

Regular Meeting – P.M.March 7, 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, March 7, 2005.

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

Council members absent: Mayor Walter Gray, 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*; Director of Parks & Leisure Services, D. Graham*; Recreation Manager, L. Gunn*; and Acting Recording Secretary, I. Tilstra.

(* denotes partial attendance)

1. CALL TO ORDER

The meeting was called to order at 1:33 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Reverend Albert Baldeo re: Dedication of poem for Kelowna's Centennial

Reverend Baldeo:

- Read a poem he wrote to honour and encourage leaders in community.

Alex Fong:

- Presented an Alex Fong original painting to Council.

3.2 Sunshine Theatre Company re: Financial Assistance from the City of Kelowna

Ken Ihas, Chair, and David Mann, Artistic Director, Sunshine Theatre Company:

- Discussed how Sunshine Theatre Company is operating, their financial position and the dilemma of receiving grant revenues late in the year, and their commitment to repay the loan and continue to pursue other grant revenues.

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Director of Parks & Leisure Services and Cultural Services Manager, dated March 2, 2005 re: Sunshine Theatre Company

Moved by Councillor Hobson/Seconded by Councillor Cannan

R199/05/03/07 THAT Council approve a financial assistance loan to a maximum of \$50,000 for use by Sunshine Theatre Company subject to the conditions set out in the March 7, 2005 report from the Director of Parks and Leisure Services and the Cultural Services Manager;

AND THAT the 2005 Financial Plan be amended to include funding of the loan and repayment in the current year from the Major Facilities Reserve.

Carried

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(a) Planning & Corporate Services report dated February 24, 2005.

Staff:

- The project was designed as a multiple unit residential building.
- The applicant now wants to amend the future land use designation to allow the apartment hotel use. Short-term rentals would not be the predominant use of the structure,
- The Advisory Planning Commission did not support the proposed amendment as they felt the applicant should have known the proper requirements.
- Staff do not feel the impact of the amendment would be significant for the village centre at Quail Ridge and recommend support.

Moved by Councillor Hobson/Seconded by Councillor Given

R200/05/03/07 THAT OCP Bylaw Amendment No. OCP04-0023 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot C, Section 15, Township 23, ODYD, Plan KAP76105 located on Country Club Drive, Kelowna, B.C., from the Low Density Multiple Unit Residential designation to the commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated February 25, 2005, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the OCP amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction.

Carried

Councillors Cannan and Shepherd opposed.

BYLAW PRESENTED FOR FIRST READING

(b) Bylaw No. 9378 (OCP04-0023) - Bellasera Land Corporation (New Town Planning) – 1795 Country Club Drive **Requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Clark**R201/05/03/07** THAT Bylaw No. 9378 be read a first time.Carried

Councillors Cannan and Shepherd opposed.

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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.

4.2 Text Amendment Application No. TA05-0002 – City of Kelowna (I4 – Central Industrial Zones) (BL9379)

- (a) Planning & Corporate Services report dated March 3, 2005

Staff:

- The amendment is city-initiated to deal with front-yard setbacks.
- In most cases parking for industrial properties is accessed from other than the front. A 6 metre setback is not deep enough for parking and is too large for landscaping.
- The Advisory Planning Commission supported the proposed text amendment provided that the setback remain 6 metres with landscaping required when the industrial use is across from residential development and that has been incorporated into the amendment before Council.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R202/05/03/07 THAT Zoning Bylaw Text Amendment Application No. TA05-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by amending the wording in the I4 – Central Industrial zone, as outlined in the report of the Planning and Corporate Services Department dated March 3, 2005 be considered by Council;

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

Carried**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9379 (TA05-0002) – City of Kelowna – A bylaw to amend the I4 – Central Industrial Zone Minimum Front Yard

Moved by Councillor Clark/Seconded by Councillor Shepherd

R203/05/03/07 THAT Bylaw No. 9379 be read a first time.

Carried5. BYLAWS (ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R204/05/03/07 THAT Bylaw No. 9348 be adopted.

Carried

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- 6.1 Director of Parks & Leisure Services and Cultural Services Manager, dated March 2, 2005 re: Sunshine Theatre Company

Dealt with after item No. 3.1.

- 6.2 Director of Financial Services, dated March 1, 2005 re: Change of Authorized Signatures on City of Kelowna Utility Billing Refund Account

Moved by Councillor Hobson/Seconded by Councillor Cannan

R205/05/03/07 THAT Council approve a Banking Resolution authorizing the signatures of the following Accenture Business Systems for Utilities (ABSU) employees as valid when providing utility billing refunds from bank account number 2400-101-849-8:

Pam Payette
Paulette Robbins
Birgie Martell;

AND THAT the Mayor and City Clerk be authorized to sign the necessary Banking Resolution as provided by the City's bank, Royal Bank of Canada.

Carried7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.1 Bylaw No. 9371 – Amendment No. 8 to Airport Fees Bylaw No. 7982

Staff:

- This change was authorized by Council in March 2004 but due to construction delays the increase does not come into effect until April 2005.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R206/05/03/07 THAT Bylaw No. 9371 be read a first, second and third time.

Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.2 Bylaw No. 9358 – Road Closure Bylaw – Brandt's Creek at Kane Road and Glenmore Road

Deputy Mayor Day invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R207/05/03/07 THAT Bylaw No. 9358 be adopted.

Carried

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8. COUNCILLOR ITEMS

(a) OMMLRA Submission to WCB re Firefighters and Certain Cancers

Councillor Cannan referred to a letter to Council from the Municipality of White Rock regarding the WCB's position with respect to firefighters and certain cancers. Council noted that this item has already been dealt with by Council at an in-camera meeting and the OMMLRA has already sent a letter to the WCB on behalf of the member municipalities. The City Manager agreed that the matter can be brought forward for discussion by Council at next week's Regular meeting.

9. TERMINATION

The meeting was adjourned at 2:54 p.m.

Certified Correct:

Deputy Mayor Day

IMT/am

Acting Deputy City Clerk