

Regular Meeting – P.M.October 31, 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 31, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, 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; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce\*; Director of Works & Utilities, J. Vos\*; Financial Planning Manager, K. Grayston\*; Recreation Manager, R. Oddleifson\*; Transportation Manager, R.W. Westlake\*; Water/Drainage Manager, D. Degen\*; Electrical Manager/Energy Management Coordinator, R. Carle\*; Parks Manager, J. Creron\*; Fire Chief, G. Zimmermann\*; Deputy City Clerk, S.C. Fleming\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

### 1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:33 p.m.

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

#### 2.1 Interior Drive for Life Challenge with Prince George

Steve Francis, Canadian Blood Services:

- The campaign was a huge success. Prince George won, finishing 107% of target, Kelowna finished 103% of target.
- Presented Mayor Gray with a Prince George 'Cougars' hockey jersey.
- In keeping with the inter-city challenge, Mayor Gray wore the jersey for the duration of the Council meeting and tomorrow the City of Prince George flag will fly over City Hall in Kelowna for the entire day.

### 3. UNFINISHED BUSINESS

3.1 Electrical Manager/Energy Management Coordinator, dated October 19, 2005 re: City of Kelowna Participation in the Code Green Canada Program (0360-02)

Staff:

- At the Regular Meeting on October 24, 2005, Council supported the Code Green Canada program in spirit but asked for more information on the selection criteria.
- Interested homeowners within the community would apply to Code Green Canada. The applications would be shortlisted to 25-40 and those applicants would go through a technical review, the producers would visit the residences and select the winner.
- The producers are looking for a broad cross-section of homes within the community.
- Code Green has advised that applicants who have the EnerGuide audit done on their home and score better than 10 points will be entered into a draw for a second hybrid car from Toyota.
- The applicant being someone who otherwise could not afford to do the improvements is not part of the criteria.

Regular Meeting – P.M.

October 31, 2005

Moved by Councillor Hobson/Seconded by Councillor Day

**R1031/05/10/31** THAT the report dated October 19, 2005 from the Electrical Manager/Energy Management Coordinator be received for information;

AND THAT Council's support for the City of Kelowna participating the Code Green Canada television program be reaffirmed.

Carried

Councillors Clark and Shepherd opposed.

4. **DEVELOPMENT APPLICATIONS**

4.1 Planning & Corporate Services report dated October 26, 2005 re: Development Permit Application No. DP05-0185 – 0726550 BC Ltd. (Worman Homes) – 510 Bernard Avenue

Moved by Councillor Hobson/Seconded by Councillor Given

**R1032/05/10/31** THAT Council authorize the issuance of Development Permit No. DP05-0185 for Lot A, District Lot 139, ODYD Plan 22310, located on Bernard Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the façade renovation 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";

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

AND THAT the applicant be required to enter into a license of occupation agreement with the City of Kelowna to formally recognize the proposed encroachments;

AND FURTHER THAT the applicant be required to name the City of Kelowna in their insurance policy and indemnify the City of Kelowna from any liability resulting from the encroachment of the building.

Carried

4.2 Planning & Corporate Services report dated October 25, 2005 re: Rezoning Application No. Z00-1059 – Romesha Ventures Inc. (Protech Consultants Ltd./Grant Maddock) – 1374 Highway 33 East

Councillor Day advised that he is the registered owner of the adjoining property. He has an agreement for sale of the property but under that agreement he would continue to have an interest in the property and therefore would be in a conflict of interest for this application. Councillor Day left the Council Chamber at 2:00 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R1033/05/10/31** THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9195 (Z00-1059 – Romesha Ventures Inc. - 1374 Highway 33 East) be extended to March 23, 2006.

Carried

Councillor Day returned to the Council Chamber at 2:01 p.m.

Regular Meeting – P.M.

October 31, 2005

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Director of Financial Services, dated October 25, 2005 re: Amendment No. 1 to Five Year Financial Plan, 2005-2009 (BL9520)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1034/05/10/31** THAT Council approves amending the Five Year Financial Plan, 2005-2009 Bylaw 9414 as required by the Community Charter, to reflect changes in the Operating Budget and Capital Expenditure Program for 2005;

AND THAT the amending Bylaw No.9520 be advanced for reading consideration by Council.

Carried

- 5.2 Parks Manager, dated October 26, 2005 re: Community Gardens and Rutland Pilot Project (6120-01)

Moved by Councillor Cannan/Seconded by Councillor Hobson

**R1035/05/10/31** THAT the Parks Division work with the Central Okanagan Community Gardens group to expand the community gardens program;

AND THAT the guiding principals outlined by Schedule 1 attached to the Parks Manager's report dated October 26, 2005 form the basis of the program.

Carried

- 5.3 Parks Manager, dated October 26, 2005 re: Dogs in City, Kerry and Waterfront Parks (BL9524; 6130-02)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1036/05/10/31** THAT dogs on leash be permitted on walkways and park roads from Highway 97 through city lakefront parks to Sunset Drive on a trial basis as recommended by the Regional Dogs Advisory Committee;

AND THAT the Parks Division work with the Dog Owners Association to put up signage and bag dispensers and review the necessity for increased bylaw enforcement;

AND THAT public feedback be obtained and the results reported back to City Council before the end of the trial period;

AND FURTHER THAT Council Policy No. 258 and the Parks and Public Spaces Bylaw No. 6819 be amended accordingly.

Carried

Regular Meeting – P.M.

October 31, 2005

- 5.4 Fire Chief, dated October 26, 2005 re: Fire Prevention Bylaw No. 6110-88 (BL9523)

Staff:

Outlined the conditions under which land owners would be permitted to burn Pine Beetle infested trees that have not been dried for the required 2-year period.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R1037/05/10/31** THAT Fire Prevention Regulations Bylaw No. 6110-88 be amended as outlined in the Fire Chief's report dated October 26, 2005;

AND THAT Section 6.1(b) of Bylaw No. 6110-88 be further amended to change the minimum venting index for burning from 54 to 55;

AND FURTHER THAT the amending bylaw, No. 9523, be advanced for reading consideration by Council.

Carried

- 5.5 Recreation Manager, dated October 26, 2005 re: Kelowna Active Communities Strategic Plan (4940-20)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1038/05/10/31** THAT City Council approve the Kelowna Active Communities Strategic Plan for the City of Kelowna in order to achieve an increase of physical activity by Kelowna citizens of 20% by 2010, as attached to the report dated October 26, 2005 from the Recreation Manager;

AND THAT Council consider the additional financial requirements to implement this Strategic Plan in the 2006 Financial Plan.

Carried

## 6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

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

- 6.1 Bylaw No. 9520 – Amendment No. 1 to Five Year Financial Plan 2005-2009 Bylaw No. 9414

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1039/05/10/31** THAT Bylaw No. 9520 be read a first, second and third time.

Carried

- 6.2 Bylaw No. 9523 – Amendment No. 12 to Fire Prevention Regulations Bylaw No. 6110-88

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R1040/05/10/31** THAT Bylaw No. 9523 be read a first, second and third time.

Carried

Regular Meeting – P.M.

October 31, 2005

**(BYLAWS PRESENTED FOR ADOPTION)**

6.3 Bylaw No. 9509 – 2006 Permissive Tax Exemption Bylaw

Moved by Councillor Given/Seconded by Councillor Clark

**R1041/05/10/31** THAT Bylaw No. 9509 be adopted.

Carried

6.4 Bylaw No. 9510 – Nuisance Controlled Substance Bylaw

Mayor Gray invited anyone in the public gallery who wished to comment on the bylaw to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1042/05/10/31** THAT Bylaw No. 9510 be amended at third reading by replacing section 4.8 with the following:

“4.8 A person must not cause or allow a building to become subject to the growth of mould or fungus arising from or in relation to the manufacture, grow, or storage of a controlled substance in the building.”.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R1043/05/10/31** THAT Bylaw No. 9510, as amended, be adopted.

Carried

7. COUNCILLOR ITEMS

(a) Reserve Officer Program (RCMP)

Moved by Councillor Cannan/Seconded by Blanleil

**R1044/05/10/31** THAT the Mayor write the appropriate federal minister asking that his Ministry review the current cap of 695 hours per officer for the Reserve Officer program with a view to raising the cap and finding additional funding for the program.

Carried

(b) Gordon Drive Extension into Stonybrook Neighbourhood

Councillor Hobson noted that construction of the Gordon Drive extension has resulted in a major road being extended through the once quiet Stonybrook residential neighbourhood. The people in the area are asking for some traffic calming measures to slow down the traffic where the road goes down the hill into Stonybrook.

Staff from the City’s Transportation Division explained the improvements that are being done in conjunction with the road extension to slow down traffic and address traffic and pedestrian safety issues.

Regular Meeting – P.M.

October 31, 2005

Council suggested the following options for further consideration by staff:

- Install a median at the bottom of the hill with signage to say people are entering a residential area, or narrow the carriageway of the road at the bottom of the hill where people enter the residential area,
- Install unmanned radar screen(s) to measure/display the speed of motorists and/or install rumble strips across the road to remind motorists to think about their speed.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1045/05/10/31** THAT the City commit to considering enhanced traffic calming measures beyond those already being considered for the Gordon Drive extension into the Stonybrook neighbourhood.

Carried

8. TERMINATION

The meeting was declared terminated at 4:33 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk