

Regular Meeting – P.M.

November 29, 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 29, 2004.

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

Council members absent: Councillor A.F. Blanleil.

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*; Acting-Recreation Manager, J. Gabriel*; Licence & Bylaw Enforcement Supervisor, A. Dixon*; 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 Horning was requested to check the minutes of the meeting.

Councillors Hobson and Cannan joined the meeting at 1:37 p.m. and 1:49 p.m. respectively.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Nancy Cameron, General Manager, Tourism Kelowna re: Update - Tourism Kelowna Activities

Nancy Cameron, General Manager, Tourism Kelowna:

- Presented an overview of Tourism Kelowna Initiatives.
- Summarized the Tourism Kelowna 2005-2008 Business Plan.

Michelle Collens, Sport Kelowna:

- Reviewed the 2005-2008 focus and objectives for Sport Kelowna.

4. UNFINISHED BUSINESS

4.1 **Deferred from November 22, 2004 Regular Meeting** 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:

- Subsequent to the application being deferred from the November 22, 2004 Regular Meeting, the applicant revised the proposal to include commercial on both sides of the main entrance, rather than just on the north side. This will add another 769 sq. ft. of commercial space and result in the loss of one parking stall; however, the project still provides 2 parking stalls over bylaw requirements. The 11-storey building is also more slender now so that the tower is not so dominating.
- Showed samples of the finishing materials that would be applied to the exterior of the building.

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Moved by Councillor Hobson/Seconded by Councillor Given

R1130/04/11/29 THAT Council authorize the issuance of Development Permit No. DP04-0121 for Lot B, District Lot 139, ODYD Plan KAP56315 and Lot C, District Lot 139, ODYD Plan KAP56315, located on Ellis 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;

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

5. DEVELOPMENT APPLICATIONS

- 5.1 (a) Planning & Corporate Services Department, dated November 18, 2004 re: Rezoning Application No. Z04-0057 – Okanagan Halfway House Society (David Kornell/Pacific Sun Enterprises Ltd.) – 1865-1869 Chandler Street (BL9336)

Staff:

- A recent Public Hearing dealt with moving the halfway house on the subject property to a property across the street.
- This application would rezone the subject property so that it can be consolidated with the overall Still Waters private hospital property as part of the redevelopment scheme for that site.

Moved by Councillor Shepherd/Seconded by Councillor Given

R1131/04/11/29 THAT Rezoning Application No. Z04-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 40, DL 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing to P1- Major Institutional 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 subsequent to the consolidation of the subject property with the adjacent property (Lot 1, DL 137, ODYD, Plan KAP69816).

Carried

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

Bylaw No. 9336 (Z04-0057) – Okanagan Halfway House Society
(Pacific Sun Enterprises Ltd.) – 1865-1869 Chandler Street

Moved by Councillor Given/Seconded by Councillor Horning

R1132/04/11/29 THAT Bylaw No. 9336 be read a first time.

Carried

- 5.2 (a) Planning & Corporate Services Department, dated November 15, 2004 re: Rezoning Application No. Z04-0019 – Al Cohoe – 467 Ziprick Road (BL9335)

Staff:

- The rezoning is requested to accommodate a second residential dwelling unit that would be linked to the existing dwelling on the property.

Moved by Councillor Hobson/Seconded by Councillor Day

R1133/04/11/29 THAT Rezoning Application No. Z04-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 22, Twp. 26, ODYD Plan KAP74733, located on Ziprick Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

Carried

Councillor Shepherd opposed.

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

Bylaw No. 9335 (Z04-0019) – Al Cohoe – 467 Ziprick Road

Moved by Councillor Clark/Seconded by Councillor Given

R1134/04/11/29 THAT Bylaw No. 9335 be read a first time.

Carried

Councillor Shepherd opposed.

