

Regular Meeting – P.M.February 20, 2006

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, February 20, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil*, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillor B.A. Clark.

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*; Manager of Policy Research & Strategic Planning, S.K. Bagh*; Director of Recreation Parks and Cultural Services, D.L. Graham*; Manager of Community Development & Real Estate, D.L. Shipclark*; Wastewater Manager, W.J. Berry*; Roadways/Equipment Superintendent, D. Beaudry*; Community Planning Manager, T. Eichler*; Planner Specialist, K. Henney*; Assistant General Manager, Kelowna International Airport, S. Samaddar*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.0 Sport Kelowna Award Recognition

Mayor Shepherd announced that Sport Kelowna received the Sport Tourism Community Legacy Award on February 16th at the Council of Tourism Associations of BC convention in Penticton. The award recognizes the partnership of Tourism Kelowna, the City of Kelowna and the Pacific Sport Group and their commitment to Kelowna's sports community.

Michelle Collens, Sport Kelowna, displayed the award noting the award was one of eight for BC and winning the award was a huge honour.

Mayor Shepherd also noted that a former Jetsgo employee was recognized by our Tourism Kelowna office for being a 'super host'.

3.1 Lorainne McLarty, Heritage Week Planning Committee re: Heritage Week – February 20-26, 2006

Lorainne McLarty:

- The theme for Heritage Week this year is Heritage of Cultural Places – historic places that inspire, inform and entertain.
- Recalled a number of cultural events from the past and told of the plans for Heritage Week 2006.

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3.2 R.J. Bennett and Ursula Surtees, Kelowna Heritage Foundation re: 2005 Grant Recipients

Ursula Surtees and R.J. Bennett, Kelowna Heritage Foundation:

- Explained the meaning of heritage and noted the Kelowna Heritage Foundation helped to fund brochures for heritage walking tours and for Father Pandosy Mission, the Sugar's diary and Bill Knowles' book "According to Bill".
- Showed before and after photos of restoration projects the Foundation helped fund including the Cadder House, George Meikle House and First United Church.

4. UNFINISHED BUSINESS

4.1 **Deferred from November 7, 2005 Regular Meeting** Planning & Corporate Services Department report dated February 14, 2006 re: Supplemental Report – Agricultural Land Reserve Appeals No. A05-0011 (Dempster), A05-0014 (Ivans) and A05-0015 (Lee)

- (a) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0011 – Richard & Marie Dempster – 1325 McKenzie Road
- (b) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0014 – Gordon Ivans – 1355 McKenzie Road
- (c) Planning & Corporate Services report dated November 2, 2005 re: Agricultural Land Reserve Appeal No. A05-0015 – Carolyn and Gillian Lee (Colin Lee) – 1998-2020 Heimlich Road

Withdrawn from the agenda at the request of the applicant.

4.2 **Last considered January 23, 2006 Regular Meeting** Planning & Corporate Services Department, dated February 8, 2006 re: Follow-Up re Request for Clarification on Mayor's Entertainment District Task Force Policy Contained in Council Policy No. 315 Liquor Licensing Procedures (lp) and Retail Liquor Sales (rls)

Staff:

- The recommendations would apply to the Lawrence and Leon Avenue area between Water and Abbott Streets.

Mayor Shepherd advised that she is not related to the Kelly Shepherd mentioned in the updated event listings at Habitat.

Councillor Rule advised that her name appears in the event listings because she was the organizer for an event held at the Habitat facility.

Council

- Agreed to change the date in the last paragraph of the recommendation for the report back to Council to be *by the end of September* instead of in six month's time.

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Moved by Councillor Letnick/Seconded by Councillor Hobson

R153/06/02/20 THAT the report dated February 8, 2006 from the Planning and Corporate Services Department outlining follow-up to Council's requested clarification (more precise amendments) for issuance of special occasion liquor licenses for businesses in the "yellow area" and related amendments to Council Policy #315 be received for Council's information;

AND THAT Council endorses the following recommendations as amendments to Council Policy #315 with regard to the issuance of Special Occasion Licenses in the "Yellow Zone":

- a) No Special Occasion Liquor Licenses are to be granted on holiday weekends (long weekends) between May 1st and October 1st;
- b) No Special Occasion Liquor Licenses are to be granted where liquor it is to be served beyond 11:00 p.m. unless the licensee makes arrangements with the RCMP to have additional officers on duty to police the extra traffic (at the licensee expense);
- c) No Special Occasion Liquor Licenses are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present;
- d) Special Occasion Liquor licensees are to retain qualified private security personnel to monitor access to and from licensed events;
- e) The RCMP have the authority to place additional restrictions on Special Occasion Liquor Licenses should they have public safety concerns associated with the event;

AND THAT Council direct staff to monitor the Habitat Banquet/Entertainment facility with regard to conformity to City Bylaws and Provincial Liquor Licensing Regulations and report back by the end of September 2006.

Carried

Councillors Given and Gran opposed.

5. **BYLAWS (ZONING & DEVELOPMENT)**

(BYLAWS PRESENTED TO RESCIND 1st, 2nd & 3rd READINGS AND CLOSE FILE)

- 5.1 **Bylaw No. 8786 (Z01-1055)** – Laurie Anne MacKay (John MacKay) – 608 Coronation Avenue

Moved by Councillor Given/Seconded by Councillor Letnick

R154/06/02/20 THAT first, second and third readings given Bylaw No. 8786 (Z01-1055 – MacKay – 608 Coronation Avenue) be rescinded and the file closed.

Carried

- 5.2 **Bylaw No. 8996 (Z03-0005)** – Jean-Anne Copley and Joseph Popoff – 477 Osprey Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

R155/06/02/20 THAT first, second and third readings given Bylaw No. 8996 (Z03-0005 – Copley/Popoff – 477 Osprey Avenue) be rescinded and the file closed.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

- 5.3 Bylaw No. 9530 (TA05-0009) – City of Kelowna Zoning Bylaw Amendment

Moved by Councillor Day/Seconded by Councillor Rule

R156/06/02/20 THAT Bylaw No. 9530 be adopted.

Carried

- 5.4 Bylaw No. 9533 (OCP05-0018) – City of Kelowna Official Community Plan Amendment **requires majority vote of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Day

R157/06/02/20 THAT Bylaw No. 9533 be adopted.

Carried

- 5.5 Bylaw No. 9534 (TA05-0011) – City of Kelowna Zoning Bylaw Amendment

Moved by Councillor Day/Seconded by Councillor Hobson

R158/06/02/20 THAT Bylaw No. 9534 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Community Planning Manager, dated February 10, 2006 re: Progress Report – Site Review Task Force (0540-20)

Staff:

- Will report back with the overall criteria one week from today and a final recommendation for Council by March 27th.

Moved by Councillor Hobson/Seconded by Councillor Given

R159/06/02/20 THAT Council support a request for a two-week extension of the March 13, 2006 date for the Supportive Housing Site Review Task Force to present a recommendation regarding the location of the proposed 30 unit apartment that is to be funded by BC Housing and Interior Health, with the City providing the land.

Carried

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- 6.1.1 Community Planning Manager, dated February 15, 2006 re: Resolution for the OMMA Regarding BC Assistance Rates (0540-20)

Council:

- Attach the Income Assistance Support and Shelter Rates Fact Sheet from the Ministry of Human Resources to the resolution before it is forwarded to OMMA.

Moved by Councillor Rule/Seconded by Councillor Given

R160/06/02/20 THAT the resolution attached to the Community Planning Manager's report of February 15, 2006 regarding B.C. Assistance Rates be advanced for debate at the 2006 Okanagan Mainline Municipal Association and Union of British Columbia Municipalities Conventions.

Carried

- 6.2 Transportation Manager, dated February 13, 2006 re: T06-016 - Award of Tender for the Hauling of Compost Materials (1280-01)

Moved by Councillor Given/Seconded by Councillor Blanleil

R161/06/02/20 THAT Council approve awarding the tender (T06-016) for the hauling of compost materials to Sun-Oka Valley Transport Ltd.

Carried

- 6.3 Wastewater Manager, dated February 14, 2006 re: Creation of Local Area Service Project No. 26 (Fisher Road Water & Sewer) (BL9552, BL9557, BL9558 & BL9957; 5340-09-26)

Moved by Councillor Hobson/Seconded by Councillor Day

R162/06/02/20 THAT the City of Kelowna initiate Local Area Service Project No. 26 (Fisher Road) to include those properties identified on MAP 'A' as attached to the report of the Wastewater Manager dated January 30, 2006;

AND THAT Council direct staff to take the necessary steps to advise and involve the affected property owners as required by the *Community Charter*;

AND THAT Bylaws No. 9552, 9557, 9558 and 9559 (the Establishment and Loan Authorization bylaw for Local Service Area No. 26 (Fisher Road) Sewer and Water), be advanced for reading consideration;

AND THAT the 2006 Financial Plan be amended to include \$2,756,700 for this project in the Wastewater & Water budgets;

AND THAT Council consider funding the Road Improvement work for \$128,000 within the Transportation Division budget in the 2007 Financial Plan;

AND FURTHER THAT upon fourth and final reading and adoption of this bylaw, that Bylaw 8469 be amended so that all the properties within this Local Area Service boundary be removed from Sewer Service Area No. 26.

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- 6.4 Airport General Manager, dated February 8, 2006 re: Public and Private Wireless Network (0550-05; 2320-20)

Councillor Blanleil declared a conflict of interest because of his business association with Telus and left the Council Chamber at 3:17 p.m.

Moved by Councillor Hobson/Seconded by Councillor Day

R163/06/02/20 THAT Council authorizes entering into a license agreement with Rogers Wireless Inc. for the provision of private and public wireless network communication services at Kelowna International Airport for a five year period commencing March 1, 2006;

AND THAT Council authorizes the Mayor and City Clerk to sign the license agreement on behalf of the City of Kelowna.

Carried

- 6.5 City Clerk, dated February 13, 2006 re: Amendment to Council Procedure Bylaw No. 9200 – Regular Start Time for Public Hearings (BL9550)

Moved by Councillor Letnick/Seconded by Councillor Given

R164/06/02/20 THAT Bylaw No. 9550, being Amendment No. 1 to Council Procedure Bylaw No. 9200, be forwarded for reading consideration;

AND THAT prior to final adoption of Bylaw No. 9550, notification in the newspaper of the proposed amendment be provided pursuant to section 124 of the *Community Charter*.

Carried

Councillor Blanleil returned to the Council Chamber at 3:26 p.m.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9550 – Amendment No. 1 to Council Procedure Bylaw No. 9200

Moved by Councillor Gran/Seconded by Councillor Letnick

R165/06/02/20 THAT Bylaws No. 9550, 9552, 9557, 9558 and 9559 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9552 – Establishment of Local Service Area No. 26 – Fisher Road – Sanitary Sewer

See resolution adopted under agenda item No. 7.1 above.

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- 7.3 Bylaw No. 9557 – Establishment of Local Service Area No. 26 – Fisher Road – Water Service

See resolution adopted under agenda item No. 7.1 above.

- 7.4 Bylaw No. 9558 – Loan Authorization Bylaw – Local Service Area No. 26 – Fisher Road – Sanitary Sewer

See resolution adopted under agenda item No. 7.1 above.

- 7.5 Bylaw No. 9559 – Loan Authorization Bylaw – Local Service Area No. 26 – Fisher Road – Water Service

See resolution adopted under agenda item No. 7.1 above.

8. COUNCILLOR ITEMS

(a) Okanagan Regional Library Board

Councillor Day advised that the Library Board met last Wednesday when they elected their Chairperson and discussed circulation at the various branches. Circulation at the main branch of the Library is down substantially. Intends to ask City and Library staff to review parking/access issues to see if there is anything the City can do to help.

(b) Downtown Centre Strategy Task Force

Councillor Day reported that the Task Force met for the first time on Thursday. The main issue was the possibility of having a model constructed for the downtown area so they can keep track of where the development takes place and for a visual way of planning and looking to the future. Once the costing and other details have been worked out for such a model, a funding request will come forward to Council, hopefully before final budget.

(c) Kelowna Parking Committee

Councillor Day reported that the Parking Committee met last Friday and will be bringing forward a recommendation to Council next week with respect to Veteran's license plates.

(d) Dirt Bikes – Crawford Area

Councillor Hobson advised that he has been receiving complaints about dirt bikes above Crawford – bleeding into the bottom of the park and the bikes are getting into the old gravel pit site that goes up to Crawford. Wants to hear what staff are doing to deal with this problem.

(e) Non-Smoking Policy

Mayor Shepherd advised she received a complaint about people smoking outside the entrance at the Kelowna Airport and suggested that the non-smoking policy outside public buildings may need to be expanded to encompass a distance from the building. Referred to staff.

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9. TERMINATION

The meeting was declared terminated at 3:43 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am