

Regular Meeting – P.M.

January 10, 2005

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, January 10, 2005.

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; Manager of Development Services, A.V. Bruce*; Acting Manager of Policy ; Research & Strategic Planning, G.L. Stephen*; Director of Parks & Leisure Services, D.L. Graham*; Recreation Manager, R. Oddleifson*; Parks Manager, J. Creron*; Urban Forestry Supervisor, I. Wilson*; Parks & Landscape Planner, T. Barton*; Water Manager, D. Degen*; 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 Day was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Presentations by Dr. Barry Urness and Michael Loewen, Civic Awards Steering Committee re: 2005 Civic and Community Awards Event

- 2005 is the 30th Anniversary of the Civic Awards as well as being the Centennial year for the City of Kelowna.
- The deadline for submitting names for nomination is Noon on Friday, February 18, 2005.
- The awards banquet will be held on Thursday, April 21, 2005 at The Grand Hotel.

4. UNFINISHED BUSINESS

4.1 Planning & Corporate Services Department, dated December 24, 2004 re: Supplemental Report – OCP04-0015 – Restricting Development Potential on Lands Designated as Future Urban Reserve (BL9310)

Staff:

- The proposed amendment would restrict further parcelization of properties within the Future Urban Reserve.
- Initially Council instructed staff to mail out Public Hearing notices to all properties in the Future Urban Reserve; however, of 227 properties in the Future Urban Reserve only 55 properties would be affected by the proposed amendment. The alternate recommendation in the staff report would instruct staff to notify only those owners. There would still be notices in the local newspapers advising the general public of the proposed amendment.
- Displayed a map indicating the general location of the 55 properties.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

R008/05/01/10 THAT the report dated December 24, 2004 from the Planning & Corporate Services Department be received as information for Council.

AND THAT staff be instructed to send written notification of the Public Hearing date for Official Community Plan Amendment No. OCP04-0015 to the registered owners and occupants of the 55 properties directly affected by the proposed OCP amendment.

Carried

Councillors Horning and Shepherd opposed.

5. DEVELOPMENT APPLICATIONS

5.1 (a) Planning & Corporate Services Department, dated December 3, 2004 re: TA04-0011 – Proposed Amendment to Zoning Bylaw No. 8000 Relating to Animal Care (BL9348)

Staff:

- Animal Daycare was added as a permitted use in the Zoning Bylaw in response to enquiries from the people who were considering that type of operation. In the end no applications actually came forward for an Animal Daycare operation.
- The proposed text amendment would remove Animal Daycare and include those uses in the Animal Clinics Minor and Major categories which would be added as a permitted use in the Industrial zones.

Moved by Councillor Given/Seconded by Councillor Day

R009/05/01/10 THAT Zoning Bylaw Text Amendment Application No. TA04-0011 to amend City of Kelowna Zoning Bylaw No. 8000 by revising the definitions for Animal Clinics Minor and Animal Clinics Major, deleting the definition for Animal Daycare and removing Animal Daycare as a principal permitted use in the C2, C3, C4 and C10 zones; and by adding Animal Clinics Major as a principal permitted use in the I1, I2, I3 and I4 zones, as detailed in Schedule "A" attached to the Planning Department's report dated December 3, 2004, be considered by Council;

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

Carried

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

Bylaw No. 9348 (TA04-0011) – City of Kelowna – Animal Care Uses

Moved by Councillor Given/Seconded by Councillor Horning

R010/05/01/10 THAT Bylaw No. 9348 be read a first time.

Carried

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6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 8700 (Z01-1004) – Mapleheath Ranch Ltd. (Wally Reid) – 659 & 687 Dehart Road, and City of Kelowna Official Community Plan Amendment No. OCP01-001 **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Shepherd

R011/05/01/10 THAT Bylaw No. 8700 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Planning & Corporate Services Department, dated January 5, 2005 re: Appointment to Kelowna Heritage Foundation Board of Directors (6800-02)

Moved by Councillor Shepherd/Seconded by Councillor Given

R012/05/01/10 THAT Council appoint Julie Cosgrave to the Board of Directors of the Kelowna Heritage Foundation for the balance of the current Board's three year term ending December 2005.

Carried

- 7.2 Water/Drainage Manager, dated December 17, 2004 re: Water Smart Program Overview (5600-08)

Neil Klassen, Water Smart Program Coordinator:

- Overview of accomplishments achieved in 2004 and 2005 initiatives.

Moved by Councillor Shepherd/Seconded by Councillor Given

R013/05/01/10 THAT the report dated December 17, 2004 from the Water/Drainage Manager outlining the 2004 Water Smart program results and the proposed 2005 program be received for Council's information.

Carried

- 7.3 Recreation Manager, dated January 4, 2005 re: Active Communities – Physical Activity Challenge (6430-01)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R014/05/01/10 THAT the City of Kelowna join in the challenge from the Province of B.C. to increase physical activity 20% by 2010 and collaborate with the Provincial Government and 2010 LegaciesNow to help meet that target;

AND THAT Council direct staff to proceed with the Active Communities Initiative as described in the report from the Recreation Manager dated January 4, 2005.

Carried

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- 7.4 Parks Manager, dated December 7, 2004 re: Tree Removal and Replacement Policy (BL8042; 6300-00)

Staff:

- The proposed policy that would be added to the bylaw as Schedule “B” includes criteria for situations where a tree is hazardous and creating problems for utilities, etc. as well as for deciding less obvious situations such as when a tree is on City property but was not planted by the City and is creating a nuisance. The policy also addresses financial compensation.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R015/05/01/10 THAT City of Kelowna Municipal Properties Tree Bylaw No. 8042 be amended by adding “Schedule B - Tree Removal and Replacement Policy” to the bylaw;

AND THAT the amending bylaw be advanced for reading consideration by Council.

