

Regular Meeting – P.M.October 24, 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, October 24, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Financial Services, P.A. Macklem*; Revenue Supervisor, G. Davidson*; Water Manager, D. Degen*; Electrical Utility Manager, R. Carle*; Special Projects Planning Manager, H.M. Christy*; Recreation Manager, R. Oddleifson*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:36 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Wendy Falkowski, Chair, 2005 Kelowna Centennial Committee re: Closing of 2005 Kelowna Centennial Celebrations

Wendy Falkowski, Chair, 2005 Kelowna Centennial Committee:

- Expressed appreciation to her committee and the City staff who assisted with the many events that were part of the centennial celebrations.
- Presented Mayor Gray, Reid Oddleifson and Wendy Majewski each with a personal photo album containing photos from the centennial.

Councillor Cannan entered the Council Chamber at 1:45 p.m.

Staff:

- Showed a video slide presentation of some of the performances and projects that were part of the centennial celebrations.
- Presented Mayor Gray with a display case of memorabilia from the centennial year as a gift from the Centennial Committee, and a framed stained glass replica of the City of Kelowna Coat of Arms, by local artist Edwin Pierce.

3.2 Kelowna Joint Water Committee Consultant, AGUA Consulting re: Kelowna Joint Water Committee Strategic Plan

Bob Hrasko, AGUA Consulting:

- Presented the 2005 Strategic Water Servicing Plan.

Moved by Councillor Hobson/Seconded by Councillor Day

R1007/05/10/24 THAT the 2005 Strategic Water Servicing Plan prepared by Agua Consulting Inc. be received;

AND THAT Mayor Gray write on behalf of Council to the Minister of Environment to support retention of long term funding for the hydrometric network in the Okanagan.

Carried

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- (a) Planning & Corporate Services report dated October 13, 2005.

Staff:

- The rezoning would facilitate a 2 lot subdivision.

Moved by Councillor Hobson/Seconded by Councillor Day

R1008/05/10/24 THAT Rezoning Application No. Z05-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot D, Section 24, Township 28, SDYD, Plan 22561 & Lot 18, Section 24, Township 28, SDYD, Plan 31830, located on Trumpeter Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

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

Bylaw No. 9517 (Z05-0012) - Susan Snow (Runnalls Denby) – 438 Trumpeter Road and North of Trumpeter Road

Moved by Councillor Given/Seconded by Councillor Clark

R1009/05/10/24 THAT Bylaw No. 9517 be read a first time.

Carried4.2 Rezoning Application No. Z05-0056 – Henry & Zofia Dalba – 3464 Casorso Road (BL9516)

- (a) Planning & Corporate Services report dated October 14, 2005.

Staff:

- The requested rezoning is to accommodate a proposed second principal dwelling on the property.
- The property is a double fronting lot. The new house would be constructed fronting Moberly Road.
- A variance would be required for the minimum lot width requirement.

Council:

- The proposed second dwelling is small in size; however, the property could be sold and the new owner could decide to build a 2.5 storey house. Staff to see what can be done to provide more certainty for the neighbourhood as to what actually gets built.

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R1010/05/10/24 THAT Rezoning Application No. Z05-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, District Lot 135, O.D.Y.D. Plan 3886, located on Casorso Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development Variance Permit for the subject property.

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

Bylaw No. 9516 (Z05-0056) - Henry & Zofia Dalba – 3464 Casorso Road

Moved by Councillor Clark/Seconded by Councillor Given

R1011/05/10/24 THAT Bylaw No. 9516 be read a first time.

Carried

4.3 Rezoning Application No. Z05-0058 – Tessco Inc. (Ross Manning – 1331, 1341 & 1337 Ellis Street (BL9518)

(a) Planning & Corporate Services report dated October 7, 2005.

Staff:

- The applicant is proposing to develop the site with a mixed use 4½ storey, 86-unit apartment building, above ground floor commercial space and parking.
- Showed an artist's rendering indicating that the main entrance would be off Ellis Street, the commercial spaces slightly below grade and 4 storeys of apartments above.
- An internal court yard area would be shared by all residents and each ground floor unit would have its own entrance off the street.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R1012/05/10/24 THAT Rezoning Application No. Z05-0058 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the following parcels:

Lot 5, District Lot 139, O.D.Y.D. Plan 645;
 Lot 4, District Lot 139, O.D.Y.D. Plan 645;
 Lot 3, District Lot 139, O.D.Y.D. Plan 645; and
 Lot A, District Lot 139, O.D.Y.D. Plan KAP79056

all located on Ellis Street, Kelowna, B.C., from the I4 – Central Industrial zone to the C7a – Central Business Commercial zone, be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development Permit and Development Variance Permit for the subject property.

