

Regular Meeting – P.M.November 28, 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, November 28, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan*, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; 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*; Development Engineering Manager, S. Muenz*; Water/Drainage Manager, D. Degen*; Transportation Manager, R.W. Westlake*; Roadways/Equipment Superintendent, D. Beaudry*; Parks Manager, J. Creron*; 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.

1.1 Mayor Gray – Award Acknowledgements

- UBCM - Landfill Pilot Project Community Excellence Award - Leadership and Innovation category.
- Province newspaper – Kelowna placed third in the province for the best sports town in BC.

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

3. DEVELOPMENT APPLICATION REPORTS

3.1 Planning & Corporate Services Department, dated October 6, 2005 re: Agricultural Land Reserve Appeal No. A05-0016 – Otto & Mary Balaskovits – 1360 Latta Road

Staff:

- The subject property is approximately 8 ha in size. The applicant is proposing to subdivide off about 0.8 ha as a subdivision in lieu of a homesite severance.
- The applicant has provided a letter saying they owned the property since before 1972 but the land title certificate does not show that. The letter will be relayed to the Agricultural Land Commission.

Moved by Councillor Day/Seconded by Councillor Hobson

R1137/05/11/28 THAT Agricultural Land Reserve Appeal No. A05-0016 for Lot C, Sec. 31, Twp. 27, O.D.Y.D, Plan 2261, located on Latta Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

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- 3.2 Planning & Corporate Services Department, dated November 23, 2005
re: Agricultural Land Reserve Appeal No. A05-0002 – Martin & Inez Palatin – 1750 McKenzie Road

Staff:

- The civic address of the subject property is 1707 Morrison Road not 1750 McKenzie Road as indicated in the staff report and on the agenda.
- The applicant's parents bought the property in 1953 and worked the land since 1957. Title shows otherwise and consequently the application is for a subdivision in lieu of a homesite severance to subdivide off a 0.4 ha parcel.

Moved by Councillor Hobson/Seconded by Councillor Day

R1138/05/11/28 THAT Agricultural Land Reserve Appeal No. A05-0002, Lot B, Sec. 36, Twp. 26, ODYD Plan 25654, located on Morrison Road, Kelowna, B.C. for subdivision within the Agricultural Land Reserve in lieu of a homesite severance, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Reserve Commission.

Carried

Councillor Cannan entered the Council Chamber at 1:43 p.m.

- 3.3 Planning & Corporate Services Department, dated November 16, 2005
re: Agricultural Land Reserve Appeal No. A05-0010 – Siegfried Achermann – 1810 Garner Road and 1959 Walburn Road

Staff:

- The applicant is proposing to subdivide off a 1.2 ha parcel in lieu of a homesite severance, and to adjust the lot line between the two properties to take advantage of the topography of the area.

Moved by Councillor Given/Seconded by Councillor Hobson

R1139/05/11/28 THAT Agricultural Land Reserve Appeal No. A05-0010 for Lot 3, Sec. 13, Twp. 26, O.D.Y.D, Plan 4119 and Lot 4, Blk. 9, Sec. 13, Twp. 26, O.D.Y.D. Plan 1380 except Plan 24125, located on Garner Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council.

Carried

- 3.4 Planning & Corporate Services Department, dated November 8, 2005 re: Heritage Alteration Permit No. HAP05-0017 – Richard Lee (Fine Home Designs) – 781 Bernard Avenue

Staff:

- The subject property is home of Hambleton Galleries and is a designated heritage site.
- The applicant is proposing to construct a 1½ storey accessory building with suite at the rear of the lot.

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Council:

- This will be the sixth carriage house on that lane, and with the temporary lane closure still in place, another home would exacerbate the traffic congestion on the lane.
- City Parks and Transportation staff to review the decision to temporarily close the lane and report back with a recommendation for how to deal with the lane for Council's consideration.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1140/05/11/28 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP05-0017 for Lot 17, Block 15, DL 138, ODYD, Plan 262, located on Bernard 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";

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

Carried

- 3.5 Planning & Corporate Services Department, dated November 9, 2005 re: Rezoning Application No. Z03-0066 – Melcor Lakeside Inc. (David Poppitt/Melcor Developments Ltd.) – South of Swainson & Treetop Roads, North of Highway 33, Lund & Begley Roads, and East of Henderson Drive (BL9208)

Councillor Day declared a conflict of interest because he owns adjoining property and left the Council Chamber at 1:53 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R1141/05/11/28 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9208 (Z03-0066 Melcor Lakeside Inc./Black Mountain Irrigation District) be extended to May 4, 2006.

Carried

Councillor Day returned to the Council Chamber at 1:53 p.m.

- 3.6 Planning & Corporate Services Department, dated November 10, 2005 re: Rezoning Application No. Z04-0037 – Bill Ferguson and Rob Joyal – 2480 & 2490 Richter Street (BL9286)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1142/05/11/28 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9286 (Z04-0037 – Bill Ferguson & Rob Joyal) be extended to February 24, 2006.

Carried

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4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 9208 (Z03-0066) – Bell Mountain Estates Ltd./Black Mountain Irrigation District (Marlin Weninger/Bell Mountain Estates) – Swainson and Joe Riche Roads

Councillor Day declared a conflict of interest for this bylaw and the next two bylaws (agenda items No. 4.2 and 4.3) because he is owner of an adjoining property and left the Council Chamber at 1:55 p.m.

Moved by Councillor Given/Seconded by Councillor Clark

R1143/05/11/28 THAT Bylaw No. 9208 be adopted.

Carried

- 4.2 Bylaw No. 9386 (Z04-0073) – Bell Mountain Estates – Swainson Road

Moved by Councillor Clark/Seconded by Councillor Given

R1144/05/11/28 THAT Bylaw No. 9386 be adopted.

Carried

- 4.3 Bylaw No. 9387 (Z04-0074) – City of Kelowna (Bell Mountain Estates) – 2030 Highway 33 East

Moved by Councillor Given/Seconded by Councillor Clark

R1145/05/11/28 THAT Bylaw No. 9387 be adopted.

Carried

Councillor Day returned to the Council Chamber at 1:56 p.m.

- 4.4 Bylaw No. 9460 (Z05-0019) – 564913 BC Ltd. (Hans Neumann) – 1347 Ellis Street

Moved by Councillor Hobson/Seconded by Councillor Day

R1146/05/11/28 THAT Bylaw No. 9460 be adopted.

Carried

- 4.5 Bylaw No. 9502 (Z05-0050) - 694230 BC Ltd. (Harold Schneider) – 3302-3316 Appaloosa Road

Moved by Councillor Day/Seconded by Councillor Hobson

R1147/05/11/28 THAT Bylaw No. 9502 be adopted.

Carried

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- 4.6 Bylaw No. 9506 (Z05-0063) – University of British Columbia – Okanagan (HMA Architects) – 4990 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Cannan

R1148/05/11/28 THAT Bylaw No. 9506 be adopted.

Carried

- 4.7 Bylaw No. 9513 (Z05-0044) - Giovanni & Michelina Molinaro – 4002 Santa Anita Place

Moved by Councillor Cannan/Seconded by Councillor Day

R1149/05/11/28 THAT Bylaw No. 9513 be adopted.

Carried

- 4.8 Bylaw No. 9514 (Z05-0030) - Jarnail and Gurmej Khun-Khun (Madan Kanda) – 740 Tartan Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R1150/05/11/28 THAT Bylaw No. 9514 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Airport General Manager, dated November 21, 2005 re: NAV Canada Aviation Services and Facilities Agreement – Kelowna International Airport (2380-20-8095; 0550-05)

Moved by Councillor Hobson/Seconded by Councillor Day

R1151/05/11/28 THAT Council authorize the Mayor and City Clerk to sign an amendment to the Aviation Services and Facilities Agreement (A.S.F.A.) with Nav Canada.

Carried

- 5.2 Director of Financial Services, dated November 15, 2005 re: Cenotaph Financial Aid Request – Kelowna-Veendam Sister City Association (0450-30)

Moved by Councillor Cannan/Seconded by Councillor Shepherd

R1152/05/11/28 THAT council hear from a representative of the Kelowna-Veendam Sister City Association.

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Art Brown, Chair, Kelowna-Veendam Sister City Association:

- Updated Council on where they are with the project.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1153/05/11/28 THAT Council approve a request for financial assistance of \$100,000 from the Kelowna Veendam Sister City Association for Phase 2 of the project to refurbish and improve the cenotaph in City Park;

AND THAT the 2005 Financial Plan be amended to reduce the Community Contribution funding source by \$100,000 and add \$100,000 in funding from the Public/Private Partnership Opportunity Reserve with the total project cost remaining at \$650,000.

Carried

- 5.3 Development Engineering Manager, dated November 21, 2005 re: Latecomer Charges – 460531 BC Ltd. – Feedham Avenue (2250-70-72)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1154/05/11/28 THAT the Municipal Council require the owner of Lot B, Plan KAP75730 which is to be subdivided or developed, provide the excess or extended services shown in Appendix D1 of the Latecomer Agreement No. 2250-70-72, attached to the report of the Development Engineering Manager, dated November 21, 2005:

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix D of the Latecomer Agreement No. 2250-70-72, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix D of the Latecomer Agreement No. 2250-70-72, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix B of Latecomer Agreement No. 2250-70-72;

AND THAT the City enter into Latecomer Agreement No. 2250-70-72 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

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- 5.4 Development Engineering Manager, dated November 21, 2005 re: Latecomer Charges – First National Properties Ltd. – Terrace Road/Rio Drive (2250-70-70)

