

Regular Meeting – P.M.December 13, 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, December 13, 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 Deputy City Clerk, D.M. Fediuk; Director of Financial Services, P.A. Macklem\*; Financial Planning Manager, K. Grayston\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen\*; Urban Design Planner, P.J. McCormick\*; Manager of Community Development & Real Estate, D.L. Shipclark\*; Fire Chief, G. Zimmermann\*; Assistant Airport General Manager, S. Samaddar\*; Water/Drainage Manager, D. Degen\*; Environment/Solid Waste Manager, M. Watt\*; Parks Manager, J. Creron\*; Urban Forestry Supervisor, I. Wilson\*; 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 Shepherd was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Mayor Gray re: Presentation of Government Finance Officers Association's Distinguished Budget Presentation Award to the City's Finance Division

Dealt with just prior to agenda item No. 6.1.

3.1.1 Councillor Horning re Presentation of Painting

Councillor Horning presented the Mayor with a painting by Alex Fong entitled "The Following". The painting is being sold through the Royal Bank of Canada at their Rutland branch as a fundraiser with proceeds going to the Rutland Parks Society to the City for 100<sup>th</sup> Birthday.

3.2 Presentation re: Community Gardens

Ruth Mellor, Central Okanagan Community Gardens Society:

- The committee has been working on the establishment of Community Gardens in Kelowna for the past three years. An example of a garden can be seen at the Unitarian Church.
- Central Okanagan Community Gardens is in the process of being registered as a society.
- Outlined the five recommendations put forward in their submission and asked for Council's consideration and support of each.

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**R1180/04/12/13** THAT Kelowna City Council support, in principle, the following recommendations:

- 1) Kelowna City Council recognize community gardens as a method to increase food self-reliance, improve fitness, contribute to a cleaner environment, and enhance community development;
- 2) THAT Kelowna City Council provide a mandate to the City's Parks & Leisure Services Department to include community gardens in future parks planning;
- 3) THAT Kelowna City Council provide a mandate to the City's Parks & Leisure Services Department to advance the establishment of community gardens in City parks on City-owned land suitable for community gardens;
- 4) THAT Kelowna City Council provide a mandate to the City's Planning & Corporate Services Department to consider including community gardens as green space in future multi-family projects seeking approval from the City;
- 5) THAT the City of Kelowna research appropriate and effective ways the City can support and help to create community gardens;

AND THAT the information package provided by the Central Okanagan Community Gardens be referred to City Parks and Planning staff to review the implications of supporting the above recommendations and report back to Council.

Carried

#### 4. DEVELOPMENT APPLICATIONS

- 4.1 Planning & Corporate Services Department, dated November 30, 2004 re: Agricultural Land Reserve Appeal No. A04-0012 – Russell Light (Tim Light) – 2910 Highway 33 East

Staff:

- The applicant is seeking Council's support of an appeal to the Land Reserve Commission for permission to subdivide the 9.8 ha property to create four parcels within the Agricultural Land Reserve.
- The Agriculture Advisory Committee recommends non-support because of concerns about water sources not being fully investigated, the application being contrary to the mandate to subdivide agricultural land, lack of a guarantee that subsequent owners would use the land as hobby farms, and because the land could be farmed as a whole parcel.

Staff cannot recommend support because the application is not consistent with relevant City development policies which do not support the creation of additional lots within the Agricultural Land Reserve except as a home site severance.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R1181/04/12/13** THAT Council hear from the applicant.

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Tim Light, applicant:

- The property has limited agricultural potential due to high elevation, steep slopes and poor soil conditions.
- The applicant has owned the property since 1970 and the only farm income has been from sale of eggs.
- Hobby farms would not be in conflict with adjacent properties or current zoning.
- The proposed parcel sizes could be easily maintained and soils upgraded for use at highest agricultural potential.
- Read a letter of support from Cam Kluserits, owner of adjacent property at 2445 Joe Riche Road.
- Applying for a homesite severance could be an option if this application does not get approved.
- If the application is approved, he would be living on and farming one of the four parcels; his father would continue with his chicken and egg farm; and Cam Kluserits is showing interest in purchasing the parcel adjacent to his land.
- The property is serviced with water from the Black Mountain Irrigation District and the current grade of water could be reclassified.
- The existing driveway access is off Highway 33; if this appeal is approved then the driveway would be moved to off Joe Riche Road to satisfy requirements of the Ministry of Transportation.

Staff:

- The four parcels would all be larger than the 2 ha minimum lot size for being serviced by septic sewer disposal.
- With water improvements the property could be upgraded to Class 3.

Moved by Councillor Blanleil/Seconded by Councillor Horning

**R1182/04/12/13** THAT Agricultural Land Reserve Appeal No. A04-0012, Lot 2 Secs. 17 & 18 Twp. 27 O.D.Y.D. Plan 2736 except Plans H8433 and 19999, located on Highway 33 East, Kelowna, B.C., for subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

Councillor Hobson opposed.

## 5. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING)**

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

Moved by Councillor Given/Seconded by Councillor Horning

**R1183/04/12/13** THAT Bylaw No. 9335 be amended by changing the legal description of the property from Lot A to Lot B of Sec. 22, Twp. 26, ODYD Plan KAP74733 and by changing the owner's name from Al Cohoe to Evelyn Rueger to reflect the current land title.

Carried

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Mayor Gray altered the order of business and advised that agenda item No. 3.1 would be dealt with next.

3.1 Mayor Gray re: Presentation of Government Finance Officers Association's Distinguished Budget Presentation Award to the City's Finance Division

Mayor Gray presented Keith Grayston with a Distinguished Budget Presentation Award that he accepted on behalf of the staff involved in the 2004 budget preparation. The award is the highest award in governmental budgeting and this is the third year in a row that the City has been so honoured.

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Director of Financial Services, verbal presentation re: 2005 Financial Plan

- Provided an overview of the highlights of the 2005 financial plan which will be reviewed in depth by Council on December 16<sup>th</sup>.

6.2 Fire Chief, dated December 6, 2004 re: Frequency of Fire Inspections

Moved by Councillor Shepherd/Seconded by Councillor Day

**R1184/04/12/13** THAT Council Policy No. 181 be amended by revising the frequency of fire inspections schedule, as follows:

<b><u>Group/Division</u></b>	<b><u>Occupancy</u></b>	<b><u>Inspection</u></b>
Group A, Division	Theatres	Once per Calendar Year
Group A, Division II	Churches, Halls	Once per Calendar Year
Group A, Division II	Night Clubs	4 times per Calendar Year
Group A, Division II	Schools	Once per Calendar Year
Group A, Division II	Large Day Cares	Once per Calendar Year
Group A, Division II	Restaurants, Pubs	Once per Calendar Year
Group A, Division II	Coffee Shops/Deli	Once per Calendar Year
Group A, Division III	Arenas	Once per Calendar Year
Group B, Division II	Group Homes	3 times per Calendar Year
Group B, Division II	Rest Homes, Hospitals	3 times per Calendar Year
Group C	Hotels, Motels	Once per Calendar Year
Group C	Apartments	Once per Calendar Year
Group D	Doctors Offices/Banks	Once per Calendar Year
Group E	Retail	Once per Calendar Year
Group F, Division I	Bulk Plants	Once per Calendar Year
Group F, Division I	Fibreglass/Spray Paint	Once per Calendar Year
Group F, Division I	High Hazard Industrial	Once per Calendar Year
Group F, Division II	Service Stations	Once per Calendar Year
Group F, Division II	Medium to Low Hazard Industrial	Once per Calendar Year
Group F, Division II & III	Low Hazard Industrial	Once per Calendar Year.

Carried

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- 6.3 Assistant Airport General Manager, dated December 6, 2004 re: Consent to Commercial Mortgage of Sub-Lease – Skyline Helicopters Ltd. – Kelowna International Airport (2380-20-8124)

Moved by Councillor Given/Seconded by Councillor Blanleil

**R1185/04/12/13** THAT Council consent to a Commercial Mortgage of Sub-Lease between Skyline Helicopters Ltd. 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

- 6.4 Assistant Airport General Manager, dated December 7, 2004 re: Skyway Concession Redevelopment – Kelowna International Airport (2380-20-8090)

Moved by Councillor Blanleil/Seconded by Councillor Given

**R1186/04/12/13** THAT Council approve extending the Skyway Gourmet Ventures Inc. (Skyway) airport sub-lease for an additional four years beyond its current expiry of December 31, 2012;

AND THAT Council authorizes the Mayor and City Clerk to sign a supplemental agreement on behalf of the City covering these arrangements.

Carried

- 6.5 Water/Drainage Manager, dated December 10, 2004 re: Award of Construction Contract TE04-11 – UV Disinfection System Installation (5600-05)

Moved by Councillor Day/Seconded by Councillor Blanleil

**R1187/04/12/13** THAT the Contract for the construction of the UV Disinfection System Installation and ancillary works be awarded to Graham Construction for the amount of \$7,307,728.23 exclusive of GST;

AND THAT the 2004 Financial Plan be amended by \$1,973,868 with funding of \$322,263 from the Water Quality Reserve, \$655,925 from Water Utility Accumulated Surplus, \$634,950 from Water DCC Reserve A and \$360,730 from Water DCC Reserve D;

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

Carried

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- 6.6 Director of Planning & Corporate Services, dated December 8, 2004 re: Tax Incentives for Revitalization of Urban Centres (6480-40)

Moved by Councillor Hobson/Seconded by Councillor Day

**R1188/04/12/13** THAT Council endorse the terms of the tax incentive program outlined in the report dated December 8, 2004 from the Director of Planning & Corporate Services and direct staff to seek input from stakeholders prior to final consideration;

AND THAT Council endorse the terms of the parking credit program outlined herein as an extension of *Council Policy 314, Parking Credits for Mixed Use Developments in the Downtown*, and direct staff to seek input from stakeholders prior to final consideration.

