

Regular Meeting – P.M.March 14, 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 14, 2005, 2005.

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\*; Director of Financial Services, P.A. Macklem\*; Director of Parks & Leisure Services, D.L. Graham\*; Cultural Services Manager, L. Gunn\*; Parks Manager, J. Creron\*; Civic Properties Manager, J. Waugh\*; Transportation Manager, R.W. Westlake\*; Traffic & Transportation Engineer, H. Thompson\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 a.m.

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

Mayor Gray altered the order of business and advised that agenda item No. 5.5 would be dealt with after 3.1 which would be followed by the fire fighter resolution under agenda item No. 8.

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Bruce Vidal, Director, Kelowna Visual and Performing Arts Centre Society (KVPACS) re: Rotary Centre for the Arts – Outstanding Capital Loan

Bruce Vidal, Director of KVPACS:

- KVPACS is not at this time requesting any additional operating money, the request is for the City to take over the \$1.1 million capital loan on the Rotary Centre for the Arts building.
- The debt is impacting KVPACS' ability to attract and retain an Executive Director and the other staff needed to operate the facility, as well as to access grants and fund raise.
- KVPACS have only been able to pay down about \$19,000 of the original loan. They diligently pay the monthly interest on the loan though which amounts to about \$40,000 per year.
- KVPACS is anticipating receiving another \$90,000 in pledges this year.

5.5 Director of Parks & Leisure Services and Cultural Services Management, dated March 9, 2005 re: Rotary Centre for the Arts Capital Loan (0710-20)

Staff:

- The \$1.081 million was the bridge financing the City guaranteed for KVPACS.
- The \$150,000 operating subsidy from the City is much lower than the subsidy for other facilities across Canada.
- Cautioned Council that some of the \$90,000 in pledge money may not happen if the City assumes this debt.

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Moved by Councillor Given/Seconded by Councillor Day

**R224/05/03/14** THAT City Council approve in principle the City of Kelowna taking over full responsibility for the \$1.081 million Rotary Centre for the Arts (RCA) capital loan given to the Kelowna Visual and Performing Arts Centre Society (KVPACS) by HSBC;

AND THAT the Financial Services Department recommend a funding source to be considered by City Council in Final Budget for 2005;

AND THAT final approval be subject to the City and KVPACS agreeing on an appropriate approach to dealing with outstanding capital pledges and planned capital fundraising, and the required amendments to the Management and Operating Agreement;

AND FURTHER THAT after the Executive Director position has been filled and the final business plan has been prepared, KVPACS share the business plan with Council.

Carried

Councillor Blanleil opposed.

8. COUNCILLOR ITEMS

- (a) Notice of Motion by Councillor Cannan re: Cancer Risk for Fire Fighters (2660-20)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R225/05/03/14** THAT WHEREAS the City of Kelowna supports the safety and protection of its fire fighters;

AND WHEREAS the City Council believes the burden of proof of the effect of the occupation relative to the cancer should rest with the WCB or the employer and not with the individual fire fighter;

AND WHEREAS the WCB is considering the presumption of certain cancers relative to the occupation of fire fighting;

BE IT RESOLVED THAT the City of Kelowna urge the WCB to quickly determine, using the best scientific and medical evidence available, including the data from the British Columbia Professional Fire Fighters Association, which cancers are to be considered presumptive for the occupation of fire fighting.

Carried

Mayor Gray and Councillor Clark opposed.

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4. DEVELOPMENT APPLICATIONS

4.1 Text Amendment Application No. TA04-0012 – City of Kelowna (Maximum Height for Free Standing Signs in the Public and Institutional Zones)

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

Staff:

- Allowing for the signs to be higher up will help discourage vandalism.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R226/05/03/14** THAT Zoning Bylaw Text Amendment No. TA04-0012 to amend City of Kelowna Sign Bylaw No. 8235 by as outlined in Schedule “A” of the report of the Planning & Corporate Services Department dated February 3, 2004 be considered by Council.

Carried

**BYLAW PRESENTED FOR FIRST THREE READINGS**

- (b) Bylaw No. 9370 – Amendment No. 10 to Sign Bylaw No. 8235 *Increases the maximum height for free standing signs in Public and Institutional zones from 2.5 m to 4.0 m.*

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R227/05/03/14** THAT Bylaw No. 9370 be read a first, second and third time.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Corporate Services Department, dated January 25, 2005 re: Appointment to Advisory Planning Commission (0540-00)

Withdrawn from the agenda.

- 5.2 Transportation Manager, dated March 4, 2005 re: Wilkinson Street Local Area Service (File 654) (BL9383; 5230-20)

The Acting City Clerk read a new second paragraph for the resolution.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R228/05/03/14** THAT Council approve the local area service improvements for the east side of Wilkinson Street from Springfield Road to McBride Road as outlined in the report dated March 4, 2005 of the Transportation Manager;

AND THAT the 2005 Financial Plan be amended to include additional expenditures of \$26,450 with funding in the amount of \$16,015 from Local Improvement Borrowing and the remaining \$10,300 from the Non-Arterial Roads reserve;

AND FURTHER THAT Council give consideration readings to No. 9383 (File 654) Wilkinson Street Local Area Service (Construction) Bylaw.

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- 5.3 Transportation Manager, dated March 4, 2005 re: Report for 2005 Local Improvements Project (BL9383; 5320-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R229/05/03/14** THAT the Transportation Manager's report dated March 4, 2005 outlining the estimated cost and recoveries for 2005 Local Improvement Project (File 654) be received pursuant to Part 7, Division 5 of the Community Charter.

Carried

- 5.4 Transportation Manager, dated March 9, 2005 re: Request for Approval of Appointment of IBI Group as Consultants for Intelligent Transportation Systems (ITS) Project (5460-03)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R230/05/03/14** THAT IBI Group be appointed Consultant to the City of Kelowna for the Traffic Signal Integration Project;

AND THAT the Mayor and City Clerk be authorized to execute the funding agreement with Transport Canada for this project under the Transport Canada ITS Deployment and Integration Program.

Carried

- 5.5 Director of Parks & Leisure Services and Cultural Services Management, dated March 9, 2005 re: Rotary Centre for the Arts Capital Loan (0710-20)

Dealt with after agenda item No. 3.1.

- 5.6 Parks Manager, dated March 7, 2005 re: Naming of City Park Promenade Brigadier Angle Walk (6130-11)

Moved by Councillor Shepherd/Seconded by Councillor Given

**R231/05/03/14** THAT the City Park promenade between the City Park tunnel and Abbott Street which is parallel to Okanagan Lake be named "Brigadier Angle Walk".

Carried

Jim Horn and Jim Hayes, BC Dragoons:

- Formal presentation of the walkway sign and plaque will be coordinated with the Centennial Committee, probably either in May or in August.
- Brigadier Angle was a great citizen in addition to his military exploits.

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- 5.7 Parks Manager, dated March 7, 2005 re: Preloading for East Approach Okanagan Lake Bridge (2240-20)

Staff:

- Arthon is unable to give an exact timeline for the preloading but City staff are asking that the job be finished before the May long weekend. To do that staff recommend they be allowed to start at 5:30 a.m.
- There could potentially be 15 tandem truckloads going into the park per hour.
- The sportsfield would remain operational during the compaction stage.

Moved by Councillor Horning/Seconded by Councillor Given

**R232/05/03/14** THAT the City of Kelowna allow access through City Park for preloading of the east approach of the Okanagan Lake Bridge as outlined by the Parks Managers report dated March 7, 2005;

AND THAT Bylaw No. 6647, being the bylaw to regulate and prohibit the making of noise and sounds within the City of Kelowna, be amended by deleting the existing section 3.6 and replacing it with allowing the making of noise or sounds between the hours of 0530 hours and 2200 hours as outlined by the Parks Managers report dated March 7, 2005.

Carried

- 5.8 Civic Properties Manager, dated March 9, 2005 re: Renovations to City Park Pavilion (0760-20)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R233/05/03/14** THAT City Council approve the revised departmental relocation plan as outlined in the report from the Civic Properties Manager dated March 9, 2005;

AND THAT Council approve the transfer of \$138,541 from the Building Repair Reserve for upgrades to the public washrooms and repairs to the building structure;

AND THAT Council approve the allocation of \$107,959 from the Civic Facilities Reserve to fund the finishing of the expanded RCMP space, the additional professional fees and the contingencies, to the City Park Pavilion;

AND FURTHER THAT the 2005 Financial Plan be so amended.

Carried

- 5.9 Acting City Clerk, dated March 9, 2005 re: Election Signs for Federal, Provincial and Local Government Elections (BL8235; 4200-01)

Staff:

- The report is intended to make provincial candidates aware of the Sign Bylaw provisions with respect to election signs and to bring Council's attention to the bylaw as well, in case Council wants to change anything before the next election.

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Councillor Horning declared a conflict of interest because he will be running in the upcoming provincial election and left the Council Chamber at 4:19 p.m.

Council:

- The bylaw needs to incorporate standard sign sizes (i.e. 4 ft. x 4 ft. instead of 1 m square) that comply with the sign sizes that get mass produced for provincial and federal elections and the size of the material being used.
- The consequences for violations should be more realistic.
- Reconsider the restriction of two signs per frontage.
- Reconsider the permitting process for placement of signs in public rights-of-way; enforcement is unrealistic and it does not make sense for the City Engineer to be issuing the permits.
- If a permit is issued for one candidate to put signs on public property, then the permit should be issued to all the candidates.
- Consider making the sign sizes larger (i.e. 4 ft. x 4 ft. or 4 ft. x 8 ft.) and putting a restriction on the number of signs so that that the signs would be bigger but there would be less of them.
- Consider indicating in the bylaw those areas where City Parks staff know they definitely would not want any type of sign.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R234/05/03/14** THAT the report dated March 9, 2005 from the Acting City Clerk regarding election signs for federal, provincial and local government elections be received for information of Council;

AND THAT staff be instructed to report back with suggested amendments to Sign Bylaw No. 8235 to address the size of election signs at the Regular Meeting on March 21, 2005, with a further report back at a later date in response to the input received from Council at this meeting.

Carried

Councillor Horning returned to the Council Chamber at 4:41 p.m.

## 6. RESOLUTIONS

6.1 Draft Resolution re: Appointments to Council Indemnity Review Committee (0540-30-35)

Moved by Councillor Hobson/Seconded by Councillor Day

**R235/05/03/14** THAT an independent committee be struck to review Council remuneration, expenses and benefits so that any changes are in place in time for the newly elected Council taking office in December 2005;

AND THAT the following individuals be appointed to the Council Indemnity Review Committee:

Bill Redmond (Chair), Retired  
Maxine Dehart, Director of Sales, Ramada Lodge Hotel  
Steve Burns, Burns Innovation Group.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

7.1 Bylaw No. 9370 – Amendment No. 10 to Sign Bylaw No. 8235

Dealt with under agenda item No. 4.1(b).

7.2 Bylaw No. 9380 – Amendment No. 5 to Kelowna Noise and Disturbances Control Bylaw No. 6647

Moved by Councillor Given/Seconded by Councillor Horning

**R236/05/03/14** THAT Bylaws No. 9380 and 9383 be read a first, second and third time.

Carried

7.3 Bylaw No. 9383 – Wilkinson Street Local Area Service Construction Bylaw (File 654) (5230-20)

See resolution adopted under item No. 7.2 above.

**(BYLAWS PRESENTED FOR ADOPTION)**

7.4 Bylaw No. 9371 – Amendment No. 8 to Airport Fees Bylaw No. 7982

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R237/05/03/14** THAT Bylaw No. 9371 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) Notice of Motion by Councillor Cannan re: Cancer Risk for Fire Fighters (2660-20)

Dealt with after item No. 3.1.

(b) Kettle Valley Developments – Recipient of 2004 SAM Award

Councillor Shepherd noted that Kettle Valley Developments recently won the 2004 Canadian Home Builders' Association SAM Award in the category of Best Community Development in Canada. Mayor Gray to send a letter of congratulations to Kettle Valley Developments on behalf of Council.

(c) Brevity Memorial – Kelowna Memorial Park Cemetery

Councillor Shepherd noted that Kelowna Memorial Park Cemetery won first prize in the Funeral Association's 2004 annual awards for the cemetery's Brevity Memorial, a joint project that was done with the Kelowna Chapter of Compassionate Friends for recognizing people who have lost a child.

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**R238/05/03/14** THAT the Mayor write a letter on behalf of Council to the Premier of B.C., with copies to the Okanagan MLAs, the Kelowna Chamber of Commerce, and the Friends of Myra Canyon to try to get a commitment from the next government to have the access road to the Myra Canyon trestles improved prior to the opening of the trestles to the public; and urging the government to prepare a business plan for the operation and maintenance/repair of the public facilities associated with the trestles.

Carried(e) Burning Permits for Debris from the 2003 Forest Fire

Councillor Clark read a letter from a resident of Crawford Estates about the impact of smoke from slash burning that has been taking place to dispose of debris from the 2003 forest fire in the Crawford area of the city. He noted that when the fires are lit the smoke goes straight up but about an hour later the smoke spreads and hangs over the valley. Councillor Clark asked that the burns be stopped immediately. He noted that chipping and trench burning are expensive options but not when compared to people's health.

Councillor Shepherd advised that she was told there were up to 25 burns in the Arthon pit and suggested that the problem is with the permitting. People do not have to pay for a permit, any number of fires can be lit as long as a permit has been issued and venting is good when the fires are lit.

Council agreed that health is becoming an issue, especially in the last two weeks when venting was so bad.

Moved by Councillor Clark/Seconded by Councillor Hobson

**R239/05/03/14** THAT the Fire Chief report to Council with cost implications of disposing of 2003 forest fire material by either chipping or trench burning as opposed to open air burning.

Carried9. TERMINATION

The meeting was declared terminated at 5:17 p.m.

Certified Correct:


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 Mayor

BLH/am

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 Acting City Clerk