

Regular Meeting – P.M.August 9, 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, August 9, 2004.

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; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Manager of Community Planning & Real Estate, D.L. Shipclark*; Special Projects Manager, H.M. Christy*; Community Planning Manager, T. Eichler*; Recreation Manager, R. Oddleifson*; Sports & Facilities Manager, J. Gabriel*; Wastewater Manager, W.J. Berry*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

2.1 ICBC Crash Reduction Challenge

- Mayor Gray acknowledged that the City of Kamloops won the ICBC Crash Reduction Challenge. The agreement was that if the City of Kelowna lost the challenge, the Mayor would wear a Kamloops Blazer hockey shirt and members of Council would wear hockey helmets at a Council meeting. Council fulfilled that obligation.

3. UNFINISHED BUSINESS – Public Hearing Bylaws Deferred from the Regular Meeting of July 13, 2004

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

3.1 Bylaw No. 9256 (OCP02-0003) – Gazelle Enterprise/Green Projects Ltd. (Grant Gaucher) – 530 Sarsons Road and 4392 and 4388 Lakeshore Road requires majority vote of Council (5)

Councillor Shepherd declared a conflict of interest because direct family members live across from the subject property and left the meeting at 1:36 p.m.

Councillor Hobson declared a conflict of interest for the reasons stated at the Regular Meeting of June 21, 2004 when this application was initially considered by Council. (Because in the past there have been land trades between the subject property and his family property. The family property is outside the notification radius for this application today, but the property was within the notification radius when this project was first proposed. The family property is mentioned in the staff report and the family does not wish to in any way fetter the development potential of their property.) Councillor Hobson left the Council Chamber at 1:36 p.m.

Moved by Councillor Horning/Seconded by Councillor Given

R753/04/08/09 THAT Bylaw No. 9256 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Blanleil, Cannan, Clark, Day and Given opposed.

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- 3.2 Bylaw No. 9258 (Z02-1012) - Gazelle Enterprise/Green Projects Ltd. (Grant Gaucher) – 530 Sarsons Road and 4392 Lakeshore Road

Bylaw abandoned (not considered) because the OCP amending bylaw under agenda item No. 3.1 was defeated.

Councillors Hobson and Shepherd returned to the Council Chamber at 2:00 p.m.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Planning & Corporate Services Department, dated July 28, 2004 re: Rezoning Application No. Z04-0034 – Don Wilkinson and Brenda Gorrie – 5267 Chute Lake Road and 5267 Trumpeter Road

Staff:

- This subject property and the next property (under agenda item 4.2) are adjacent.
- Both applications are to rezone the properties to facilitate subdivision to create two ½ acre lots.

Moved by Councillor Hobson/Seconded by Councillor Day

R754/04/08/09 THAT Rezoning Application No. Z04-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16, Sec. 24, Twp. 28, SDYD, Plan 31830, Except Plan KAP61920; and Lot B, Sec. 24, Twp. 28, ODYD, Plan 32557, located on Trumpeter Road, Kelowna, B.C. from the RR2 - Rural Residential 2 zone to the RR3 - Rural Residential 3 zone be considered by Council;

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

Carried

- 4.2 Planning & Corporate Services Department, dated July 28, 2004 re: Rezoning Application No. Z04-0040 – Merbil Investments Ltd. (Harold Kullman) – 464 Trumpeter Road and Trumpeter Road (N of)

Moved by Councillor Hobson/Seconded by Councillor Day

R755/04/08/09 THAT Rezoning Application No. Z04-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Sec. 24, Twp. 28, SDYD, Plan 31830 and Lot 5, Sec. 24, Twp. 28, SDYD, Plan 19050 except Plan 21644, located on Trumpeter Road, Kelowna, B.C. from the RR2 - Rural Residential 2 zone to the RR3 - Rural Residential 3 zone be considered by Council;

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

Carried

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4.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 9270 (Z04-0024) – Eugene Weisbeck and Katherine Kraushar (Peter Chataway) – 1324 St. Paul Street

Moved by Councillor Clark/Seconded by Councillor Shepherd

R756/04/08/09 THAT Bylaw No. 9270 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated August 4, 2004 re: Development Permit Application No. DP04-0045 – Eugene Weisbeck and Katherine Kraushar (Peter Chataway) – 1324 St. Paul Street

Staff:

- The applicant is proposing to add a second floor residential unit above the existing commercial building.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R757/04/08/09 THAT Council authorize the issuance of Development Permit No. DP04-0045 for Lot 15, D.L. 139, O.D.Y.D. Plan 645, located on St. Paul Street, 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.

Carried

- 4.4 Planning & Corporate Services Department, dated August 3, 2004 re: Text Amendment Application No. TA03-0008 - City of Kelowna – 260 Franklyn Road

Staff:

- The text amendment would apply to the subject property and various others throughout the city. The text amendment does not mandate that these uses go into the building – it just provides for that.
- The subject property was developed as a temporary park site until such time as Ben Lee Park was developed.
- There are no plans for development of the subject property at this point. The property will be made available for sale, subject to a condition of providing opportunities for affordable housing as part of a future multi-dwelling housing project.
- Council has already authorized staff to market the property. If after the Public Hearing Council is prepared to advance the bylaw to third reading, staff would immediately put the property on the market. Fourth reading would be withheld pending a Development Permit application which the purchaser of the property would initiate.

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Moved by Councillor Cannan/Seconded by Councillor Shepherd

R758/04/08/09 THAT Zoning Bylaw Text Amendment No. TA03-0008 to amend City of Kelowna Zoning Bylaw No. 8000 by adding "Community Recreation Services" as a permitted secondary use in the RM3 - Low Density Multiple Housing zone; RM4 - Transitional Low Density Housing zone; the RM5 - Medium Density Multiple Housing zone; and the RM6 - High Rise Apartment Housing zone be considered by Council;

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

Carried

4.5 Planning & Corporate Services Department, dated August 3, 2004 re: Rezoning Application No. Z03-0043 – City of Kelowna – 260 Franklyn Road

See notes under agenda item No. 4.4 above.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R759/04/08/09 THAT Rezoning Application No. Z03-0043 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 27, Twp. 26, ODYD, Plan 12913 except 22268, located on Franklyn Road, Kelowna, B.C. from the RU1- Large Lot Housing zone to the RM3 – Low Density Multiple 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

4.6 Planning & Corporate Services Department, dated June 22, 2004 re: Rezoning Application No. Z04-0044 – Charlene Madden – 335 Hardie Road

Moved by Councillor Horning/Seconded by Councillor Shepherd

R760/04/08/09 THAT Rezoning Application No. Z04-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Sec. 26, Twp. 26, ODYD, Plan 14462 located at 335 Hardie Road, 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

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4(a) **BYLAWS PRESENTED FOR SECOND & THIRD READINGS –
Reconsideration of Council Decision from the Regular Meeting of July 26,
2004**

Mayor Gray exercised his authority under Section 131 of the Community Charter to bring back the following bylaw for reconsideration. The bylaw was defeated by tie vote of 4 to 4 when a majority vote of 5 was required for the proposed OCP amendment.

- (i) Bylaw No. 9259 (OCP04-0005) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road **requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R761/04/08/09 THAT the resolution adopted at the Regular Meeting of July 26, 2004 defeating OCP Amending Bylaw No. 9259 at second reading be rescinded.

Carried

Councillor Shepherd opposed.

Moved by Councillor Clark/Seconded by Councillor Shepherd

R762/04/08/09 THAT Bylaws No. 9259 and 9260 be held at first reading pending advertising OCP Amendment No. OCP04-0005 and Rezoning Application No. Z04-0012 (J97 Construction – 914 Craig Road) to a new Public Hearing.

DEFEATED

Mayor Gray and Councillors Blanleil, Day, Given, Hobson and Horning opposed.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R763/04/08/09 THAT Bylaw No. 9259 be read a second and third time

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

- (ii) Bylaw No. 9260 (Z04-0012) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R764/04/08/09 THAT Bylaw No. 9260 be read a second and third time.

Carried

Councillors Cannan, Clark, Hobson and Shepherd opposed.

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5. REPORTS

- 5.1 Subdivision Approving Officer, dated July 15, 2004 re: City of Kelowna Agricultural Advisory Committee Terms of Reference

Moved by Councillor Day/Seconded by Councillor Shepherd

R765/04/08/09 THAT the Agricultural Advisory Committee Terms of Reference be amended to allow for the appointment of two alternate members.

Carried

- 5.2 Manager Community Development & Real Estate, dated August 3, 2004 re: Supplemental Report to the Development Objectives and Disposition Process for the "Old KSS" Property (0710-20/0930-20-089/0550-01)

Moved by Councillor Hobson/Seconded by Councillor Given

R766/04/08/09 THAT to further clarify the land and density that must be accommodated on the former KSS site, the KSS Redevelopment Objectives in the Request for Proposals package be amended to add:

"Uses and densities permitted in the RM6 zone would be considered for the northern third of the property. A CD (Comprehensive Development) zone would also be considered for some or all of the property consistent with the uses and densities specified.";

as indicated in Schedule 1 attached to the report dated August 3, 2004 from the Manager of Community Development & Real Estate.

Carried

- 5.3 Director of Financial Services, dated July 30, 2004 re: Long Term Debenture Borrowing Rates (1760-03)

Moved by Councillor Hobson/Seconded by Councillor Day

R767/04/08/09 THAT the Director of Financial Services be authorized to work with the Municipal Finance Authority to arrange interest rate lock in for all long term debt, if deemed appropriate, during the period between when all steps in the borrowing process are complete and the time of issuance when the market conditions indicate that interest rates may be subject to an upward adjustment;

AND THAT this authority remain in place until rescinded by Council.

Carried

- 5.4 Recreation Manager, dated August 3, 2004 re: Liquor Licenses in Parks and Stadium – Council Policy 223 (4320-50)

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R768/04/08/09 THAT City Council approve the revised Council Policy 223 – Liquor Licenses in Parks and Stadiums as attached to the report from the Recreation Manager dated August 3, 2004.

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- 5.5 Acting City Clerk, dated August 3, 2004 re: Local Service Area No. 23 (South West Rutland)

Moved by Councillor Hobson/Seconded by Councillor Day

R769/04/08/09 THAT Council receive the Certificate of Sufficiency dated August 3, 2004 pertaining to the proposed Local Service Area No. 23 (South West Rutland);

AND THAT Local Service Area No. 23 (South West Rutland) Bylaw No. 9244 be advanced for final adoption consideration.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9281 – Road Closure and Removal of Highway Dedication Bylaw (Haug Road Adjacent to 3957 Lakeshore Road)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R770/04/08/09 THAT Bylaws No. 9281 and 9285 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9285 – Amendment No. 5 to Disbursement of City Funds Bylaw No. 6090-87

See resolution adopted under 6.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

- 6.3 Bylaw No. 9244 – Local Service Area No. 23 – South West Rutland

Moved by Councillor Clark/Seconded by Councillor Shepherd

R771/04/08/09 THAT Bylaw No. 9244 be adopted.

Carried

- 6.4 Bylaw No. 9275 – Road Closure and Removal of Highway Dedication Bylaw (4223 & 4313 Bedford Road/Talka Road)

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R772/04/08/09 THAT Bylaw No. 9275 be adopted.

Carried

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6.5 Bylaw No. 9280 – Repeal Meat Inspection Bylaw No. 6498-89

Moved by Councillor Given/Seconded by Councillor Horning

R773/04/08/09 THAT Bylaw No. 9280 be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Crystal Meth Drug Problem

Councillor Shepherd commented on a recent release from the Province regarding a plan they have for dealing with the Crystal Meth problem.

Council agreed to send a letter indicating support for the Provincial solution and to also send a letter to School District 23 and the Health Unit asking that they educate the students/public so they are aware that one use of Crystal Meth can result in permanent brain damage.

(b) Councillor Horning re: Funding Assistance – Rutland Parks Society (1790-03)

Moved by Councillor Horning/Seconded by Councillor Shepherd

R774/04/08/09 THAT the invoice from Kimco Controls Ltd. in the amount of \$8,441.23 for the supply and installation of an air conditioner at Rutland Centennial Hall be paid from Council Contingency.

Carried

(c) OMMLRA Membership

Council agreed to discuss whether or not the City of Kelowna should continue to be part of the OMMLRA, once the labour negotiations that are underway have been concluded.

(d) Road Closures During Road Construction

Councillor Cannan commented that the decision to detour traffic around the road construction occurring on Glenmore Road was made without consultation with the business owners who are feeling the impact and would have appreciated being consulted. Councillor Blanleil noted that businesses on Rutland Road had the same problem. The City Manager advised that every effort is made to keep roads open to two way traffic as much as possible and that he would investigate.

(e) Public Art Committee

Councillor Blanleil expressed concern that four Americans have been shortlisted for submitting art pieces to commemorate the City of Kelowna 100th Anniversary, suggesting that for a centennial art piece, the competition should have been limited to local artists.

Council agreed to invite the Public Art Committee to address Council on the issue and asked that they be provided with a copy of the competition brief for the art piece.

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8. TERMINATION

The meeting was declared terminated at 3:51 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am