

Regular Meeting – P.M.November 15, 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 15, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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 City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Manager of Development Services, A.V. Bruce\*; Director of Parks & Leisure Services, D.L. Graham\*; Civic Properties Manager, J. Waugh\*; Wastewater Manager, W.J. Berry\*; Transportation Manager, R.W. Westlake\*; Parking Coordinator, S. Winker\*; Revenue Supervisor, G. Davidson\*; 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 Cannan was requested to check the minutes of the meeting.

3. DEVELOPMENT APPLICATION REPORTS

- 3.1 (a) Planning & Corporate Services Department, dated November 10, 2004 re: TUP04-0001 and OCP04-0017 – R354 Enterprise Ltd. (Okanagan Independent School Society) – 2355-2455 Acland Road (BL9326)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1085/04/11/12** THAT Chapter 19 – Temporary Commercial and Industrial Use Permits, of the City of Kelowna Official Community Plan be amended, to identify part of 2355-2455 Acland Road, identified as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263 as a temporary commercial area, limited to an area contained within the northern most 115 m of the subject property;

AND THAT an Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan amending bylaw be considered subsequent to the requirements of the Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT Council authorize issuance of Temporary Use Permit No TUP04-0001; for the Okanagan Independent School Society, on lands described as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263; and located at 2355-2455 Acland Road, Kelowna, BC, subject to the following terms and conditions:

1. The subject property is to be used solely for temporary commercial use as a private school, in accordance with Chapter 19 of the City of Kelowna Official Community Plan;
2. The authorization for the temporary commercial use be valid until November 10, 2006;

Regular Meeting – P.M.November 15, 2004

3. The dimensions and siting of the buildings be in general accordance with Schedule "A";
4. Upon termination of the temporary use permit, the use of the land shall revert back to the existing zoning of the land;
5. Prior to issuance of the temporary commercial use permit, the applicant must provide written acknowledgement that the use will be carried out in compliance with any and all direction from the City of Kelowna Fire Department, an acknowledgement by the applicant of any fire protection deficiencies and further, an agreement to indemnify and save harmless the City from any and all liabilities, claims or demands arising out of fire damage or issuance of this permit, to the satisfaction of the City solicitor;
6. Prior to issuance of the temporary commercial permit, the applicant must provide evidence that the owner's insurance policy has been amended to recognize the implication of Condition No 5 and that the City is named insured in order to guarantee performance of the terms of the permit.

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

Bylaw No. 9326 (OCP04-0017) – Temporary Use Permit – 2355-2455 Acland Road **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Shepherd**R1086/04/11/15** THAT Bylaw No. 9326 be read a first time.Carried

- (c) Mayor to request procedural statement from the Planning Department

Staff:

- Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

- 3.2 Planning & Corporate Services Department, dated November 3, 2004 re: 2124 Pandosy Street – Heritage Building Tax Incentive Program

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1087/04/11/15** THAT Council direct staff to prepare a bylaw to exempt the property at 2124 Pandosy Street from taxation under section 197 (1)(a) of the Community Charter to the extent outlined in the Planning and Corporate Services' report dated November 3, 2004 and subject to the conditions established by Heritage Revitalization Agreement No. HRA03-0003;

AND THAT the bylaw be adopted after notice of the proposed bylaw has been given in accordance with sections 94 and 227 of the Community Charter and before the October 31, 2005 deadline for 2006 tax exemptions.

Carried

Regular Meeting – P.M.

November 15, 2004

4. NON-DEVELOPMENT APPLICATION REPORTS

- 4.1 Director of Financial Services, dated November 9, 2004 re: Tax Exemption Request – Okanagan Families Society (1970-50)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R1088/04/11/15** THAT the request from Okanagan Families Society for property tax exemption on property roll No. 7270, located at 628-630 Cadder Avenue, be **denied for 2003** and **approved for 2004**;

AND THAT the funds be appropriated from Council Contingency.

