

Regular Meeting – P.M.November 8, 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, November 8, 2004.

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

Council members absent: Councillor E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; Acting Deputy City Clerk, D.M. Fediuk; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Manager of Community Development & Real Estate, D.L. Shipclark\*; Community Planning Manager, T. Eichler\*; Parks Manager, J. Creron\*; Environment/Solid Waste Manager, M. Watt\*; Inspection Services Manager, K. Skinner\*; Inspections Supervisor, G. Moller\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

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

3. DEVELOPMENT APPLICATION REPORTS

- 3.1 (a) Planning & Corporate Services Department, dated October 21, 2004 re: Rezoning Application No. Z04-0061 – Marlin & Pauline Weninger (Carey Coukell) – 730 Stremel Road (B/L 9327)

Staff:

- The requested zoning would allow the property to be used for the construction of log homes.
- The existing house would be retained for office and staff use.
- The current panhandle access to the site is temporary.
- The perimeter of the property would be fenced and landscaped to provide a buffer from adjacent residential properties.
- Francis Brook crosses the northwest corner of the property; a 15 m riparian management area dedication would be secured with this application.
- The property does not meet the minimum 40 m road width requirements along the Stremel Road frontage and therefore a variance would also be required to reduce the minimum lot width to 6.10 m. This development variance permit will become redundant when the Mayfair Road extension traverses the western side of the subject property.

Council:

- Staff to clarify at the Public Hearing when the property will be serviced with sanitary sewer.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1056/04/11/08** THAT Rezoning Application No. Z04-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 34, Township 26, ODYD Plan 3236 except Plan B5622 located on Stremel Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone be considered by Council;

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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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 9327 (Z04-0061) – Marlin & Pauline Weninger – 730 Stremel Road

Moved by Councillor Clark/Seconded by Councillor Given

**R1057/04/11/08** THAT Bylaw No. 9327 be read a first time.

Carried

3.2 (a) Planning & Corporate Services Department, dated November 1, 2004 re: HD04-0002 – Heritage Designation of the Charles Harvey House – 715 Sutherland Avenue (B/L 9328)

Staff:

- The property is known as the 'Harvey House' and is listed on the Kelowna Heritage Register.
- The applicant intends to restore the building back to a single family dwelling; there are 4 suites in the building now and kitchens for the suites would be removed. The garden areas would be refurbished. The applicant also intends to remove an existing garage on the site and construct an attached garage with living quarters above and to build a swimming pool in the back yard.
- A Development Variance Permit would also be required.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1058//04/11/08** THAT City Council consider designation of the building located at 715 Sutherland Avenue, Kelowna B.C., commonly known as the 'Charles Harvey House' as a Municipal Heritage Building pursuant to Section 967 of the Local Government Act;

AND THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Heritage Designation Bylaw be considered subsequent to the completion of the proposed building addition and renovations to the satisfaction of the Inspection Services Department.

Carried

Regular Meeting – P.M.November 8, 2004(b) **BYLAW PRESENTED FOR FIRST READING**Bylaw No. 9328 (HD04-0002) – Charles Harvey House – 715 Sutherland AvenueMoved by Councillor Given/Seconded by Councillor Clark**R1059/04/11/08** THAT Bylaw No. 9328 be read a first time.Carried4. **BYLAWS (ZONING & DEVELOPMENT)****(BYLAWS PRESENTED FOR ADOPTION)**4.1 Bylaw No. 9184 (HRA03-0003) – Heritage Revitalization Agreement Authorization Bylaw - Oak Lodge Centre Ltd. – 2124 Pandosy Street

Withdrawn from the agenda.

4.2 Bylaw No. 9290 (Z04-0030) – 427743 BC Ltd. – 543 South Crest DriveMoved by Councillor Clark/Seconded by Councillor Shepherd**R1060/04/11/08** THAT Bylaw No. 9290 be adopted.Carried

Councillor Blanleil joined the meeting at 1:53 p.m.

5. **NON-DEVELOPMENT APPLICATION REPORTS**5.1 Community Planning Manager, dated November 3, 2004 re: Social Planning and Housing Committee (0540-20)Moved by Councillor Given/Seconded by Councillor Cannan**R1061/04/11/08** THAT City Council appoint the following new members to the Social Planning and Housing Committee to fill the existing vacancies:

Ronwyn Grace            Linda Phillips;

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

Bill Downie            Carol Bernard.

Carried

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- 5.2 Environment/Solid Waste Manager, dated November 2, 2004 re: Sunday Openings at Glenmore Landfill (5360-03)

Council:

- Staff to consider starting the Sunday openings on March 1, 2005 rather than January 1, 2005 and to consider reducing the number of hours the landfill is open on Sundays to a single shift.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R1062/04/11/08** THAT Council approve the concept of implementing Sunday openings at Glenmore Landfill;

AND THAT staff bring forward appropriate 2005 Provisional Budget submission for Council consideration.

Carried

- 5.3 Inspection Services Manager, dated November 2, 2004 re: Appointments of Safety Officers and Safety Manager

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R1063/04/11/08** THAT council appoint the following City of Kelowna employees as Local Safety Officers in accordance with the Safety Standards Act and Regulations:

Wayne Vickery,  
Maurice Poitras,  
John Hailstones,  
Todd Nelson,  
Neil Harborne, and  
Dale Aulenback,

AND THAT Council appoint Gerry Moller as Local Safety Manager to administer the Safety Standards Act and Regulations for the purposes of the Local Government.

Carried

- 5.4 Inspection Services Manager, dated November 2, 2004 re: New Gas Bylaw No. 9316

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R1064/04/11/08** THAT Council rescind Bylaw No. 6206-88 – City of Kelowna Gas Bylaw in its entirety and all amendments there to;

AND THAT Council consider City of Kelowna Gas Bylaw No. 9316 for first three readings.

Carried

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- 5.5 Parks Manager, dated October 15, 2004 re: Knowles Park Laneway (6140-20)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R1065/04/11/08** THAT access to and from the east end of the lane connecting Richter Street and Ethel Street, between Bernard Avenue and Lawrence Avenue, through Knowles Park, be changed to a temporary hammerhead turn-around with a report back to Council in a year.

Carried

- 5.6 Parks Manager, dated November 3, 2004 re: Partners in Parks (6130-09)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1066/04/11/08** THAT the Parks Manager's report dated November 3, 2004 regarding the successful partnerships developed under the Partners in Parks program be received as information.

Carried

- 5.7 Acting City Clerk, dated November 1, 2004 re: Alternative Approval Process – Property Agreement & Lease Joint Bio-Solids Composting Facility with the City of Kelowna and the City of Vernon (0910-20-156-002; 0550-01)

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

**R1067/04/11/08** THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the report of the Manager of Community Development & Real Estate dated September 15, 2004;

AND THAT 4:00 p.m. Friday, December 17, 2004 be set as the deadline for receipt of elector responses in the form attached to the November 1, 2004 report of the Acting City Clerk in relation to the City entering into a lease for a portion of Lot 1, Plan 23286 and entering into an Option to Purchase and a Right of First Refusal on the same property as well as purchasing a portion of Lot 2, Plan 2402 as per the terms and conditions outlined in the Agreement for Lease and Option to Purchase dated September 13, 2004 attached to the report of the Manager of Community Development & Real Estate dated September 15, 2004;

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

Carried

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6.0 DRAFT RESOLUTIONS

6.0.1 Draft Resolution re: 260 Franklyn Road

Moved by Councillor Given/Seconded by Councillor Shepherd

**R1068/04/11/08** THAT further to Resolution No. R181/04/02/23 adopted by Council at the Regular Meeting of February 23, 2004 concerning the sale of 260 Franklyn Road, Council instruct staff to consider sale or lease of the property at a nominal amount for development of a senior, government-funded, core needs housing project.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR FIRST THREE READINGS)**

6.1 Bylaw No. 9316 – City of Kelowna Gas Bylaw

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1069/04/11/08** THAT Bylaw No. 9316 be read a first, second and third time.

Carried

**(BYLAW PRESENTED TO RESCIND 3<sup>RD</sup> READING, AMEND THE BYLAW AND GIVE 3<sup>RD</sup> READING, AS AMENDED)**

6.2 Bylaw No. 9289 – Amendment No. 1 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Moved by Councillor Day/Seconded by Councillor Cannan

**R1070/04/11/08** THAT third reading given Bylaw No. 9289 under Resolution No. R1045/04/11/01 be rescinded and the bylaw amended by replacing Schedule 'A' with a new Schedule 'A' which rounds the revised fees to the nearest dollar.

Carried

Moved by Councillor Day/Seconded by Councillor Cannan

**R1071/04/11/08** THAT Bylaw No. 9289, as amended, be read a third time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

6.3 Bylaw No. 9072 – Road Closure and Removal of Highway Dedication (Coronation Avenue)

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 Day

**R1072/04/11/08** THAT Bylaw No. 9072 be adopted.

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- 6.4 Bylaw No. 9320 – Amendment No. 1 to Local Service Area (Sewer Specified Area) No. 14 Bylaw No. 6891 (Henkel Road and North Glenmore Road)

Moved by Councillor Day/Seconded by Councillor Cannan

**R1073/04/11/08** THAT Bylaw No. 9320 be adopted.

Carried

- 6.5 Bylaw No. 9321 – Amendment No. 3 to Local Service Area (Sewer Specified Area) No. 21A Bylaw No. 8658 (McKenzie Bench)

Moved by Councillor Day/Seconded by Councillor Hobson

**R1074/04/11/08** THAT Bylaw No. 9321 be adopted.

Carried

- 6.6 Bylaw No. 9322 – Amendment No. 2 to Local Service Area (Sewer Specified Area) No. 20 Bylaw No. 8929 (North Rutland)

Moved by Councillor Cannan/Seconded by Councillor Day

**R1075/04/11/08** THAT Bylaw No. 9322 be adopted.

Carried

- 6.7 Bylaw No. 9323 – Amendment No. 1 to Local Service Area (Sewer Specified Area) No. 28A Bylaw No. 9088 (Okaview)

Moved by Councillor Day/Seconded by Councillor Cannan

**R1076/04/11/08** THAT Bylaw No. 9323 be adopted.

Carried

- 6.8 Bylaw No. 9324 – Amendment No. 15 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Cannan/Seconded by Councillor Day

**R1077/04/11/08** THAT Bylaw No. 9324 be adopted.

Carried

- 6.9 Bylaw No. 9325 – Amendment No. 4 to Local Service Area (Sewer Specified Area) No. 6 Bylaw No. 6440 (Black Mountain and Toovey)

Moved by Councillor Cannan/Seconded by Councillor Day

**R1078/04/11/08** THAT Bylaw No. 9325 be adopted.

Carried

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7. COUNCILLOR ITEMS

(a) Consequences – Drug Related Crimes

Councillor Cannan commented on the need for proper fines and tougher consequences for drug related crimes and suggested a resolution be forwarded for debate at the 2005 OMMA and UBCM Conventions. Will work with staff to prepare a resolution for consideration by Council.

8. TERMINATION

The meeting was declared terminated at 3:36 p.m.

Certified Correct:

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Mayor

Acting Deputy City Clerk

BLH/am