

Regular Meeting – P.M.September 19, 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, September 19, 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 and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Parks & Leisure Services, D.L. Graham*; Communications Manager, K. Cairnes*; Cemetery Manager, D. Radford*; Airport Administration Manager, N. Redman*; Project Development (Airport), G. Baker*; Environment & Solid Waste Manager, M. Watt*; 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 1:34 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Kevin Irvine, Insurance Corporation of British Columbia (ICBC) re: Community Crash Reduction Challenge

Geoff Koganow, Regional Manager, ICBC:

- Reminded Council that Kelowna participated in this challenge last year. During the 23 day time period Kelowna citizens were involved in 460 crashes and Kelowna placed 16th out of 20 for our population category.
- This year's challenge is for the month of October during which time ICBC anticipates that there will be 721 crashes in Kelowna because of the increased length of time for the challenge.
- Encouraged Council to consider challenging another community and strive to make October zero crash month.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R873/05/09/19 THAT the City of Kelowna participate in the Insurance Corporation of British Columbia's Community Crash Reduction Challenge taking place during the month of October, 2005;

AND THAT the City of Kelowna challenge the City of Kamloops for the most reduced crashes during that time period.

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3.2 Presentation by Judith Brunt, Funding Manager, Big Brothers Big Sisters of the Okanagan re: Highlight of Successes Working with Local Children and Call for Volunteers

Leanne Komori, Executive Director of Big Brothers Big Sisters of the Okanagan:

- Thanks to Kelowna City Council for flying the BB and BS flag above City Hall for the month of September which is the BB and BS month to encourage people to find out more about what the organization does (i.e. mentoring relationships and role modelling).
- The program makes a huge difference in children's lives. However, in Kelowna there are 94 boys and 23 girls on the waiting list; they can wait in excess of 2 years and some children are never matched.
- Volunteers are asked to commit the equivalent of 2-4 hours per week to a child for the duration of one year. In-school mentoring is only 1 hour per week and just for the school term.

3.3 Presentation by Ron Ruabadeau, Superintendent of School District 23 re Helping Hands Re-Forestation Project

Ron Rubadeau, Superintendent, School District No. 23:

- The 2003 Okanagan Mountain Park forest fire had a profound impact on the students. When City of Kelowna staff asked the School District to work together on a project for Kelowna's 100th anniversary celebration, the tree planting idea was born.
- On May 5, 2005, 22,857 people simultaneously planted 134,083 trees at 50 different sites in the community. This accomplishment will be in the 2007 version of the Guinness Book of World Records. Presented Mayor Gray with a framed copy of the certificate.

Ian Wilson, Urban Forestry Supervisor, City of Kelowna:

- Confirmed that most areas where the tree planting took place are doing well.

3.4 Presentation by Richard Montgomery re: International Apple Triathlon

Richard Montgomery, Kelowna Apple Triathlon Society:

- Kelowna Apple Triathlon Society is a non-profit society. About 7000 volunteer hours went into putting on the 23rd annual event this year.
- Five years ago there were 12 on the organizing committee and 400 in the age group races. Last year there were 42 people involved on the committee and about 1,200 in the age group races. This year an elite race was added for the top athletes in the world and all of our Olympic team participated in the race.
- The budget doubled when the event went from 3 race courses to 18 race courses. In addition, a junior elite program was added for top calibre athletes 16-19 years of age, and then a novice adult race was added – a shorter distance so achievable with minimal amount of training and a moderate level of fitness.
- Estimate that the event brought in approximately \$4 million in revenue to the City of Kelowna.
- Anticipate that this year's event will be within the \$200,000 budget, in-kind sponsorships included.

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3.5 Cale Lewis, Discovery Research re: 2005 Citizen Survey Results

Karen:

- The report is published on the City of Kelowna website and copies are also available for perusal in the City Clerk's office of City Hall as well as at the public library.

Cale Lewis, Discovery Research:

- Referred to slides to present a summary of the results of the survey.
- 2,500 random surveys were sent out and 923 responses were received.
- The results of the survey continue to indicate that Kelowna residents are very satisfied with the overall quality of services provided by the City.

Moved by Councillor Hobson/Seconded by Councillor Day

R874/05/09/19 THAT the 2005 Citizen Survey results be received for Council's information.

Carried

4. UNFINISHED BUSINESS

4.1 **Deferred from September 12 Regular Meeting** Planning & Corporate Services report dated September 1, 2005 re: Heritage Alteration Permit No. HAP05-0007 – Robert & Benigna Cummings – 2034 Pandosy Street

Staff:

- The applicant is asking for permission to remove part of the storage shed in order to widen the driveway between the front house and the property line.
- Showed photos and explained why staff believe that, although no records were found for when the additions were done, there have been additions to the original building, including the shed.
- Another 10 foot section would be added to the fence between the two dwellings to provide additional screening for the rear house.
- The owners received a \$4,150 heritage grant in January 2004 to complete the re-roofing of the house. The work is protected for 5 years and the Heritage Foundation has the right to ask for repayment. However, removing part of the shed is not considered to be such a major change as to require refunding of the grant.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R875/05/09/19 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP05-0007; for Lot A, DL 14, ODYD Plan KAP75636, located on Pandosy Street, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B".