Carried

- 4.2 Director of Parks & Leisure Services, dated November 9, 2004 re: Capital News Centre Fitness Facilities (0880-20)

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R1089/04/11/15** THAT City Council authorize the Director of Parks and Leisure Services to approve a change order for the Design Build Contract with RG Construction Ltd.(RG) to enable the construction and equipping of a fitness area in the mezzanine of the Capital News Centre and a lease from RG to the Okanagan Regional Library;

AND THAT City Council authorize an equipment rental agreement with RG in accordance with the terms set out in the November 9, 2004 report from the Director of Parks and Leisure Services;

AND THAT the change order be in the amount of \$324,157.28 and funded from the Major Facilities Reserve;

AND THAT the income from the equipment rental be paid into the Major Facilities Reserve;

AND FURTHER THAT the 2004 budget be so amended.

Carried

Regular Meeting – P.M.November 15, 2004

- 4.3 Wastewater Manager, dated November 9, 2004 re: 2005 Sewer Rates (1824-02)

Moved by Councillor Shepherd/Seconded by Councillor Day

**R1090/04/11/15** THAT Council approve an increase to Residential and Industrial/Commercial/Institutional (ICI) Sewer rates effective on January 1, 2005 and billings that occur subsequent to that date, as follows:

	(Existing) 2004	(New) 2005
<b>Residential</b>		
- Flat Rate	\$ 13.20/month	\$ 14.20/month
<b>Commercial (I/C/I)</b>		
- Metered base rate (per month)	\$ 8.50	\$ 9.50
- All usage (per m <sup>3</sup> )	\$ 0.75/m <sup>3</sup>	\$ 0.75/m <sup>3</sup>
Parcel Tax (all serviced parcels)	\$ 60.00/parcel/year	\$ 50.00/parcel/year

AND THAT Council direct staff to prepare an amended Sewer System User Bylaw and Sewer Service Parcel Tax bylaw for approval.

Carried

- 4.4 Transportation Manager, dated November 9, 2004 re: On-Street Trailer Parking and Bylaw Amendment (5480-02)

Staff:

- On-street parking of highway trucks and trailers in the commercial areas of the city is an ongoing problem.
- Increasing the fine from \$20 to \$100 may give more incentive for removing the vehicle.
- Alternative locations for parking these vehicles are available by the private sector for a fee.

Council:

- Staff to find out how much the private sector charges for parking.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R1091/04/11/15** THAT further consideration of the Transportation Manager's report dated November 9, 2004 regarding proposed bylaw amendments to allow City Bylaw Enforcement staff to better deal with complaints about highway trucks/trailers parking on road rights-of-way be deferred for up to 90 days for staff to find out details on the alternative parking sites that are available by the private sector, including location, size, capacity, fees; and to investigate how other communities are addressing this issue;

AND THAT staff consult with the trucking industry for input on educating the drivers should the amendments proceed.

Carried

Regular Meeting – P.M.

November 15, 2004

- 4.5 Acting City Clerk, dated November 9, 2004 re: Kelowna Springs Golf Club Boundary Extension (5340-20; 3370-20-04)

Moved by Councillor Day/Seconded by Councillor Cannan

**R1092/04/11/15** THAT Council receive the declaration dated November 9<sup>th</sup>, 2004 pertaining to the Kelowna Springs Golf Club Boundary Extension proposal.

Carried

5. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9316 – City of Kelowna Gas Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

**R1093/04/11/15** THAT Bylaw No. 9316 be adopted.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Day

**R1094/04/11/15** THAT Bylaw No. 9289 be adopted.

Carried

6. COUNCILLOR ITEMS

- (a) Remembrance Day

Moved by Councillor Given/Seconded by Councillor Shepherd

**R1095/04/11/15** THAT a letter be sent to the Prime Minister encouraging him to consider declaring Remembrance Day a National holiday.

Carried

7. TERMINATION

The meeting terminated at 3:11 p.m.

Certified Correct:

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Mayor

BLH/am

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Acting City Clerk