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

Bylaw No. 9518 (Z05-0058) - Tessco Inc. (Ross Manning – 1331, 1341 & 1337 Ellis Street (BL9518)

Moved by Councillor Clark/Seconded by Councillor Shepherd**R1013/05/10/24** THAT Bylaw No. 9518 be read a first time.Carried4.4 Development Permit Application No. DP05-0161 – David Tribiger – 845 Bay Avenue

- (a) Memo dated October 19, 2005 from Deputy City Clerk
 (b) Report dated September 28, 2005 from Planning & Corporate Services Department

Staff:

- The applicant is appealing one of the conditions of a Development Permit (DP) that was granted by the Director of Planning & Corporate Services.
- The property is zoned RU6 and the DP is for the addition of a small cottage (320 sq. ft.) and two-car garage.
- The on-site parking requirement in the RU6 zone is 3 stalls and the bylaw also states that where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane except for developments in hillside areas. The applicant's only alternative was to apply for a Development Variance Permit or appeal to Council. It is the requirement to remove the front driveway access from Bay Avenue that the applicant is appealing.

David Tribiger, applicant:

- Removing the driveway off Bay Avenue makes no sense. The three vehicles he now parks in the driveway would have to be parked on the street, where parking is already a problem, while his tenant has the on-site parking at the rear of the property.
- The front driveway can accommodate 6 or 7 vehicles, it is screened from the neighbour, and there has never been a complaint from the neighbour.
- Most of the homes along Bay Avenue have front and back access.
- The neighbours have provided a letter of support for the application.
- It is all industrial property across the alley and a lot of traffic uses the alley so safety is of concern.

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R1014/05/10/24 THAT Council authorize the issuance of Development Permit No. DP05-0161 for Lot 2, Section 30, Twp. 26, O.D.Y.D., Plan 10292, located on Bay Avenue, 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";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The side property lines are to be fenced with 2 m opaque fencing or vegetative barrier prior to occupancy of the secondary suite;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of the Director's approval of the development permit application in order for the permit to be issued.

Carried

4.5 Heritage Designation Application No. HD05-0001 – City of Kelowna - Heritage Designation of the J.D. Pettigrew House – 732 Dehart Avenue (BL9519)

- (a) Planning & Corporate Services report dated October 14, 2005.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R1015/05/10/24 THAT City Council consider designation of the building located at 732 Dehart Avenue, Kelowna, B.C., commonly known as the J.D. Pettigrew House' as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act;

AND THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9519 (HD05-0001) – City of Kelowna - 732 Dehart Avenue

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1016/05/10/24 THAT Bylaw No. 9519 be read a first time.

Carried

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST READING)

- 5.1 Bylaw No. 9479 (Z05-0062) – Jack Peters and Cynthia Waldeck-Peters (Jack Peters) – 1857 Barlee Road

Moved by Councillor Blanleil/Seconded by Councillor Day

R1017/05/10/24 THAT Bylaw No. 9479 be read a first time.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Water Manager, dated October 20, 2005 re: Award of Consulting Assignment – Cedar Creek Pump Station Detailed Design (5600-07)

Moved by Councillor Hobson/Seconded by Councillor Day

R1018/05/10/24 THAT Council approve the award for detailed design and construction engineering services for the Cedar Creek pump station and Ultraviolet disinfection system to Earth Tech Engineering for a fee of \$535,239 which includes engineering design and construction services, public communications, geotechnical and environmental work, excluding GST.

Carried

- 6.2 Electrical Manager/Energy Management Coordinator, dated October 19, 2005 re: Proposal for Funding Support for a National Television Program called “Code Green Canada” (0360-20)

Moved by Councillor Hobson/Seconded by Councillor Given

R1019/05/10/24 THAT Council supports, in principle, the request for funding in the participation of a National Television Program called “Code Green Canada” in the amount of \$15,000.00, subject to getting a report back on the selection criteria and being a home in need being a factor;

AND THAT the funds for this program be transferred from existing moneys available in the 2005 electrical operations budget.

Carried

Councillor Clark opposed.