Carried

Councillor Shepherd opposed.

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5. DEVELOPMENT APPLICATIONS

5.1 Rezoning Application No. Z04-0082 – 298874 BC Ltd., Jorde Holdings Ltd., 218555 BC Ltd., and P & D Logging Ltd. (Lyn Welder Consulting) – 3260 Highway 97 North (BL9492)

(a) Planning & Corporate Services report dated September 8, 2005.

Staff:

- The subject property would be the future home of Action Recycling.
- An Environmental Development Permit has been issued and the land works have already started to get the site ready for use.

Moved by Councillor Shepherd/Seconded by Councillor Given

R876/05/09/19 THAT Rezoning Application No. Z04-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 34, Twp. 26, O.D.Y.D., Plan 25328, located on Highway 97, Kelowna, B.C., from the I2 – General Industrial zone to the I3 – Heavy Industrial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated September 8, 2005, be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act, the requirement for the public hearing be waived;

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

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

Carried

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

Bylaw No. 9492 (Z04-0082) - 298874 BC Ltd., Jorde Holdings Ltd., 218555 BC Ltd., and P & D Logging Ltd. (Lyn Welder Consulting) – 3260 Highway 97 North

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R877/05/09/19 THAT Bylaw No. 9492 be read a first time.

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5.2 Planning & Corporate Services Department, dated September 6, 2005 re: Agricultural Land Reserve Appeal No. A05-0006 – Michael Hill – 4407 Wallace Hill Road

Councillor Blanleil declared a conflict of interest because the subject property is directly adjacent to his parent's property and left the Council Chamber at 3:16 p.m.

Staff:

- The subject property is a 13 acre parcel that the applicant is applying to subdivide into two equal size parcels.
- The Agricultural Advisory Committee recommended non-support because they could see no net benefit to agriculture.
- Staff also recommend non-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 homesite severance.

Moved by Councillor Hobson/Seconded by Councillor Day

R878/05/09/19 THAT Council hear from the applicant.

Carried

Michael Hill, applicant:

- Wants to subdivide and give part of the property to his sister and brother-in-law. His sister would be okay with a smaller severance for her house instead of an equal split of land.
- He farms the land with the help of his father. Intends to continue to farm and keep Hay as the crop.
- The two existing houses would be kept where they are now.
- The property has been in the family since the turn of the century, over 100 years.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R879/05/09/19 THAT Agricultural Land Reserve Appeal No. A05-0006, for Lot 5, Section 33, Township 29, ODYD Plan 1734, located on Wallace Hill Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve, creating one additional lot be supported by Municipal Council.

Carried

Councillor Blanleil returned to the Council Chamber at 3:24 p.m.

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST READING)

6.1 Bylaw No. 9493 (OCP05-0007) – Pier Mac Petroleum Installation Ltd. (678502 BC Ltd./Gary Yates) – 3205 Quail Ridge Boulevard **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan

R880/05/09/19 THAT Bylaw No. 9493 be read a first time.

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

Councillor Shepherd opposed.

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(BYLAW PRESENTED FOR ADOPTION)

- 6.2 Bylaw No. 9336 (Z04-0057) – Okanagan Halfway House Society (Pacific Sun Enterprises Ltd.) – 1865-1869 Chandler Street

Moved by Councillor Hobson/Seconded by Councillor Day

R881/05/09/19 THAT Bylaw No. 9336 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Airport General Manager, dated September 6, 2005 re: Supply and Installation of Aircraft Loading Bridge – Kelowna International Airport (0550-05; 6640-20)

Moved by Councillor Blanleil/Seconded by Councillor Given

R882/05/09/19 THAT Council authorize Administration to complete a purchase agreement with FMC Jetway of Ogden, Utah for the supply and installation of an aircraft loading bridge on Gate 4 of the air terminal building at Kelowna International Airport;

AND THAT Council approve an amendment to the 2005 Financial Plan to transfer \$800,000.00 funded from the Airport Improvement Fee Reserve from the approved Capital Budget for Upgrading the Airport Water Supply to a new project to supply and install a loading bridge on Gate 4.

Carried

- 7.2 Director of Parks & Leisure Services, dated September 9, 2005 re: Amendments to Panhandling Bylaw No. 9214 and Parks & Public Spaces Bylaw No. 6819 (5810-05)

Staff:

- Need for the proposed amendments has come up in the day to day operation of City parks and open spaces; the amendments and are considered to be housekeeping in nature. The current Panhandling Bylaw deals only with streets and does not apply to parks; with the proposed amendment the bylaw will also apply to parks and public grounds. The amendments to the Parks Bylaw will ensure that when there is commercial boating activity from City facilities, the business is properly licensed with the appropriate insurance in place to protect the public interest.
- The amendment to the Council Policy puts in place policies for controlling the location and the nature of fundraising activities in parks.

Council:

- Agreed to amend the policy to also include a requirement to display proof of approval for fundraising activities in parks.

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Moved by Councillor Hobson/Seconded by Councillor Shepherd

R883/05/09/19 THAT staff be directed to prepare for Council's consideration the appropriate bylaws to amend Panhandling Bylaw No. 9214 and Parks and Public Spaces Bylaw No. 6819 as indicated in the September 9, 2005 report from the Director of Parks and Leisure Services;

AND THAT Council Policy No. 20 – Canvassing/Tag Days/Fundraising Drives, be amended to include requirements for fundraising activities taking place in parks, as set out in the staff report but with an additional requirement that proof of approval from the City be displayed at the designated area for the fundraising activity.

Carried

7.3 Cemetery Manager, dated September 14, 2005 re: Amendment No. 2 to Kelowna Memorial Park Cemetery Bylaw No. 8807 (BL9487)

Moved by Councillor Hobson/Seconded by Councillor Given

R884/05/09/19 THAT the fee amendments for the newly constructed Private Garden Estates in Section G7 of the Kelowna Memorial Park Cemetery be approved by Council, as outlined in the report from Parks and Leisure Services Department dated September 14, 2005;

AND THAT Kelowna Memorial Park Cemetery Bylaw No.8807 be amended in accordance with Appendix 1 attached to the report from Parks and Leisure Services Department dated September 14, 2005;

AND FURTHER THAT the necessary amending bylaw (No. 9487) be advanced for reading consideration by Council.

Carried

7.4 Environment & Solid Waste Manager, dated September 14, 2005 re: Landfill Compactor (5360-03)

Moved by Councillor Hobson/Seconded by Councillor Day

R885/05/09/19 THAT Council authorizes the Equipment Division to tender and purchase a new landfill garbage compactor;

AND THAT the 2005 Financial Plan be amended to provide for this equipment acquisition with funding of \$ \$800,000 from the Landfill Reserve.

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- 7.4.1 Environment & Solid Waste Manager, dated September 16, 2005 re: Tender Award No. T05-111 - Composting Control & Aeration System (5380-03)

Moved by Councillor Day/Seconded by Councillor Hobson

R886/05/09/19 THAT Council award tender # T05-111, Composting Control & Aeration System, to Engineered Compost Systems for the amount of \$763,458.00, including GST/PST;

AND THAT the funds be appropriated from Account # 10-4500-LF200, "Regional Odogrow Production Facility".

Carried

- 7.5 Deputy City Clerk, dated September 14, 2005 re: Miscellaneous Fees and Charges Bylaw (BL9381)

Staff:

- Just prior to the meeting the RCMP and Police services staff indicated they would like to make changes to Schedule "B".
- Asked that consideration of this report be deferred to October 3rd.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R887/05/09/19 THAT Council consideration of the Deputy City Clerk's report dated September 14, 2005 to proceed with a bylaw to set fees for various administrative and police services be deferred to the October 3, 2005 Regular Meeting.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 9381 – Miscellaneous Fees and Charges Bylaw

Deferred to October 3rd.

- 8.2 Bylaw No. 9483 – Road Closure Bylaw – 475 Glenwood Avenue

Moved by Councillor Day/Seconded by Councillor Shepherd

R888/05/09/19 THAT Bylaws No. 9483 and 9487 be read a first, second and third time.

Carried

- 8.3 Bylaw No. 9487 – Amendment No. 2 to Kelowna Memorial Park Cemetery Bylaw No. 8807

See resolution adopted under item No. 8.2 above.

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(BYLAW PRESENTED FOR ADOPTION)

8.4 Bylaw No. 9485 - Amendment No. 11 to Airport Fees Bylaw No. 7982

Moved by Councillor Given/Seconded by Councillor Clark

R889/05/09/19 THAT Bylaw No. 9485 be adopted.

Carried

9. COUNCILLOR ITEMS

(a) Dogs in Parks – Fundraising Walks

Councillor Shepherd commented that not being able to bring dogs along on fundraising walks that use City Parks not designated for dogs on leash is keeping some people from participating in these events. Others are bringing their dogs anyway. Councillor Given advised that the Dog Committee is meeting this week and he will raise the concern for discussion at the meeting.

(b) Signage – Rotary Centre for the Arts

Councillor Shepherd asked for an update on when the signage will be in place for the Rotary Centre for the Arts. Referred to the City Manager.

(c) Business Improvement Area – Rutland

Councillor Given advised that there is core group of business owners in Rutland that is poised to move ahead with forming a Business Improvement Area (BIA). Councillor Given further advised that he and the Executive Director for the Downtown Kelowna Association are committed to work with the Rutland group to get a BIA formed. Councillor Given asked that Council consider a one-time grant to help with costs of moving forward on establishing the BIA, adding that he would look to City Finance staff for guidance as to how the funding is managed.

Moved by Councillor Given/Seconded by Councillor Hobson

R890/05/09/19 THAT Council supports the formation of a Business Improvement Area in Rutland;

AND THAT \$5,000 be allocated from Council Contingency as seed money to assist with costs of forming the Rutland BIA.

Carried

(d) Rutland Linear Corridor

Councillor Cannan raised concern that petitions are being received opposing the Rutland Bluff portion of the proposed Rutland linear corridor.

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10. TERMINATION

The meeting was declared terminated at 4:19 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am