

Regular Meeting – P.M.

February 2, 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, February 2, 2004.

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

Council members absent: Councillors B.A. Clark and R.D. Hobson.

Staff members in attendance were: Acting-City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Community Planning Manager, T. Eichler*; Fire Chief G. Zimmermann*; Parks Manager, J. Creron*; Urban Forestry Supervisor, I. Wilson*; Assistant Airport General Manager, S. Samaddar*; Traffic & Transportation Engineer, H. Thompson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:37 p.m.

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

3. PLANNING

- 3.1 Planning & Corporate Services Department, dated January 27, 2004 re: Rezoning Application No. Z03-0060 and HAP03-0017 – Sylvia Wearne and Gerald Sager (Sylvia Wearne) – 255 Lake Avenue

Staff:

- The property is within the Abbott Street Heritage Conservation Area and therefore a Heritage Alteration Permit is required for proposed changes to the building.
- The proposed addition would include a single vehicle garage, a secondary suite, and additional living space for the principal dwelling. Variances are being requested for the side and rear yard setbacks through the Heritage Alteration Permit which would be considered by Council concurrent with adoption of the zone amending bylaw.
- The Community Heritage Commission reviewed the application and passed a recommendation of support with suggestions for changes to the design.
- The Advisory Planning Commission reviewed the application and passed a recommendation of support for the rezoning but did not support the Heritage Alteration Permit because of the proposed encroachment into the rear yard setback.

Moved by Councillor Given/Seconded by Councillor Shepherd

R102/04/02/02 THAT Rezoning Application No. Z03-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of That part of lot 28, Block 5 outlined red on Plan 348, District Lot 14, ODYD Plan 348, located on Lake Avenue, 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;

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

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4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9128 (Z03-0059) – 641300 BC Ltd (Steve Berezan – Black Mountain Pub) – 2040 Joe Riche Road

Withdrawn from the agenda.

5. REPORTS

- 5.1 Community Planning Manager, dated January 26, 2004 re: Social Planning & Housing Committee (0540-20)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R103/04/02/02 THAT City Council appoint the following new members to the Social Planning and Housing Committee for the balance of the term ending December 2, 2005, to fill the existing vacancies:

Greg Dusik Catherine Williams-Jones;

AND THAT Council belatedly accept, with regret, the resignation of the following two members of the Social Planning and Housing Committee:

Eric Greer Lynn Burgat.

Carried

- 5.2 Airport General Manager, dated January 26, 2004 re: Skyline Helicopters Ltd. (0550-05; 2380-20-8125)

Moved by Councillor Horning/Seconded by Councillor Given

R104/04/02/02 THAT Council authorize entering into a 25-year lease of approximately 106,000 sq. ft. of airport land to Skyline Helicopters Ltd. for a term ending December 30, 2029;

AND THAT Council authorize the Mayor and City Clerk to sign the lease on behalf of the City;

AND FURTHER THAT Council direct staff to prepare the sub-lease authorization for the required alternate approval process.

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- 5.2(a) City Clerk, dated January 28, 2004 re: Alternative Approval Process - Skyline Helicopters Ltd. (0550-05)

Moved by Councillor Horning/Seconded by Councillor Shepherd

R105/04/02/02 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated concurrently with the report of the Airport General Manager dated January 26th, 2004;

AND THAT 4:00 p.m. Monday, March 15th, 2004 be set as the deadline for receipt of elector responses in the form attached to the January 28th, 2004 report of the City Clerk in relation to the sub-lease of the airport land by Skyline Helicopters Ltd.;

AND FURTHER THAT following the close of the alternative approval process the City Clerk make a determination and certification as to the results of the alternative approval process.

Carried

- 5.3 Parks Manager, dated January 28, 2004 re: Tree Removal in Lebanon Creek Park and Kuiper's Peak Park (6300-02)

Moved by Councillor Shepherd/Seconded by Councillor Given

R106/04/02/02 THAT Council authorize the removal of dangerous trees from the City-owned portion of Lebanon Creek and Kuiper's Peak Parks and that the areas be seeded and rehabilitated, as per the recommendations of Dobson Engineering Ltd.;

AND THAT all costs associated with this project, estimated to total \$35,000, be charged to chartfield 1092-0-00120 with the 2004 Financial Plan amended with interim funding from the Insurance Deductible Reserve.

Carried

- 5.4 Fire Chief, dated January 27, 2004 re: Amendment to Fire Prevention Regulation Bylaw No. 6110-88 (B/L 9169)

Staff:

- Trench burning is a mechanism that blows air into a pit and encourages burning at a high rate. These burns can occur even on poor venting days because they burn with no smoke.

Council:

- Staff to report back in a year on how successful this was.

Moved by Councillor Given/Seconded by Councillor Day

R107/04/02/02 THAT Council approve an amendment to the Fire Prevention Regulation Bylaw 6110-88, that would allow the Fire Chief or an Inspector to issue a special permit that would allow trench burning for the purpose of fuel modification or land clearing and, for the purpose of this amendment, that materials may be burned on properties other than the property of origin.

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- 5.5 Transportation Manager, dated January 26, 2004 re: Regulation of Speed and the Operation of Trucks on McCulloch Road Through KLO Creek Canyon (BL9167; 4520-20; 5420-20)

Staff:

- The intent is to reduce the speed limit on McCulloch Road through the Canyon to maximum 30 km/hour, and to require operators of vehicles with more than three axles to obtain a "Reduced Speed Road Permit" from the City in order to use roads such as this. The permit would enable the City to require the operator of the vehicle to provide a flag person to stop oncoming traffic when a truck is passing through the designated section of road.

Moved by Councillor Cannan/Seconded by Councillor Day

R108/04/02/02 THAT Council approve the lowering of the posted maximum speed on McCulloch Road through the KLO Creek Canyon, pursuant to section 209(1)(d) of the Motor Vehicle Act;

AND THAT an amendment to Traffic Bylaw No. 8120 to facilitate regulation of truck traffic on roads on which speed has been reduced such as this section of road, be forwarded for reading consideration.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Council Appointee – Downtown Kelowna Association (0230-20)

Moved by Councillor Horning/Seconded by Councillor Day

R109/04/02/02 THAT Councillor Brian Given be appointed as Council's liaison to the Kelowna Downtown Association Board of Directors as a non-voting member for the balance of the term ending December 2, 2005.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9167 – Amendment No. 4 to Traffic Bylaw No. 8120

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R110/04/02/02 THAT Bylaws No. 9167, 9168 and 9619 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9168 – Amendment No. 11 to Sewer Connection Charge Bylaw No. 8469

See resolution adopted under item No. 7.1.

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- 7.3 Bylaw No. 9169 – Amendment No. 10 to Fire Prevention Bylaw No. 6110-88

See resolution adopted under item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 9123 – Amendment No. 2 to Utility Billing Customer Care Bylaw No. 8754

Moved by Councillor Given/Seconded by Councillor Shepherd

R111/04/02/02 THAT Bylaw No. 9123 be adopted.

Carried

- 7.5 Bylaw No. 9095 – Development Cost Charge Bylaw

Councillor Day advised that he is active in the development industry but did not remove himself from previous discussions with respect to this bylaw because he had received a legal opinion that he was not in a conflict of interest. However, he has since obtained further legal advice and now believes that there could be a perceived conflict and for that reason is now declaring a conflict of interest. Councillor Day left the meeting at 2:42 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

R112/04/02/02 THAT Bylaw No. 9095 be adopted.

Carried

Councillor Day returned to the Council Chamber at 2:43 p.m. and took his place at the Council Table.

8. COUNCILLOR ITEMS

- (a) Residents' Associations – Access to City Documents

Councillor Shepherd expressed concern that residents' associations are required to pay to obtain a copy of documents such as the City of Kelowna Official Community Plan, Transportation Plan, etc.

Staff advised that the most up to date versions of the documents are available on the internet, and copies of City-produced documents are also available at the public library. Staff will be bringing forward a Fees and Charges Bylaw that could include a section authorizing that copies of certain documents could be made available to a Residents' Association on request, at no cost.

- (b) Kelowna Women's Centre

Councillor Shepherd put Council on notice that she will be bringing forward a notice of motion for Council to pass a resolution that calls on the Provincial Government to continue core funding to run the Kelowna Women's Centre.

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(c) Okanagan Lake Bridge

Councillor Shepherd commented that there appears to be a lot of inaccurate information in the community with regard to the bridge issue. The Ministry of Transportation has done a recent traffic survey and an audit of the condition of the bridge but has not shared the results of either with Council or the public, nor has MOT shared its studies and management plans over the next 5 to 20 years. Without this information it is difficult to ensure that the best decision is made with respect to the existing bridge and to properly evaluate whether a second crossing is needed. Councillor Shepherd suggested that the City lead a public forum on the bridge issue.

Council agreed that a letter could be sent to the Ministry of Transportation suggesting that MOT consider holding a public forum and asking for copies of the results of their studies and plans for the existing bridge and for a timing commitment for the second lake crossing.

(d) Parking in the Downtown

Councillor Cannan commented that some businesses on Bernard Avenue need their clients to be able to park for longer than 1 hour and suggested that Council's representative on the Downtown Kelowna Association ask the DKA to see if its members would consider opening up a portion of the downtown for 2 hour parking.

(e) Extension of Sanitary Sewer to Rutland

Councillor Horning noted that there are still pockets of Rutland that are not yet serviced with sanitary sewer and suggested that the City of Kelowna initiate a specified area to extend sanitary sewer to those areas. Referred to staff who are already working on this issue.

(f) Parking Problems – Lakeshore Road

Councillor Blanleil recalled that City Planning Department staff were going to meet with representatives of Manteo and Eldorado Hotels and other interested parties to discuss how to resolve existing parking problems and meet future parking needs in that area. He expressed concern that the meeting has not yet taken place and the summer season is fast approaching. Staff to investigate.

9. TERMINATION

The meeting was declared terminated at 3:31 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am