

Regular Meeting – P.M.November 22, 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 22, 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; Manager of Development Services, A.V. Bruce*; Community Planning Manager, T. Eichler*; Director of Works & Utilities, J. Vos*; Manager of Community Development & Real Estate, D.L. Shipclark*; Environment/Solid Waste Manager, M. Watt*; Roadways/Equipment Superintendent, D. Beaudry*; Roadways Engineer, F. Klotzbach*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Central Okanagan Four Pillars Council re: Central Okanagan Four Pillar Approach to Drug Problems

Robert James, Consultant/Coordinator for the Central Okanagan Four Pillars Coalition.

- Introduced the other committee members in attendance
- Brief overview of the Four Pillars Approach.
- Framework for Action document will be available in December. This is an interim report.

Councillors Blanleil and Hobson joined the meeting at 1:34 p.m. and 1:38 p.m. respectively.

Robert James, on behalf of the Chair for the Prevention working committee:

- Identified priorities for action.

Shelley Cook, Chair of the Treatment working committee:

- Identified priorities for action.

Rand Zacharias, Chair Enforcement working committee:

- Identified priorities for action.

Carmen Lenihan, Chair Harm Reduction working committee:

- Identified priorities for action.

Robert James, continued:

- The funding for the actions the committee have identified needs to come from all levels of government, the community and service providers.
- Using the City as a means of approaching other levels of government
- Hope to come up with a tri-partite agreement that would provide stable on-going funding.

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4. UNFINISHED BUSINESS (Deferred from November 16, 2004 Regular Meeting)

(BYLAW PRESENTED FOR SECOND AND THIRD READINGS)

- 4.1 Bylaw No. 9318 (Z04-0063) – Gazelle Enterprises Inc. and Green Projects Ltd. – 570 Sarsons Road and 4388 Lakeshore Road

Councillor Hobson declared a conflict of interest because of past history between the subject property and his family property and left the Council Chamber at 2:49 p.m.

Councillor Shepherd declared a conflict of interest because direct family members live across from the subject property and left the Council Chamber at 2:49 p.m.

Moved by Councillor Given/Seconded by Councillor Horning

R1107/04/11/22 THAT Bylaw No. 9318 be read a second and third time.

Carried

Councillors Cannan and Clark opposed.

Councillors Hobson and Shepherd returned to the Council Chamber at 3:05 p.m.

5. DEVELOPMENT APPLICATIONS

- 5.1 (a) Planning & Corporate Services Department, dated November 10, 2004 re: TA04-0010 – Amendment to the C-7 Central Business Commercial Zone (BL9332)

Staff:

- The text amendment is needed to correct a mapping error and to include an FAR in the C7 zone.

Moved by Councillor Hobson/Seconded by Councillor Given

R1108/04/11/22 THAT Zoning Bylaw Text Amendment Application No. TA04-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by amending the wording in the C7 – Central Business zone as outlined in the report of the Planning and Corporate Services Department dated November 10, 2004, be considered by Council;

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

Carried

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

Bylaw No. 9332 (TA04-0010) – Amendment to the C7 – Central Business Commercial Zone

Moved by Councillor Horning/Seconded by Councillor Given

R1109/04/11/22 THAT Bylaw No. 9332 be read a first time.

Carried

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5.2 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (i) Bylaw No. 9159 (OCP99-009) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road **Requires majority vote of Council (5)**

Moved by Councillor Cannan/Seconded by Councillor Day

R1110/04/11/22 THAT Bylaw No. 9159 be adopted.

Carried

5. **DEVELOPMENT APPLICATIONS**

- 5.2 (a) (ii) Bylaw No. 9160 (Z99-1025) – 454979 BC Ltd. (FWS Construction Ltd.) – 1570 KLO Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R1111/04/11/22 THAT Bylaw No. 9160 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated November 15, 2004 re: Development Permit Application No. DP03-0164 – Sunstone Resort Communities Corp. (FWS Construction Ltd.) – 1570 KLO Road

Staff:

- The application provides for a 67-unit addition to the back of the first phase of the Mountainview Village congregate housing facility and for 192 new units of congregate housing in three buildings that would be constructed on the east side of the property.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R1112/04/11/22 THAT Council authorize the issuance of Development Permit No. DP03-0164, for Lot B, DL 131, ODYD Plan KAP70104, located on KLO Road, 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;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillor Shepherd opposed.

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- 5.3. Planning & Corporate Services Department, dated November 17, 2004 re: Development Permit Application No. DP04-0121 – The Woodfield Development Corp. (Patrick McCusker/New Town Planning) – 1327/1329 Ellis Street

Staff:

- The applicant is proposing to develop an 11-storey, 46-unit building with some ground floor commercial and 10 storeys of residential above.
- The application provides for commercial uses on north side of the main entrance to the building and on the south side the applicant has committed to make two of the three panels available for public art.
- Because of the mapping error that is now in the process of being corrected in the C7 zone, staff have not pursued the requirement for 90% of the building frontage being commercial.
- The application was reviewed and supported by the Advisory Planning Commission subject to provision of the public art component on the front façade and that has been addressed by the applicant.

Council:

- The project as proposed lacks visual interest and is not pedestrian friendly.
- The applicant needs to make more of an effort to meet the commercial frontage requirements.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R1113/04/11/22 THAT further consideration of Development Permit No. DP04-0121 (New Town Planning for Woodfield Development Corp – 1327/1329 Ellis Street) be deferred to the Regular Meeting of Monday, November 29, 2004.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR AMENDMENT AT 1ST READING)

- 6.1 Bylaw No. 9326 (OCP04-0017) – Temporary Use Permit (TUP04-0001) – 2355-2455 Acland Road **requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1114/04/11/22 THAT Bylaw No. 9326 be amended at first reading to change the expiry date for the Temporary Use Permit from October 25, 2006 to November 10, 2006.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 9184 (HRA03-0003) – Heritage Revitalization Agreement Authorization Bylaw - Oak Lodge Centre Ltd. – 2124 Pandosy Street

Moved by Councillor Cannan/Seconded by Councillor Day

R1115/04/11/22 THAT Bylaw No. 9184 be adopted.

Carried

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7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Transportation Manager, dated November 16, 2004 re: Award of Construction Contract TE04-14 – Okanagan Mountain Park Fire – Road Rehabilitation (5400-18)

Moved by Councillor Shepherd/Seconded by Councillor Given

R1116/04/11/22 THAT the Contract for rehabilitation of roads impacted by the 2003 Okanagan Mountain Park Fire be awarded to Hayter Construction Ltd. for the amount of \$875,705.66, including GST;

AND THAT the 2004 Financial Plan be amended for the project with funding of \$700,000 from Provincial Recovery and \$180,000 from the Overlay Reserve (R087) with the works charged to account 250-10-1092-0-00121;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

- 7.2 Director of Works & Utilities, dated November 16, 2004 re: Purchase of Sidewalk Sweeper/Scrubber (1280-01)

Staff:

- The Downtown Kelowna Association (DKA) provided the operator during the one month trial period and would continue to provide the operator and to maintain the machine. The City would contract work to the DKA to off-set the maintenance costs.

Council:

- Staff to figure out a per hour replacement cost so that there is a reserve when this machine is worn out and needs replacing.

Moved by Councillor Given/Seconded by Councillor Cannan

R1117/04/11/22 THAT Council approve the purchase of a sidewalk/scrubber for the Downtown Kelowna Association for an amount not to exceed \$60,000;

AND THAT the 2004 Financial Plan be amended to include \$60,000 for this purchase from the Street Cleaning Averaging Reserve.

Carried

- 7.3 Environment/Solid Waste Manager, dated November 18, 2004 re: Commercial Pesticide Notification Registry and Pesticide Bylaw (5280-05)

Moved by Councillor Day/Seconded by Councillor Given

R1118/04/11/22 THAT the Commercial Pesticide Notification Registry be continued in 2005 with the following clarifications/changes:

- That previous day notification can occur without a medical condition;
- That spray application only occurs once personal contact with registrant has been made (this includes leaving a message on an answering machine);
- That in order to remain on the registry, residents who were on the previous year's registry need to renew by April 1st of every year;

AND THAT staff bring forward a request at 2005 Provisional Budget for \$25,000 to fund an ongoing registry, public education, research alternatives to pesticides, and research Pesticide Bylaws.

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- 7.4 Environment/Solid Waste Manager, dated November 3, 2004 re: State of the Environment Report (5260-08)

Moved by Councillor Hobson/Seconded by Councillor Day

R1119/04/11/22 THAT the Environment/Solid Waste Manager's report dated November 3, 2004 and attached Executive Summary of the *2003 State of the Environment Report* be received for Council's information.

Carried

- 7.5 Acting City Clerk, dated November 4, 2004 re: "Grow-Op" Bylaws (3900-02)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1120/04/11/22 THAT staff be instructed to conduct the policy research required and engage community stakeholders to determine which course of action would be best for the City of Kelowna before coming back to Council with a specific bylaw.

Carried

- 7.6 Manager of Community Development & Real Estate, dated November 17, 2004 re: Waterfront Property Direction (0910-20-001)

Staff:

- There have been statements made about the City selling property and denying public access to the waterfront.
- Gave a powerpoint presentation reviewing the transactions that have been made since incorporation to ensure public access to the foreshore.

Councillor Day left the meeting at 4:46 p.m.

Council:

- Suggested some of the dates and text from the powerpoint presentation be made available to the public on the City's WebSite.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R1121/04/11/22 THAT the report of the Manager of Community Development & Real Estate dated November 17, 2004 re-affirming the City's commitment to provide public access along the Okanagan Lake foreshore be received for the information of Council.

Carried

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8. RESOLUTIONS

8.1 Draft Resolution re: Helicopter Landing – Santa Claus

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R1122/04/11/22 THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna Airport to the Kelowna Golf & Country Club and back on December 5th and 12th, 2004, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

9.1 Bylaw No. 9333 – A bylaw to amend the Sewerage System User Bylaw, 1972, No. 3480

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R1123/04/11/22 THAT Bylaws No. 9333 and 9334 be read a first, second and third time.

Carried

9.2 Bylaw No. 9334 – Amendment No. 2 to the Sewer Service Parcel Tax Bylaw No. 8924

See resolution adopted under agenda item No. 9.1.

10. COUNCILLOR ITEMS

(a) Graffiti on Transit Shelters and Benches Along Lakeshore Road

Councillor Shepherd commented that the graffiti on all the transit shelters and benches along Lakeshore Road is deplorable and that she has reported this but there is apparently some issue with cleaning. The City Manager agreed to find out how the City proposes to deal with the problem.

(b) Casorso/Benvoulin Corner

Councillor Cannan commented that at one time there was discussion about putting a traffic circle or a 3-way Stop on the corner of Casorso/Benvoulin. He asked that staff bring this back for discussion at budget time.

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11. TERMINATION

The meeting was declared terminated at 5:11 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/am