Carried

- 6.7 Community Planning Manager, dated December 1, 2004 re: Community Planning Grants Programs (1855-20; 0550-01)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1189/04/12/13** THAT Council add the \$7,800 in annual tax revenue resulting from the payment of taxes by NOW Canada for the building at 1720 Ethel Street to the annual \$50,000 budget for the Community Social Development grant program;

AND THAT Council authorize the annual funding for the Grants to Address the Sexual Exploitation of Youth Program in the form of a budget line item in the amount of \$22,000.

Carried

- 6.8 Environment/Solid Waste Manager, dated December 2, 2004 re: Solid Waste Bylaw No. 7173 Amendments – Demolition Wastes and Schedule D Fees (BL9340)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1190/04/12/13** THAT Schedule D of Solid Waste Management Bylaw No. 7173 be amended for inclusion of pro-rated fees for the landfill levy activated at date for final request for inspection.

Carried

- 6.9 Parks Manager, dated December 1, 2004 re: Integrated Pest Management (IPM) Program (6130-13)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1191/04/12/13** THAT Council receive for information the December 1, 2004 report from the Parks Division on the Integrated Pest Management (IPM) Program.

Carried

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- 6.10 Cultural Services Manager, dated December 8, 2004 re: Public Art Project – Ben Lee Park (7800)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1192/04/12/13** THAT City Council approve the recommendation of the Public Art Committee to award to Craig Sibley of Vancouver the commission for the design and installation of “*Security in Community*” (an earthwork sculpture) in Ben Lee Park;

AND THAT the Mayor and Clerk be authorized to sign a contract with Craig Sibley for an amount not to exceed \$40,000 (funded from the Public Art Reserve) for the design and installation of the artwork.

Carried

Councillor Hobson left the meeting at 3:58 p.m.

- 6.11 Acting City Clerk, dated December 6, 2004 re: Local Area Service – 2111, 2117 and 2128 Wilkinson Street and 1302 McBride Road

Moved by Councillor Given/Seconded by Councillor Horning

**R1193/04/12/13** THAT the petition received November 23, 2004 from Bernie Gautron and others for the construction of road drainage, road widening, concrete (barrier) curb and gutter, asphalt fillet paving, and topsoil and seeding of the boulevard on the east side of Wilkinson Street between Springfield and McBride Roads along the frontage of Lot A, Section 19, Township 26, ODYD Plan 31461; Lot B, Section 19, Township 26, ODYD Plan 31461; Lot B, Section 19, Township 26, ODYD Plan 25450; and Lot A, Section 19, Township 26, ODYD Plan 25450 be received and referred to the Transportation Manager to be placed in its order of construction priority;

AND THAT Council receive the Certificate of Sufficiency dated December 6, 2004 pertaining to the Wilkinson Street Local Area Service.

Carried

## 7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9253 – Road Closure and Removal of Highway Dedication Bylaw – Part of Mayer Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1194/04/12/13** THAT Bylaws No. 9253 and No. 9340 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9340 – Amendment No. 18 to Solid Waste Management Bylaw No. 7173

See resolution adopted under item No. 7.1 above.

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**(BYLAWS PRESENTED FOR ADOPTION)**

7.3 Bylaw No. 9339 – A bylaw to name Levitt Lane

Moved by Councillor Day/Seconded by Councillor Cannan

**R1195/04/12/13** THAT Bylaw No. 9339 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Rotary Centre for the Arts

Councillor Shepherd commented that the signage for the Rotary Centre for the Arts is difficult to see, particularly for people leaving The Grand Hotel site and suggested that signage be expanded. Councillor Shepherd also asked that the Parking Committee consider providing a 15 minute parking stall for short term stays while picking up tickets at the Rotary Arts Centre.

(b) Snow Removal - Roads

Councillor Cannan commented that he has heard concerns expressed over the last couple of years from residents in the Glenmore area about the damage to their landscaping as a result of the residue from snow ploughs. He suggested that the City supply plexiglass on a city-wide basis for the people to put up to protect their property from damage. Referred to staff.

9. TERMINATION

The meeting was declared terminated at 4:08 p.m.

Certified Correct:

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Mayor

BLH/

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Acting Deputy City Clerk