12 THAT Bylaw No. 9141 be adopted.

Carried

5.5 Bylaw No. 9143 – Amendment No. 2 to Kelowna Noise Control Bylaw No. 6647-90

Moved by Councillor Hobson/Seconded by Councillor Cannan

R024/04/01/12 THAT Bylaw No. 9143 be adopted.

Carried

6. COUNCILLOR ITEMS

(a) OCP Amending Bylaw No. 9096

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R025/04/01/12 THAT a Special Meeting of Council be held following the Public Hearing for Official Community Plan Amendment Bylaw No. 9096 on Thursday, January 15, 2004.

Carried

7. TERMINATION

The meeting was declared terminated at 4:38 p.m.

Certified Correct:

Mayor

Deputy Mayor Day

Deputy City Clerk

BLH/am