- 5.3 Planning & Corporate Services Department, dated November 18, 2004 re: Rezoning Application No. Z02-1052 – Okanagan Manufacturer's Ltd. (Grant Maddock) – 3732 Highway 97 North (BL9105)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1135/04/11/29 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9105 (3732 Highway 97 North) be extended from November 18, 2004 to May 18, 2005.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9188 (Z03-0064) – Robert Bennett – 5065 Frost Road

Moved by Councillor Given/Seconded by Councillor Horning

R1136/04/11/29 THAT Bylaw No. 9188 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Assistant Airport General Manager, dated November 19, 2004 re: Consent to Extension of Existing Commercial Mortgage of Sub-Lease – A.O.G. Air Support Inc. – Kelowna International Airport (2380-20-8089)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1137/04/11/29 THAT Council consent to an extension of the existing Commercial Mortgage of Sub-Lease between A.O.G. Air Support Inc., Debra Lynn Barron, and the Business Development Bank of Canada;

AND THAT the Mayor and City Clerk be authorized to execute the Consent to Mortgage of Sub-Lease on behalf of the City.

Carried

7.2 Assistant Airport General Manager, dated November 24, 2004 re: Purchase of Passenger Loading Bridge – Kelowna International Airport (0550-05)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1138/04/11/29 THAT Council authorize the Administration to complete a purchase agreement with FMC Jetway of Ogden, Utah for the supply and installation of a passenger loading bridge on Gate 6 of the air terminal building at the Kelowna International Airport, at an estimated cost of \$531,137.

Carried

7.3 Licence and Bylaw Enforcement Supervisor, dated November 4, 2004 re: Security Alarm Systems Bylaw No. 9147

Staff:

- The Regional District of Central Okanagan is also working on a new Security Alarm Systems Bylaw which the City of Kelowna may participate in so that the regulations are implemented on a regional basis. The subject bylaw will allow for the regulations to be implemented in the City of Kelowna in the interim.

Council:

- Staff to put an advertisement in the local newspapers and consider including something with the second mail-out of the business license renewals this year to make sure land owners with security alarms are aware of the changes.
- Staff to report back in a year to advise Council of how many of the estimated 6,200 alarm users actually registered their alarms and paid the \$10 fee.

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Moved by Councillor Shepherd/Seconded by Councillor Day

R1139/04/11/29 THAT City Council consider and approve the City of Kelowna Security Alarm Systems Bylaw No. 9147 as outlined and attached to the report by the Licence and Bylaw Enforcement Supervisor;

AND THAT City Council consider and approve the amendment to the City of Kelowna Noise and Disturbances Control Bylaw No. 6647 as outlined in the report by the Licence and Bylaw Enforcement Supervisor to exempt alarm users registered with the RCMP.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

8.1 Bylaw No. 9147 – Security Alarm Systems Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

R1140/04/11/29 THAT Bylaws No. 9147 and 9205 be read a first, second and third time.

Carried

8.2 Bylaw No. 9205 – Amendment No. 4 to Noise Control Bylaw No. 6647

See resolution under item No. 8.1 above.

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Day/Seconded by Councillor Hobson

R1141/04/11/29 THAT Bylaw No. 9333 be adopted.

Carried

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

Moved by Councillor Hobson/Seconded by Councillor Day

R1142/04/11/29 THAT Bylaw No. 9334 be adopted.

Carried

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9. COUNCILLOR ITEMS

- (a) Councillor Cannan - Notice of Motion re: Sentences for Drug-Related Criminal Offences

Councillor Hobson expressed concern about responding to one recommendation from the 4 pillar approach independent of the other recommendations that will be coming forward, and advised that his support of the motion was keeping in mind that a comprehensive approach is being developed under the 4 pillar initiative.

Council agreed that the letter to the Solicitor General also inform the Minister that this is just one of the recommendations that will be coming forward from the Central Okanagan Four Pillars Council.

Council also agreed to a friendly amendment to the motion to indicate that the Solicitor General is being asked not just for support but also for recommendations.

Moved by Councillor Cannan/Seconded by Councillor Given

R1143/04/11/29 THAT the City of Kelowna write to the Solicitor General of British Columbia for his support and recommendations as a first step in lobbying the federal Minister of Justice and Attorney General of Canada to explore ways to encourage the judiciary to impose stiffer sentences upon conviction for drug-related infractions.

Carried

10. TERMINATION

The meeting was declared terminated at 3:27 p.m.

Certified Correct:

Mayor

BLH/am

Acting Deputy City Clerk