Carried

- 7.5 Parks Manager, dated December 21, 2004 re: Park and Park Features Naming Policy No. 251 (6140-20)

Staff:

- The proposed amendment expands the policy to include naming of park features such as walkways, gardens, pavilions, etc.

Council:

- Agreed to insert the word ‘ordinarily’ into 1(g) of the policy so as not to preclude the naming of parks, etc. after groups such as the Kinsmen and Rotary Clubs.

Moved by Councillor Given/Seconded by Councillor Shepherd

R016/05/01/10 THAT Park Naming Policy No. 251 be amended as outlined in the Parks Manager’s report dated December 21, 2004, but with the word ‘ordinarily’ inserted in No. 1(g) of the naming criteria so that it reads as follows:

- (g) Parks and Park Features will not ***ordinarily*** be named after social/ethnic/religious causes or groups.

Carried

- 7.6 Parks Manager, dated December 21, 2004 re: Crawford Estates Mountain Bike Skills Park (6120-20)

Staff:

- The bike club would be responsible for the daily/weekly maintenance. The City Parks Dept. would commit resources to inspect the park on a monthly basis during peak times.

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Moved by Councillor Cannan/Seconded by Councillor Hobson

R017/05/01/10 THAT Council endorse the Crawford Estates Mountain Bike Skills Park initiative in principle;

AND THAT staff be directed to partner with the Kelowna Mountain Bike Club (KMBC) in planning and developing the mountain bike skills park under the following principals:

- The Kelowna Mountain Bike Club will design and construct a mountain bike skills park to the Parks Division's approval;
- The park will be open to the general public and consistent with the City's Park Bylaw No. 6819;
- The location of the mountain bike skills park is located on a portion of leased land from the Crawford Estates School District #23 land as shown in schedule 1 attached to the Parks Manager's report dated December 21, 2004;
- The Kelowna Mountain Bike Club and the City of Kelowna will enter into a one (1) year license & maintenance agreement for the park;
- The Kelowna Mountain Bike Club will provide an indemnity to the City and hold the City harmless for losses or accidents that occur related to the design, construction and operation of the mountain bike skills park;
- The mountain bike skills park is a pilot project and deemed temporary in nature;
- That all improvements deemed appropriate will be removed in the event that the School District develops a school or sells the land.

Carried

7.7 Acting City Clerk, dated December 20, 2004 re: Alternative Approval Process – Properties Agreement & Lease Joint Bio-Solids Composting Facility with the City of Kelowna and the City of Vernon (0910-20-156-002)

Moved by Councillor Day/Seconded by Councillor Hobson

R018/05/01/10 THAT Council receive the Certificate of Sufficiency dated December 20th, 2004 declaring that no elector responses were received in response to the alternative approval process pertaining to the City of Kelowna's intention, along with the City of Vernon, to enter into a joint bio-solids composting facility.

Carried

8. RESOLUTIONS

8.1 Draft Resolution re: Request for Rental Waiver – Kelowna Minor Football Association (7900-20; 0230-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

R019/05/01/10 THAT the request from the Kelowna Minor Football Association for waiver of the \$193.24 rental fee for use of the Apple Bowl on September 3, 2004 to hold a "Big Kelowna Bowl" high school football fundraising event be approved by Council;

AND THAT the funds be appropriated from 2005 Council Contingency.

Carried

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9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 9.1 Bylaw No. 9329 – Amendment No. 1 to Municipal Properties Tree Bylaw No. 8042

Moved by Councillor Clark/Seconded by Councillor Shepherd

R020/05/01/10 THAT Bylaw No. 9329 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

Mayor Gray:

- Ministry of Transportation (MOT) approval of the two Road Closure bylaws on today's agenda has not yet been received.
- Advertisements have been placed in the local newspapers advising the public that the two Road Closure bylaws would be adopted at this meeting. Rather than requiring anyone wanting to comment on the bylaws to come to a future meeting, will invite submissions from the public today as advertised.
- Invited anyone in the public gallery who deemed themselves affected by the proposed road closures to come forward. There was no response.

- 9.3 Bylaw No. 9331 – Road Closure and Removal of Highway Dedication Bylaw

See discussion under item No. 9.2 above.

10. COUNCILLOR ITEMS

(a) Emergency Response Team – Letter

Councillor Shepherd suggested that a letter be sent from the Mayor to the Emergency Response Team commending them on their efforts in dealing with the recent fire at Shaughnessy Greens.

(b) Tsunami Event Relief Assistance

Councillor Shepherd commented that a Lower Mainland municipality is apparently considering challenging other municipalities to sponsor a small town or village as a way to assist Tsunami victims. Council acknowledged that very successful fundraising efforts are underway by various fundraising organizations and agreed that a more effective way to assist may be through offering technical expertise/assistance from City staff. Staff to contact the FCM to see if they are coordinating any such effort.

(c) Public Skating

Councillor Shepherd advised that she has heard a complaint that there is inadequate public skating time available in the rinks in Kelowna. Referred to staff with a suggestion from Councillor Hobson that a lower rate might encourage seniors to get out and skate at the new arenas in Capital News Centre where there appears to be time available.

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(d) Snow Clearing – Transit Stops

Councillor Shepherd commented that snow clearing is not being done at transit stops and on some sidewalks. She suggested Council consider establishing a special fund to pay for extra help to clear snow from transit stops after a major snowfall and that the public be reminded of their obligation to clear sidewalks. Referred to staff.

11. TERMINATION

The meeting was declared terminated at 3:26 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh