

Regular Meeting – P.M.May 30, 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, May 30, 2005.

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

Council members absent: Councillors B.A. Clark and B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Director of Works & Utilities, J. Vos*; Director of Parks & Leisure Services, D.L. Graham*; Acting Manager of Policy, Research & Strategic Planning, G.L. Stephen*; Fire Chief, G. Zimmermann*; Urban Forestry Supervisor, I. Wilson*; Property Officer, J. Hettinga*; 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 Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 City of Kelowna Float - Awards

Cherise Neilsen, Miss Kelowna Lady of the Lake presented Mayor Gray with two trophies that the City of Kelowna was awarded at the Hyack Festival in New Westminster; best overall float and the Royal City award.

3.1 Council Indemnity Review Committee re: Council Indemnity Review Committee Recommendations (0540-30) (see report dated May 16, 2005)

Bill Redmond, Chair:

- Introduced the other two members of the Committee.
- Presented their recommendations.

Moved by Councillor Cannan/Seconded by Councillor Hobson

R510/05/05/30 THAT effective January 1st, 2006 the Mayor's annual indemnity be increased by 2% to \$81,000;

AND THAT effective January 1st, 2006, January 1st, 2007 and January 1st, 2008 the Mayor's indemnity receive an annual adjustment based on the previous year's Consumer Price Index (CPI) published by Statistics Canada (1992=100) for Vancouver;

AND THAT effective January 1st, 2006 the Councillors' indemnity be increased to 30% of the Mayor's indemnity after adjustment by the CPI;

AND THAT effective January 1st, 2007 the Councillors' indemnity be increased to 31.5% of the Mayor's indemnity after adjustment by the CPI;

AND THAT effective January 1st, 2008 the Councillors' indemnity be increased to 33% of the Mayor's indemnity after adjustment by the CPI;

Regular Meeting – P.M.

May 30, 2005

AND THAT out of town mileage be increased from \$0.31/kilometre to \$0.45/kilometre;

AND THAT Council Remuneration and Expense Bylaw, No. 7547 be amended to include the above recommendations;

AND FURTHER THAT Council releases and thanks the 2005 Council Indemnity Committee.

Carried

Councillor Blanche opposed.

3.2 Kelowna International Regatta – Request for Additional Funding for 2005 (0230-20)

(a) Presentation by Regatta Association

Ken Wall, Vice President of Finance, Kelowna International Regatta Association:

- The Association has dealt with the outstanding debt as best it can.
- The 2005 Regatta is the 100th Regatta in Kelowna. Highlighted some of the proposed changes to enhance and expand the event.

(b) Report from Director of Parks & Leisure Services dated May 20, 2005

Council:

- Staff to look into how to best organize and govern community special events and festivals that are funded by the City in order to achieve growth and sustainability of the events.

Staff:

- Will report back on costs of obtaining a consultant's report and recommendations for providing assistance to the event organizers.

Moved by Councillor Cannan/Seconded by Councillor Horning

R511/05/05/30 THAT the 2005 Financial report from the Kelowna International Regatta Association be received for information;

AND THAT the request for an additional \$10,000 in funding for the 2005 Regatta be approved as a one-time centennial contribution, with up to \$3,000 of the funds being for the Jaycee parade;

AND THAT the funds be appropriated from Council Contingency;

AND FURTHER THAT staff report back at a subsequent meeting with an estimate of costs and a suggested funding source for helping festival organizers achieve sustainable events.

Carried

Regular Meeting – P.M.

May 30, 2005

4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. Z04-0059 – Sun Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5030 Frost Road (BL9434)

- (a) Planning & Corporate Services report dated May 19, 2005.

Staff:

- The rezoning would facilitate a 17-lot single family subdivision.

Moved by Councillor Hobson/Seconded by Councillor Day

R512/05/05/30 THAT Rezoning Application No. Z04-0059 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 24, Twp. 28, SDYD Plan 30846, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing and P3 – Parks & Open Space zones, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated May 19, 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. 9434 (Z04-0059) - Sun Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 5030 Frost Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R513/05/05/30 THAT Bylaw No. 9434 be read a first time.

Carried

4.2 Rezoning Application No. Z05-0016 and OCP05-0004 – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive (BL9432 & BL9433)

- (a) Planning & Corporate Services report dated May 20, 2005.

Staff:

- In 2003 the property owner agreed to give the School District two years in which to purchase a school site on the property. The 2 years are up and the School District and the applicant have not come to an agreement for purchase of the school site.
- The subject application would change the future land use designation in the OCP and rezone the property to allow the applicant to develop the site with a 15-lot single family residential subdivision.

Regular Meeting – P.M.

May 30, 2005

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R514/05/05/30 THAT OCP Bylaw Amendment No. OCP05-0004 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 14, DL 16885, SDYD Plan 74684, located on South Crest Drive, Kelowna, B.C., from the Educational/Major Institutional designation to the Single/Two Unit Residential and Major Park/Open Space designations, as shown on Map "A" attached to the report of the Planning & Corporate Services Department dated May 20, 2005, be considered by Council;

AND THAT Rezoning Application No. Z05-0016 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, DL 16885, SDYD Plan 74684, located on South Crest Drive, Kelowna, B.C., from the P2 – Education & Minor Institutional zone to the RU2 - Medium Lot Housing and P3 – Park and Open Space zones, as shown on Map "B" attached to the report of Planning & Corporate Services Department dated May 20, 2005, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP05-0004 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

Councillor Shepherd opposed.

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9432 (OCP05-0004) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive **Requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R515/05/05/30 THAT Bylaw No. 9432 be read a first time.

Carried

Councillor Shepherd opposed.

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 (c) Bylaw No. 9433 (Z05-0016) – Gazelle Enterprises (Grant Gaucher) – 565 South Crest Drive

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R516/05/05/30 THAT Bylaw No. 9433 be read a first time.

Carried

Councillor Shepherd opposed.

Regular Meeting – P.M.

May 30, 2005

- 4.3 Rezoning Application No. Z04-0075 and OCP04-0018 – Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road (BL9429; BL9430)

- (a) Planning & Corporate Services report dated May 19, 2005.

Withdrawn from the agenda.

BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9429 (OCP04-0018) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road
Requires majority vote of Council (5)

Withdrawn from the agenda.

- (c) Bylaw No. 9430 (Z04-0075) - Kirschner Mountain Estates Ltd. (New Town Planning Services Inc./Keith Funk) – 2980 Gallagher Road; 2053 & 2061 Garner Road and 1625 Verdure Road

Withdrawn from the agenda.

- 4.4 Rezoning Application No. Z05-0028 – Denver Carrington Developments Inc. (Colin Darrow) - 538-540 Leon Avenue (BL9435)

- (a) Planning & Corporate Services report dated May 4, 2005.

Staff:

- The rezoning is requested to accommodate a 122 patron capacity liquor primary (pub) establishment in the main floor of the building.
- The applicant proposes to re-open the premises upstairs as a food primary facility and run it in conjunction with the pub.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R517/05/05/30 THAT Rezoning Application No. Z05-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 139, ODYD Plan 16322, located on Leon Avenue, Kelowna, B.C. from the C7 – Central Business Commercial zone to the C7lp – Central Business Commercial (Liquor Primary) zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Liquor License application on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending the applicant entering into a Good Neighbour Agreement with the City of Kelowna and RCMP.

Carried

Regular Meeting – P.M.

May 30, 2005

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9435 (Z05-0028) - Denver Carrington Developments Inc. (Colin Darrow) - 538-540 Leon Avenue

Moved by Councillor Day/Seconded by Councillor Hobson

R518/05/05/30 THAT Bylaw No. 9435 be read a first time.

Carried

- 4.5 Rezoning Application No. Z05-0011 – Astrid Kneipp; John Marshall; Michael Marshall; D.M.J. Construction Ltd.; and 0706682 BC Ltd. (Garry Tomporowski Architects) – 1004, 1012, 1026 Bernard Avenue and 1495 Graham Street (BL9428)

- (a) Planning & Corporate Services report dated May 20, 2005.

Staff:

- The applicant proposes to develop the site with a 4-storey building with 24 two-storey townhouse units at street level and 19 one-storey apartment units on the third and fourth levels of the building.

Moved by Councillor Hobson/Seconded by Councillor Day

R519/05/05/30 THAT Rezoning Application No. Z05-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 10, 11 & 12, DL 138, ODYD Plan 1438, located on Bernard Avenue; and Lot 3, DL 138, ODYD Plan 5065, located on Graham Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council;

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

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9428 (Z05-0011) - Astrid Kneipp; John Marshall; Michael Marshall; D.M.J. Construction Ltd.; and 0706682 BC Ltd. (Garry Tomporowski Architects) – 1004, 1012, 1026 Bernard Avenue and 1495 Graham Street

Moved by Councillor Hobson/Seconded by Councillor Day

R520/05/05/30 THAT Bylaw No. 9428 be read a first time.

Carried

Regular Meeting – P.M.

May 30, 2005

- 4.6 Planning & Corporate Services Department, dated May 13, 2005 re: Rezoning Application No. Z05-0008 and OCP05-0002 – Pasadena Estates Ltd./Gary Dober (Canwest Design Group/John Schlosser) – 4427, 4431 & 4433 Gordon Drive

Staff:

- The applicant is proposing to develop the site with 55 units of seniors oriented stacked row housing clustered around a manor house.
- Staff do not recommend support because the proposal is not consistent with OCP development policies, and because of concern about parking and other minor shortfalls in the proposal.
- The applicant has provided an elaborate model of the proposed development.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R521/05/05/30 THAT Council hear from the applicant.

Carried

Tom Smithwick, representing the applicant:

- The majority of the concerns in the staff report are of a Development Permit nature.
- Anticipate the residents would be seniors with wheelchairs and push carts, not cars.
- The residents would be provided with their meals, laundry, housekeeping, a bus to take them to doctors appointments, etc.
- This would be very high cost housing because of the high level of care.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R522/05/05/30 THAT OCP Bylaw Amendment No. OCP05-0002 to amend Map 19.1 of *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 4, DL 358, ODYD Plan 8074; Lot A, DL 358, ODYD Plan 21226; and Lot 1, DL 358, ODYD Plan 9844, located on Gordon Drive, Kelowna, B.C., from the Single/Two Family designation to the Multiple Unit Residential – low density designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated May 13, 2005 be considered by Council;

AND THAT Rezoning Application No. Z05-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, DL 358, ODYD Plan 8074; Lot A, DL 358, ODYD Plan 21226; and Lot 1, DL 358, ODYD Plan 9844, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP05-0002 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND THAT final adoption of the zone 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 zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

Regular Meeting – P.M.

May 30, 2005

4.7 Text Amendment No. TA05-0006 - City of Kelowna – Amendment to Zoning Bylaw No. 8000 (BL9431)

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

Staff:

- The proposed text amendments would remove the attached carport requirement for secondary suites in 1 storey accessory buildings; restrict bedrooms and regulate the components of a washroom in an accessory building without a designated secondary suite, and clarify the definition of landscaping.

Moved by Councillor Blanleil/Seconded by Councillor Horning

R523/05/05/30 THAT Zoning Bylaw Text Amendment No. TA05-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Planning & Corporate Services Department dated May 6, 2005 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA05-0006 be forwarded to a Public Hearing for further consideration.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9431 (TA05-0006) – City of Kelowna – Amendments to Zoning Bylaw No. 8000

Moved by Councillor Day/Seconded by Councillor Hobson

R524/05/05/30 THAT Bylaw No. 9431 be read a first time.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Planning & Corporate Services Department, dated May 18, 2005 re: Appointment of Community Heritage Commission Member (6800-02)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R525/05/05/30 THAT Council appoint Brian Anderson as a City-at-Large member of the Community Heritage Commission for the balance of the term ending December 2005.

Carried

- 5.2 Airport General Manager, dated May 16, 2005 re: Garda of Canada Air Terminal Building Space Sub-Lease – Kelowna International Airport (2380-20-8131)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R526/05/05/30 THAT Council approve sub-leasing Garda of Canada approximately 46 square metres of air terminal building space;

AND THAT Council authorize the Mayor and City Clerk to sign the air terminal building space sub-lease for Garda of Canada at the Kelowna International Airport.

Carried

Regular Meeting – P.M.

May 30, 2005

- 5.3 Director of Works & Utilities, dated May 24, 2005 re: Roads Task Force Recommendations Implementation (0540-20)

Staff:

- Outlined the changes made to the Road Task Force's Option 19 solution subsequent to it being presented to Council in January 2005 noting cost estimates have been adjusted accordingly.

Moved by Councillor Hobson/Seconded by Councillor Day

R527/05/05/30 THAT Council receives the report of the Director of Works and Utilities dated May 24th, 2005;

AND THAT Council approves interim financing of \$4.6 Million from the Arterial Road Reserve as outlined in the report under Recommendation #1;

AND FURTHER THAT OCP Amending Bylaw No. 9376 to incorporate the Roads Task Force Option # 19 solution into the Official Community Plan be advanced to the June 28th Public Hearing for further consideration by Council.

Carried

- 5.4 Parks Manager, dated May 24, 2005 re: Fuel Management on Steep or Inaccessible City Properties (6300-09)

Moved by Councillor Day/Seconded by Councillor Shepherd

R528/05/05/30 THAT logging on steep or inaccessible areas be re-tendered for the Fall of 2005, in the hope of attracting more bidders.

Carried

- 5.5 Acting City Clerk, dated May 16, 2005 re: Council Policy Manual Review (0550-06)

Moved by Councillor Day/Seconded by Councillor Hobson

R529/05/05/30 THAT Council Policy Nos. 09, 210, 242, 258, 261, 292 and 304 be revised as attached to the report dated May 16, 2005 from the Council Review Committee;

AND THAT Council Policy Nos. 66, 73, 123, 226, 236, 269 and 295 be rescinded.

Carried

- 5.6 Draft Resolution re: Start Time – June 28, 2005 Public Hearing/Regular Meeting (0550-01)

Moved by Councillor Horning/Seconded by Councillor Blanleil

R530/05/05/30 THAT the start time for the June 28, 2005 Public Hearing/Regular Meeting be changed from 7:00 p.m. to 5:00 p.m.

Carried

Regular Meeting – P.M.

May 30, 2005

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR ADOPTION)

6.1 Bylaw No. 9397 – Road Closure Bylaw – Union Road

Withdrawn.

(BYLAWS PRESENTED TO RESCIND ADOPTION, HEAR FROM THE PUBLIC, AND RE-CONSIDER FOR ADOPTION)

6.2 Bylaw No. 9209 – Road Closure Bylaw – 2285 Rhondda Court

The Acting City Clerk explained that this and the next bylaw were inadvertently adopted in advance of the May 30th advertised date for adoption.

Moved by Councillor Shepherd/Seconded by Councillor Horning

R531/05/05/30 THAT final adoption given Bylaw No. 9209 on May 24, 2005 under Resolution No. R497/05/05/24 be rescinded.

Carried

Mayor Gray 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 Shepherd/Seconded by Councillor Horning

R532/05/05/30 THAT Bylaw No. 9352 be adopted.

Carried

6.3 Bylaw No. 9352 – Road Closure Bylaw – 570 Sarsons Road

Moved by Councillor Horning/Seconded by Councillor Shepherd

R533/05/05/30 THAT final adoption given Bylaw No. 9352 on May 24, 2005 under Resolution No. R498/05/05/24 be rescinded.

Carried

Mayor Gray 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 Horning/Seconded by Councillor Shepherd

R534/05/05/30 THAT Bylaw No. 9352 be adopted.

Carried

Regular Meeting – P.M.

May 30, 2005

7. COUNCILLOR ITEMS

(a) Sidewalk, Pandosy Street

Councillor Shepherd suggested that a sidewalk is needed on the east side of Pandosy Street, south of Rose Avenue to the Pandosy Town Centre. Referred to staff.

(b) Funding Allocation – Rutland Parks Society

Moved by Councillor Day/Seconded by Councillor Hobson

R535/05/05/30 THAT Council authorize up to \$5,000 to the Rutland Parks Society to assist with costs of replacing the chairs and tables for the hall at Rutland Centennial Park;

AND THAT the funds be appropriated from the 2005 Council Contingency.

Carried

(c) Graffiti

Councillor Hobson commented that graffiti problems are continuing to increase in Kelowna and suggested it may be time to consider requiring purchasers of spray paint cans commonly used for graffiti to register at point of sale. He suggested that when the Graffiti Coordinator has been hired, the individual be asked to consider this as a priority. Referred to City Manager.

8. TERMINATION

The meeting was declared terminated at 5:10 p.m.

Certified Correct:

Mayor

BLH/am

Acting City Clerk