

Regular Meeting – P.M.April 5, 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, April 5, 2004.

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

Council members absent: Mayor Walter Gray and 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*; Manager of Community Development & Real Estate, D.L. Shipclark*; Special Projects Planning Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Parks Manager, J. Creron*; Urban Forestry Supervisor, I. Wilson*; Cemetery Manager, D. Radford*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Cannan called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Larry Widmer, President, Kelowna Arts Foundation re: City of Kelowna Arts Foundation Grants (0230-20)

Councillor Hobson declared a conflict of interest because his wife is a director of an organization that is receiving funds and left the Council Chamber at 1:37 p.m.

Larry Widmer, Chair, Kelowna Arts Foundation:

- Announced the names of the organizations receiving grants and the corresponding grant amount.

Moved by Councillor Given/Seconded by Councillor Shepherd

R337/04/04/05 THAT the 2004 Kelowna Arts Foundation grant allocations be approved as recommended by the Kelowna Arts Foundation in their correspondence dated March 22, 2004.

Carried

4. CORRESPONDENCE

4.1 City of Kelowna Arts Foundation, dated March 25, 2004 re: Appointments to the Arts Foundation Board (0230-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

R338/04/04/05 THAT Carol Schaad and Tony Lockhorst be appointed as Directors on the Kelowna Arts Foundation Board effective April 2004.

Carried

Councillor Hobson returned to the Council Chamber at 1:42 p.m. and took his place at the Council Table.

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5. PLANNING

- 5.1 Planning & Corporate Services Department, dated March 26, 2004 re: Proposed Naming of a Portion of Chute Lake Road (5450-20)

Moved by Councillor Day/Seconded by Councillor Shepherd

R339/04/04/05 THAT the portion of Chute Lake Road situated west of Trumpeter Road, and as identified on Schedule “A” attached to the report from the Planning & Corporate Services Department dated March 26, 2004, be renamed to Hedeman Court;

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

Carried

- 5.2 Planning & Corporate Services Department, dated March 30, 2004 re: Rezoning Application No. Z04-0017 – Edgar Fenwick and Corneil Therrien – 5570 Lakeshore Road

Staff:

- The applicant is proposing to build a new complex of accessory buildings including garages and storage areas that would be linked by a covered breezeway to the secondary suite.

Moved by Councillor Horning/Seconded by Councillor Shepherd

R340/04/04/05 THAT Rezoning Application No. Z04-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 15, Twp. 28, SDYD, Plan KAP59239, located on Lakeshore Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone be considered by Council;

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

Carried

- 5.3 Planning & Corporate Services Department, dated March 30, 2004 re: Rezoning Application No. Z03-0071 and OCP03-0014 – John & Ingrid Paavilainen (Keith Funk/New Town Planning) – 1170 Band Road

Councillor Day declared a conflict of interest because he owns property within the notification area for this application and left the Council Chamber at 1:46 p.m.

Staff:

- A seniors care home has operated on the subject property as a legally non-conforming use since before the area was taken into the city. However, in recent years the owners could no longer run the operation and the use ceased. The siblings are now proposing to take over running the facility.
- The applicants are not proposing to subdivide off this portion of the property.
- Development issues that would normally have to be addressed at time of rezoning will be deferred to sometime in future when further development takes place.
- The Advisory Planning Commission recommends support subject to a housing agreement being registered on the property to clarify use of the facility with respect to tenancy of the care home. For any other use the applicant would have to apply to remove the covenant and it would be up to the Council of the day to determine the appropriate use of the building.

Moved by Councillor Horning/Seconded by Councillor Given

R341/04/04/05 THAT OCP Bylaw Amendment No. OCP03-0014 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 13388, located on Band Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 30, 2004, be considered by Council;

AND THAT Rezoning Application No. Z03-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 13388, located on Band Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services Department dated March 30, 2004, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0014 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP and zone amending bylaws be considered subsequent to the requirements of the Fire Department and Public Health Inspector being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP and zone amending bylaws be considered subsequent to the provision of an executed Housing Agreement.

Carried

Councillor Day returned to the Council Chamber at 1:52 p.m. and took his place at the Council Table.

5.4 Planning & Corporate Services Department, dated March 31, 2004 re: Cedar Avenue Land Use Review (6520-20)

Councillor Hobson declared a conflict of interest because a member of his family lives within the study area and left the Council Chamber at 1:53 p.m.

Councillor Shepherd declared a conflict of interest as part owner of a business right next to the study area and left the Council Chamber at 1:53 p.m.

Staff:

- In general the boundaries of the review area are south of West Avenue, north of where Walnut Street and Watt Road meet, east of the Okanagan Lake boundary, and west of the lane west of Pandosy Street. The review area includes a total of about 90 properties.
- The moratorium on development within the study area requiring rezoning for an increase in density started December 8, 2003 and is to end June 8, 2004.
- The future land uses that would transferred to the OCP would be generalized. The actual land use that occurs on any property in future is determined by zoning.
- The proposed OCP amendments would be advertised in the normal way.

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Moved by Councillor Given/Seconded by Councillor Day

R342/04/04/05 THAT the Cedar Avenue Land Use Review (Appendix 1) document attached to the March 31, 2004 report from the Planning and Corporate Services Department be endorsed to provide direction for future land use decisions relating to this rapidly evolving part of the City;

AND THAT the Official Community Plan amendment OCP04-0008 shown in Appendix 2 of the Planning and Corporate Services Department's report of March 31, 2004 be supported and forwarded to a Public Hearing for further consideration;

AND FURTHER THAT once the Public Hearing has been concluded, the six-month moratorium on rezoning applications in the Cedar Avenue study area that began on December 8, 2003 be ended.

Carried

Councillors Hobson and Shepherd returned to the Council Chamber at 2:23 p.m. and took their respective place at the Council Table.

6. REPORTS

6.1 Parks Manager, dated March 26, 2004 re: Integrated Pest Management Program (6130-13)

Moved by Councillor Hobson/Seconded by Councillor Day

R343/04/04/05 THAT Council receive for information the March 26, 2004 report from the Parks Division on the Integrated Pest Management (IPM) Program.

Carried

6.2 Cemetery Manager, dated April 1, 2004 re: Cemetery Maintenance/Operations Tender T04-030 (2320-20)

Moved by Councillor Horning/Seconded by Councillor Given

R344/04/04/05 THAT the City of Kelowna award the Cemetery Maintenance/Operation Tender #T04-030 to Chanchal Bal DBA Valley Maintenance and Operations, the low bidder, for the period commencing at 00:01 hours, May 1, 2004 and terminating at 23:59 hours, April 30, 2007 for a three year bid price of Four Hundred Ninety-one Thousand, Five Hundred Twenty-three Dollars (\$491,523) exclusive of GST.

Carried

6.3 Manager of Community Development & Real Estate re: Role of New Division of the Planning & Corporate Services Department

Staff:

- The new Community Development & Real Estate division was created last year.
- Gave an extensive outline of the role of the new division.

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- 6.4 City Clerk, dated March 30, 2004 re: Council Procedure Bylaw (B/L 9200)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R345/04/04/05 THAT Council Procedure Bylaw No. 9200 be forwarded for reading consideration.

Carried

- 6.5 City Clerk, dated March 30, 2004 re: Rescinding of Final Adoption (Given March 29, 2004) – Bylaws No. 9196 and No. 9197

Staff:

- The bylaws were inadvertently placed on the March 29, 2004 agenda for adoption prior to all the conditions being met.

Moved by Councillor Hobson/Seconded by Councillor Horning

R346/04/04/05 THAT Council rescind the adoption of Bylaws No. 9196 and 9197, given March 29th, 2004;

AND THAT Bylaws No. 9196 and 9197 be brought forward for final adoption consideration again, once all conditions have been met.

Carried

7. DRAFT RESOLUTIONS

- 7.1 Draft Resolution re: Start Time for May 4, 2004 Public Hearing/Regular Meeting (0550-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R347/04/04/05 THAT the start time for the May 4, 2004 Public Hearing/Regular Meeting be changed from 7:00 p.m. to 5:00 p.m.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9200 – Council Procedure Bylaw

Moved by Councillor Given/Seconded by Councillor Horning

R348/04/04/05 THAT Bylaw No. 9200 be read a first, second and third time.

Carried

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- 8.2 Bylaw No. 9196 – Amendment No. 1 to Sewer Specified Area No. 20
Bylaw No. 8929 (North Rutland)

Moved by Councillor Clark/Seconded by Councillor Shepherd

R349/04/04/05 THAT fourth reading given Bylaw No. 9196 on March 29, 2004
under Resolution No. R327/04/03/29 be and are hereby **rescinded**.

Carried

- 8.3 Bylaw No. 9197 – Sewer Connection Charge Bylaw Amendment No. 13

Moved by Councillor Clark/Seconded by Councillor Shepherd

R350/04/04/05 THAT fourth reading given Bylaw No. 9197 on March 29, 2004
under Resolution No. R328/04/03/29 be and are hereby **rescinded**.

Carried9. COUNCILLOR ITEMS(a) Water Conservation

Councillor Shepherd expressed concern at the potential for a lack of water this summer and, noting that people are already watering their properties, suggested that the water smart coordinator do a presentation to remind people what they should be doing to conserve on water. Councillor Day commented that there is still opportunity for additional heavy snowfalls in the high elevations in which case the water situation could improve. Referred to staff.

(b) Funding for Downtown Patrol

Councillor Given asked that reinstating the \$10,000 that was cut from the budget allocation for the downtown patrol be brought back for debate at final budget. Referred to staff.

10. TERMINATION

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

Certified Correct:

 Deputy Mayor Cannan

 Deputy City Clerk

BLH/am