- 6.3 Revenue Manager, dated October 18, 2005 re: 2006 Tax Exemption Bylaw No. 9509

Staff:

- Asked that the bylaw be further amended to add the library property on Ellis Street to Schedule G, noting the property has been included in previous years but was omitted this year in error.
- The proponents who staff are recommending be denied the exemption were advised to attend today’s meeting in case Council had questions.

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Council:

- Two of the new applications being denied meet all criteria for an exemption except the one-year stay requirement. The others cannot be granted because of statutory limitations.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R1020/05/10/24 THAT Council hear from the gallery.

Carried

Doug Stickney, Good Samaritan Society:

- The Good Samaritan Society has received exemptions in Vernon, Penticton and Gibsons so far. Kelowna is the only place in B.C. that is at issue for the Society.
- Their project at 1540 KLO includes units for patients who are young disabled. The money saved from the exemption would go back into the Society's operational budgets.
- The Society likes a length of stay longer than 1 year so they can see that the program is working.

Council:

- Agreed to approve the two requests for this year after which they would be subject to the results of the review for next year.

Moved by Councillor Shepherd/Seconded by Councillor Given

R1021/05/10/24 THAT under Sections 220, 224 and 225 of the Community Charter a bylaw to provide exemption from taxation for the year 2006 include the following changes to the properties listed in Schedules A through I of Tax Exemption Bylaw No. 9509,

AND THAT the following new application be added to Schedule "D" for the 2006 taxation year;

Roll # 6224.767, Lot 2 KAP 58370 (295 Felix Road) – Lifestyle Equity Society. Special Needs Housing for physically or mentally challenged;

AND THAT the following new application be added to Schedule "E" for the 2006 taxation year;

Roll #10738.384, Lot 1 Plan KAP77109 (1540 KLO Road) – Good Samaritan Canada (A Lutheran Social Service Organization);

AND THAT Schedule "G" be amended to include, as No. 11:

Roll #79055, Lot 3 Plan KAP47837 (1380 Ellis Street) - City of Kelowna Library Society/Lease from City of Kelowna;

AND THAT Schedule "J" be amended to include the above three additions into the totals for sub-section 'Schedule G' and into the final totals;

AND THAT a process be developed to review the merits of all exemptions prior to adoption of the 2007 tax exemption bylaw,

AND THAT a committee be formed to undertake the review process,

AND THAT FURTHER that Council not exempt any new 2006 applications for property that fall under policy provisions that will be under review by the committee.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 9508 – Road Closure Bylaw – Kensington Drive

Moved by Councillor Hobson/Seconded by Councillor Day

R1022/05/10/24 THAT Bylaws No. 9508 and No. 9509 be read a first, second and third time.

Carried

7.2 Bylaw No. 9509 – 2006 Permissive Tax Exemption Bylaw

See resolution adopted under item No. 7.1.

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Day/Seconded by Councillor Blanleil

R1023/05/10/24 THAT Bylaw No. 9487 be adopted.

Carried

8. COUNCILLOR ITEMS

(a) 2005 Road Construction

Councillor Cannan advised he has already talked to the City Manager about the numerous concerns members of Council heard from the public regarding the road construction projects this summer. Councillor Cannan suggested that staff consider including a communication plan in the Terms of Reference when the City goes out for bids on these contracts, and possibly buying cushions, that can be put in the road and picked up for snow removal, as temporary portable traffic calming measures during construction.

A motion moved by Councillor Cannan for staff to consider revisiting our arterial road policy and look at traffic calming measures on arterial roads was lost for lack of a seconder, in preference of a motion that would be more broad.

Councillor Hobson commented that staff also need to work on noise attenuation, improved notification of properties prior to the project as well as during, and better traffic management while the project is underway.

The City Manager advised that Works & Utilities staff do a review each year after the construction program to see what changes need to be made for improvement. This was an exceptional year in terms of the amount of construction work that was done, the ability to find flag people, etc., and the City having only one staff person overseeing all the work when probably three people were needed. Staff will be reporting to Council with recommendations from their review and will look at the need for improved/increased communication as well.

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Councillor Blanleil suggested that staff also consider phasing the construction projects so that some are done in the spring, some in the summer and some in the fall.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1024/05/10/24 THAT staff review the consequences of this year's road construction projects and try to build better policies to deal with the problems experienced.

Carried

9. TERMINATION

The meeting was declared terminated at 5:09 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am