

Regular Meeting – P.M.March 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, March 20, 2006.

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

Council members absent: Councillors A.F. Blanleil and M.J. Rule.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce*; Financial Planning Manager, K. Grayston*; Assistant General Manager Airport Operations, D. Fuller*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson*; Wastewater Manager, W.J. Berry*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Wendy Falkowski, Chair, Special Olympics and Jill Cameron, Special Olympics B.C. re: Special Olympics

Jill Cameron, Regional Field Manager for BC Special Olympics:

- Announced that Kelowna has been selected as host city for the 2007 Special Olympic Winter Games.
- Issued a challenge to everyone in Kelowna to get involved in the games as a volunteer, sponsor or spectator.

Wendy Falkowski, Games Chair:

- Is honoured to chair the games which will be held in Kelowna February 15-18, 2007.
- Approximately 625 athletes will participate in the 2007 Winter Olympics, 160 coaches will accompany the athletes, and close to 800 volunteers will be needed.

3.2 Lisa Simone, Executive Director, Uptown Rutland Business Association re: Development of a Business Improvement Area (BIA) in the Uptown Rutland Business Area – Request for BIA Funding

Lisa Simone, Executive Director, Uptown Rutland Business Association (URBA):

- Talked briefly on how the \$5,000 funding allocation from the City was spent and brought Council up to date on what URBA has done, noting the timing is right for URBA to move forward on their vision to create a Business Improvement Area in Rutland.

Jim Morash, Morash & Co Chartered Accountants:

- Confirmed that URBA is on track to be averaging the 10 new memberships per month as forecast in the budget.

Konrad Pimiskern, President of URBA:

- Outlined the timelines URBA is targeting to hopefully see Rutland's first Business Improvement Area formed by January 2007.
- Asked for a commitment from the City of Kelowna for \$40,000 toward achieving this goal.

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Moved by Councillor Given/Seconded by Councillor Hobson

R259/06/03/20 THAT the report from the Uptown Rutland Business Association in support of their funding request for the establishment of a Business Improvement Area in Rutland be received and referred to staff for review and a recommendation back to Council.

Carried

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Rezoning Application No. Z05-0078 – Siegfried & Gerda Walter (County Ventures Ltd.) – 456 McPhee Street (BL9584)
(a) Planning & Corporate Services report dated March 8, 2006

Staff:

- The rezoning would allow the site to be developed with a 26-unit rowhouse project constructed in 6 buildings.

Moved by Councillor Given/Seconded by Councillor Hobson

R260/06/03/20 THAT Rezoning Application No. Z05-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Sec. 27, Twp. 27, O.D.Y.D., Plan 33454, located on McPhee Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed RM3 – Low Density Multiple Housing zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9584 (Z05-0078) - Siegfried & Gerda Walter (Country Ventures Ltd.) – 456 McPhee Street (BL9584)

Moved by Councillor Letnick/Seconded by Councillor Given

R261/06/03/20 THAT Bylaw No. 9584 be read a first time.

Carried

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- 4.2 Official Community Plan Amendment No. OCP06-0002 and City of Kelowna Zoning Bylaw Amendment No. TA06-0002 – Pier Mac Petroleum Installation Ltd. – 5520 Highway 97 North (BL9582 and BL9583)

(a) Planning & Corporate Services report dated March 8, 2006

Moved by Councillor Hobson/Seconded by Councillor Given

R262/06/03/20 THAT OCP Bylaw Amendment No. OCP06-0002 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Part of The West ½ of Sec. 14, Twp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790, KAP57365 Exc. Plan KAP73608, located on Highway 97 North, Kelowna, B.C., from the existing “Commercial” designation to the proposed “Industrial” designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated March 8, 2006, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA06-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing the existing CD15 Map 1 (Zoning Map) with revised CD15 Map 1 (Zoning Map) as outlined in the report of the Planning & Corporate Services Department dated March 8, 2006 be considered by Council;

AND FURTHER THAT OCP Bylaw Amendment No. OCP06-0002 and Zoning Bylaw Text Amendment No. TA06-0002 be forwarded to a Public Hearing for further consideration.

Carried

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

- (i) Bylaw No. 9582 (OCP06-0002) – Pier Mac Petroleum Installation Ltd. – 5520 Highway 97 North **requires majority vote of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Given

R263/06/03/20 THAT Bylaw No. 9582 be read a first time.

Carried

- (ii) Bylaw No. 9583 (TA06-0002) - Pier Mac Petroleum Installation Ltd. – 5520 Highway 97 North

Moved by Councillor Clark/Seconded by Councillor Gran

R264/06/03/20 THAT Bylaw No. 9583 be read a first time.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 City Manager, dated March 13, 2006 re: Volume 2 – 2006 Financial Plan (1700-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R265/06/03/20 THAT the 2006 Financial Plan be increased by \$1,578,560 to provide for operating carry-over projects and \$78,873,990 for capital carry-over projects as summarized in Financial Plan Volume 2.

Carried

- 5.2 Councillor Barrie Clark, Chair, Crime & Safety Strategic Planning Task Force, dated March 7, 2006 re: Terms of Reference – Crime & Safety Strategic Planning Task Force (0540-20)

Moved by Councillor Clark/Seconded by Councillor Hobson

R266/06/03/20 THAT City Council approve the terms of reference for the Crime and Safety Strategic Planning Task Force as attached to the report dated March 7, 2006 from Councillor Barrie Clark, chair of the task force.

Carried

- 5.3 Wastewater Manager, dated March 7, 2006 re: Revision of Council Policy 293 (Sewer Servicing – Properties Outside the City) (5340-01)

Moved by Councillor Day/Seconded by Councillor Given

R267/06/03/20 THAT Council Policy No. 293 be amended as attached to the March 7, 2006 report from the Wastewater Manager, to clarify the City's requirements for dealing with out-of-town sewer servicing requests.

Carried

- 5.4 Airport General Manager, dated March 9, 2006 re: Smoking Ban at Airport Terminal Building Entranceways (0550-05)

Moved by Councillor Letnick/Seconded by Councillor Gran

R268/06/03/20 THAT Council approve the banning of smoking within 10 metres of the Airport Terminal entranceways;

AND THAT Council approve the installation of a covered outdoor smoking shelter to accommodate travellers and employees who wish to smoke outside the Kelowna International Airport Air Terminal Building (ATB) at an estimated cost of \$18,000.00;

AND THAT Council authorizes the City Clerk to draft an amendment to Bylaw 5980-86 incorporating the enforcement guidelines for an entranceway ban on smoking at the Airport.

Carried

Councillor Hobson opposed.

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- 5.5 Development Manager Recreation Parks & Cultural Services, dated March 10, 2006 re: KickStart Kelowna Budget Amendment (4940-20)

Moved by Councillor Hobson/Seconded by Councillor Gran

R269/06/03/20 THAT Council approve the receipt of \$149,950 from the Interior Health Authority for activities related to the *KickStart Kelowna* program;

AND THAT these funds be used in accordance with the Host Agency agreement between the City of Kelowna and the Interior Health Authority as attached to the report for the Development Manager, Recreation Parks and Cultural Services dated March 10, 2006;

AND THAT the 2006 Financial Plan be amended to reflect these funds and expenditures.

Carried

6. RESOLUTIONS

- 6.1 Draft Resolution re: Budget Allocation – Affordable & Special Needs Housing Task Force (0540-20)

Moved by Councillor Letnick/Seconded by Councillor Hobson

R270/06/03/20 THAT \$7,500 be allocated from Council Contingency to the Affordable and Special Needs Housing Task Force to cover the budgetary needs to complete the scope of work outlined in the Terms of Reference for the task force.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9585 – Amendment No. 1 to Maintenance of Boulevards Bylaw No. 5708-84

Council:

- Staff to also report back on a suggested amendment to the boulevard maintenance bylaw that exempts property owners where topography, physical accessibility, and/or proximity is prohibitive to their maintaining an abutting boulevard.

Moved by Councillor Letnick/Seconded by Councillor Clark

R271/06/03/20 THAT Bylaw No. 9585 be read a first, second and third time.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

7.2 Bylaw No. 9562 – Amendment No. 6 to Traffic Bylaw No. 8120

Moved by Councillor Day/Seconded by Councillor Hobson

R272/06/03/20 THAT Bylaw No. 9562 be adopted.

Carried

7.3 Bylaw No. 9577 – Amendment No. 7 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Day

R273/06/03/20 THAT Bylaw No. 9577 be adopted.

Carried

7.4 Bylaw No. 9578 - 2006 Revenue Anticipation Borrowing Bylaw

Moved by Councillor Day/Seconded by Councillor Hobson

R274/06/03/20 THAT Bylaw No. 9578 be adopted.

Carried

8. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATIONS

8.1 Planning & Corporate Services Department, dated February 22, 2006, re: Liquor Licensing Application No. LL06-0002 – R.P.B. Holdings Ltd. (Stan Martindale/Ramada Hotel) – 2170 Harvey Avenue

The City Clerk advised that a letter had been received from the owners of 2190 Harvey Avenue expressing no opinion on the proposed extension of hours but stating they would strongly oppose any future application to extend the closing hours at Mickey's Pub.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the liquor license application to come forward. There was no response.

Moved by Councillor Letnick/Seconded by Councillor Day

R275/06/03/20 THAT Council support an extension to the permitted hours of liquor service for Mickey's Pub from 11 a.m. – 1 a.m. (Monday to Saturday) and 11 a.m. – 12 a.m. (Sunday), to 9 a.m. - 1 a.m. (Monday – Saturday) and 9 a.m. - 12 a.m. (Sunday), on Lot A, District Lot 127, ODYD Plan 42733, for 2170 Harvey Avenue;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

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9. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 9.1 Planning & Corporate Services Department, dated February 23, 2006 re: Development Variance Permit Application No. DVP06-0034 – Verve Holdings Ltd. (Verve Properties Ltd.) – 555 Yates Road

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward.

Allan Law, president of the strata council in Sandpoint:

- The residents of Sandpoint support this application.

Moved by Councillor Hobson/Seconded by Councillor Day

R276/06/03/20 THAT Council authorize the issuance of Development Variance Permit No. DVP06-0034; Lot A, Section 32, Township 26, ODYD, Plan KAP 76784, Except Strata Plan KAS2955, located on Yates Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7 – Landscaping and Screening: 7.5.3:

Vary the maximum fence height from 2.0 m permitted to 2.44 m proposed for fencing along the southern and eastern property boundaries;

AND THAT the fence respect a 1.2 m setback from the Yates Road property line in order to maintain safe sight distances;

AND FURTHER 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.

Carried

- 9.2 Planning & Corporate Services Department, dated February 21, 2006 re: Development Variance Permit Application No. DVP06-0026 – Heiss Family Holdings Ltd. (L & S Contracting) – 8855 Grigg Road

The City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

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R277/06/03/20 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0026; L&S Contracting Ltd.; for Lot 6, Sec. 2, Twp. 20, O.D.Y.D., Plan KAP79495, located on Grigg Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 15.3.5(d), Development Regulations – side yard be varied from minimum setback of 7.5 m required to 0.0 m setback proposed;

Section 15.1.5(e), Development Regulations – rear yard be varied from minimum setback of 7.5 m required to 0.0 m setback proposed.

Carried

10. COUNCILLOR ITEMS

(a) Advertising in Transit Buses

Councillor Letnick noted that he recently took the bus and observed that the advertising in the bus was dishevelled and half was missing. Referred to the City Manager to investigate who is responsible for the condition of the advertising in the BC Transit buses.

(b) Budget Request Pending – Downtown Centre Strategic Plan Task Force

Councillor Day put Council on notice that a budget request is likely to come forward to Council prior to final budget for the development of a 3-D model of the downtown as envisaged in the Downtown Plan.

(c) City of Kelowna Burning Bylaw/Right to Farm Legislation

Councillor Clark noted that the owner of a property the City recently sold in a road closure at Barnaby/Lakeshore Road successfully obtained a burning permit from the Fire Department at a time when the venting was not good and for two days the smoke was bad. The material being burned was green trees that were taken down to accommodate construction of a new packing plant. Councillor Clark indicated surprise that a permit was issued to burn green material, particularly when the burning was for construction. Councillor Clark asked that staff clarify whether Right to Farm legislation has priority over the Burning Bylaw. Referred to City Manager.

(d) Funding for Forum on Crystal Meth

Moved by Councillor Day/Seconded by Councillor Gran

R278/06/03/20 THAT Council supports the appropriate organization applying through the Union of British Columbia Municipalities to the Solicitor General's office for up to \$10,000 for a forum on Crystal Meth.

Carried

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11. TERMINATION

The meeting was declared terminated at 3:07 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am