Moved by Councillor Given/Seconded by Councillor Hobson

R1155/05/11/28 THAT the Municipal Council require the owner of Lot B, Plan KAP70041 which is to be subdivided or developed, provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-70, attached to the report of the Development Engineering Manager dated November 21, 2005;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-70, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-70, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-70;

AND THAT the City enter into Latecomer Agreement No. 2250-70-70 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

- 5.5 Development Engineering Manager, dated November 23, 2005 re: Latecomer Charges – Authentech Developments Ltd. – Capistrano Drive (2250-70-73)

Moved by Councillor Hobson/Seconded by Councillor Given

R1156/05/11/28 THAT the Municipal Council requires the owner of Lot B, Plan 68807 which is to be subdivided or developed, to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-73, attached to the report of the Development Engineering Manager dated November 23, 2005;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Appendix E of the Latecomer Agreement No. 2250-70-73, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Appendix E of Latecomer Agreement No. 2250-70-73, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Appendix D of Latecomer Agreement No. 2250-70-73;

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AND THAT the City enter into Latecomer Agreement NO. 2250-70-73 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

5.6 Transportation Manager, dated November 21, 2005 re: Transit Service Expansion (8500-07)

Moved by Councillor Shepherd/Seconded by Councillor Given

R1157/05/11/28 THAT Council approve a service expansion for public transit beginning in 2006 as per the report of the Transportation Manager dated November 21, 2005.

Carried

5.7 Water/Drainage Manager, dated November 25, 2006 re: Water Supply – Kelowna International Airport and North Industrial Area (5600-04)

Moved by Councillor Hobson/Seconded by Councillor Cannan

R1158/05/11/28 THAT Council authorizes an expenditure of \$888,510 by the City Water Utility for the construction of the first phase of works to supply water to the City's north industrial area;

AND THAT Council authorizes staff to enter into formal agreements with other stakeholders (GEID, UBCO, Pier Mac, KIA) that reflect this amount as the Water Utility's contribution to the shared works being constructed by all stakeholders;

AND FURTHER THAT the financial plan for the Water Utility be amended to reflect this expenditure with funding from short term borrowing.

Carried

5.8 Parks Manager, dated November 23, 2005 re: Millbridge Park – Petition (6130-02)

Moved by Councillor Hobson/Seconded by Councillor Given

R1159/05/11/28 THAT Millbridge Park remain as an on leash dog park.

Carried

5.9 Roads & Equipment Superintendent, dated November 23, 2005 re: Purchase of Snowplow Truck (1280-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

R1160/05/11/28 THAT Council approve the purchase of a single axle truck c/w snow and ice control equipment from VSA Highway Maintenance Contractor;

AND THAT the 2005 Financial Plan be amended to include \$57,000 for this purchase, funding from the Snow & Ice Control Reserve.

Carried

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- 5.10 Chief Election Officer, dated November 23, 2005 re: 2005 General Local Government Elections (4200-03)

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1161/05/11/28 THAT the final report from the Chief Election Officer for the 2005 General Local Government Election be received;

AND THAT Council send a letter to the Minister of Community Services recommending that Part 3 of the *Local Government Act* be reviewed with respect to any timely amendments or updates, and in particular with respect to possible opportunities for alternative forms of voting that would allow electors to cast absentee ballots;

AND FURTHER THAT a resolution be forwarded to the Union of British Columbia Municipalities (UBCM) through the Okanagan Mainline Municipal Association (OMMA) requesting amendments with respect to alternative forms of voting by the next election.

Carried

- 5.11 City Clerk, dated November 22, 2005 re: Alternative Approval Process – Disposition of City Land – 510 Bernard Avenue (0930-20-097)

Moved by Councillor Day/Seconded by Councillor Hobson

R1162/05/11/28 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated subject to the Report of the Community Development & Real Estate Manager dated November 21, 2005;

AND THAT **4:00 p.m. Thursday, January 12, 2006** be set as the deadline for receipt of elector responses in the form attached to the November 22, 2005 report of the City Clerk in relation to the City of Kelowna proceeding with the agreement for a Licence of Occupation between the City of Kelowna and 0726550 B.C. Ltd for the disposition of City land located at 510 Bernard Avenue (known as Lot A, DL 139, ODYD, Plan 22310) for 25 years as outlined in the Licence of Occupation attached to the City Clerk's report dated November 22, 2005.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Helicopter Landing – Santa Claus (8400-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

R1163/05/11/28 THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna Airport to the Kelowna Golf & Country Club and back on December 4th and 11th, 2005, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

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7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 7.1 Bylaw No. 9524 – Amendment No. 10 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

Moved by Councillor Shepherd/Seconded by Councillor Clark

R1164/05/11/28 THAT Bylaw No. 9524 be adopted.

Carried

8. COUNCILLOR ITEMS – Nil.

9. TERMINATION

The meeting was declared terminated at 3:17 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk