

Regular Meeting – P.M.

September 18, 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, September 18, 2006.

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

Council members absent: Councillors A.F. Blanleil and R.D. Hobson.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Director of Planning & Development Services, M. Pynenburg; Acting Manager of Development Services, S. Gambacort\*; Development Planner, R. Smith\*; Environment Manager, M. Watt\*; Manager of Community Development & Real Estate, D. Gilchrist\*; Director of Financial Services, P.A. Macklem\*; Director of Recreation, Parks & Cultural Services, D.L. Graham\*; Cemetery Manager, D. Radford\*; Manager of Policy, Research & Strategic Planning, S.K. Bagh\*; Planner Specialist, P.J. McCormick\*; Licence & Bylaw Enforcement Supervisor, A. Dixon\*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson\*; and Council Recording Secretary, B.L. Harder.

Guests\*: Kevin Irvine, ICBC; Alan Rice, Kettle Valley Research; Carol Suhan, Waste Reduction Coordinator, Regional District of Central Okanagan; Andrew Wilson, Ministry of Environment.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Presentation by Kevin Irvine, Insurance Corporation of British Columbia re: Zero Crash Month – October, 2006

Kevin:

- Powerpoint presentation giving statistics about car crashes in BC and about the Zero Crash Month promotion occurring October 1-October 31, 2006.
- Predicts there will be 685 crashes in Kelowna this year in the month of October.
- Kelowna would be competing with other communities in the population 40,000 plus category for a road safety grant of \$35,000.
- Looking for Council endorsement of the challenge.

Moved by Councillor Given/Seconded by Councillor Letnick

**R887/06/09/18** THAT the ICBC Zero Crash Month promotion occurring October 1 to October 31, 2006 be endorsed by Council;

AND THAT Council issue a challenge to the City of Kamloops and the City of Prince George.

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3.2 Presentation by Carol Suhan, Waste Reduction Coordinator, Regional District of Central Okanagan re: New Solid Waste Management Plan

Carol:

- The plan covers 15 years in three phases and includes adopting a zero waste policy.
- Outlined the principles of the plan and the Phase 1 (over the next 5 years), Phase 2 and Phase 3 recommendations.

Moved by Councillor Gran/Seconded by Councillor Day

**R888/06/09/18** THAT the presentation of the new Solid Waste Management Plan by the Regional Waste Reduction Coordinator be received;

AND THAT Kelowna City Council supports the Regional District of Central Okanagan adopting a Zero Waste policy.

Carried

3.3 Presentation by Consultant Alan Rice, Kettle Valley Research re: Survey Findings – 2006 Citizen Survey

Alan Rice, research consultant:

- This year's mailout survey was conducted in May and June with a 41% response rate.
- The purpose of the survey is to provide Council and staff with feedback. The information is used for budgeting, satisfaction ratings, and to look at specific initiatives and track changes in perspectives from time to time.
- Brief overview of the results and key findings of the survey.
- The report is available on the City WebSite and in the local libraries.

Council:

- Copy of the consultant's summary of the responses to be provided to staff.

Moved by Councillor Given/Seconded by Councillor Day

**R889/06/09/18** THAT the 2006 Citizen Survey results be received for information.

Carried

8.1 Councillor Clark – Requirement for Pre-payment of Fuel

Moved by Councillor Clark/Seconded by Councillor Given

**R890/06/09/18** THAT Council hear from the gallery.

Carried

Chett Crellin (grandfather) and Doug dePatie (father):

- Their grandson/son was killed in a gas and dash incident on March 8, 2005 in Maple Ridge at the Lower Mainland. The youth was attempting to stop the fleeing vehicle and ended up being dragged under the vehicle for over 7 km.
- It is not uncommon for youth working at gas stations to be asked to pay when there is a gas and dash incident, or they are asked to record licence plate numbers or to try to stop the vehicle.
- In the interests of safety for other youth working at service stations, the family has approached the province to bring in legislation to require that everyone pay before getting gasoline. Asked for Council support of the request for the province to bring in that legislation.

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Moved by Councillor Clark/Seconded by Councillor Given

**R891/06/09/18** THAT a letter be sent on behalf of the Mayor and Council to Premier Gordon Campbell and the Hon. Olga Ilich, Minister of Labour & Citizens' Services with a copy to our local MLAs asking for pay-before-you-pump legislation at all gas stations.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Official Community Plan Amendment No. OCP06-0015 and Rezoning Application No. Z06-0036 – City of Kelowna – 1789 KLO Road (BL9675; BL9676)

(a) Planning & Development Services report dated August 30, 2006.

Moved by Councillor Day/Seconded by Councillor Given

**R892/06/09/18** THAT OCP Bylaw Amendment No. OCP06-0015 to amend Map 19.1 of *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 9, District Lot 131 ODYD Plan 13722 except Plan KAP79641, located on KLO Road, Kelowna, B.C., from the Single/Two Family Residential designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department dated August 30, 2006 be considered by Council;

AND THAT Rezoning Application No. Z06-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot 131 ODYD Plan 13722 except Plan KAP79641, located on KLO Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0015 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a Section 219 Restrictive Covenant be registered against the Title of the subject property in accordance with the requirements of the Works and Utilities Department as detailed in Section 9.1.4 of this report;

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) **BYLAWS PRESENTED FOR FIRST READING**

(i) Bylaw No. 9675 (OCP06-0014) – City of Kelowna – 1789 KLO Road requires majority vote of all Council (5)

Moved by Councillor Letnick/Seconded by Councillor Given

**R893/06/09/18** THAT Bylaw No. 9675 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

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- (ii) Bylaw No. 9676 (Z06-0036) – City of Kelowna – 1789 KLO Road

Moved by Councillor Letnick/Seconded by Councillor Given

**R894/06/09/18** THAT Bylaw No. 9676 be read a first time.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST READING)**

- 5.1 (a) Bylaw No. 9673 (HRA06-001) – Valerie Hallford – 429 Park Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

**R895/06/09/18** THAT Bylaw No. 9673 be read a first time.

Carried

Bylaw No. 9674 – Valerie Hallford – 429 Park Avenue

Moved by Councillor Letnick/Seconded by Councillor Given

**R896/06/09/18** THAT Bylaw No. 9674 be read a first time.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.2 Bylaw No. 9644 (Z06-0025) – IBJ Holdings Ltd. (Bernie Kvamme) – 270 Merrifield Road

Moved by Councillor Day/Seconded by Councillor Rule

**R897/06/09/18** THAT Bylaw No. 9644 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Director of Financial Services, dated September 11, 2006 re: Sponsorship of Government Finance Officers Association Dinner (0230-20)

Moved by Councillor Given/Seconded by Councillor Gran

**R898/06/09/18** THAT Council approve sponsorship of up to \$2,500 to host a dinner for the Committee on Canadian Issues on January 26, 2007 with funding from Council Contingency.

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- 6.2 Cemetery Manager, dated September 15, 2006 re: Cancellation of 2006 Capital Project – Cemetery Service Centre (4100-01; 10-3800-P248)

Moved by Councillor Letnick/Seconded by Councillor Given

**R899/06/09/18** THAT Council cancel the previously approved construction of the Cemetery Service Centre and Columbaria budgeted at \$1.2 million;

AND THAT Council approve funding \$175,000 for the installation of columbaria at Bennett Memorial with funding from the Cemetery Replacement Fund Reserve (R860);

AND FURTHER THAT the 2006 Financial Plan be amended to reflect the expenditure and funding changes resulting from the recommendation in the report.

Carried

- 6.3 Manager, Policy, Research and Strategic Planning, dated September 13, 2006 re: Outdoor Food and Beverage Programs (6530-18)

Moved by Councillor Day/Seconded by Councillor Letnick

**R900/06/09/18** THAT Council endorse, in principle, a course of action with regard to the provision of entertainment within outdoor seating areas as set out in the Planning and Development Services Department report of September 13, 2006;

AND THAT Council endorse, in principle, an enforcement procedure with regard to permit holders who are in breach of the terms of the outdoor seating program as set out in the Planning and Development Services Department report of September 13, 2006,

AND FURTHER THAT the proposed changes be communicated to the Downtown Kelowna Association and the businesses with permits for outdoor seating areas for input and report back to Council prior to proceeding with the amendments to the Terms of Reference for the Sidewalk Seating Program and the Sidewalk Café Extension Program and prior to proceeding with a bylaw to amend the Traffic Bylaw No. 8120 to accommodate the revisions to the outdoor seating programs.

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- 6.4 Environment & Solid Waste Manager, dated September 12, 2006 re: Mission Creek Habitat Restoration Plan (5225-03)

Andrew Wilson, Ministry of Environment, Penticton Branch:

- Summarized the Ministry's objectives with implementation of the plan for Mission Creek habitat restoration.

Moved by Councillor Rule/Seconded by Councillor Given

**R901/06/09/18** THAT Council endorses the Mission Creek Habitat Restoration Plan;

AND THAT Council supports the plan subject to required funding in partnership with external agencies and local community groups;

AND FURTHER THAT Council has staff develop the framework strategy for plan implementation and funding.

Carried

- 6.5 Development Manager, Parks Recreation and Cultural Services, dated September 13, 2006 re: Kelowna International Regatta Society (0360-20)

Moved by Councillor Letnick/Seconded by Councillor Clark

**R902/06/09/18** THAT Festivals Kelowna be requested to propose the most effective use for funds previously allocated to Regatta for 2007 and future community festivals;

AND THAT the City withdraw financial support for the Kelowna International Regatta Society;

AND THAT Council direct staff to recover any funds currently held by the Kelowna International Regatta Society to be used to pay outstanding debt resulting from a loan from the City;

AND FURTHER THAT 2006 funds previously allocated to Regatta be used to pay any remaining outstanding debt resulting from the loan from the City.

Carried

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

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 7.1 Bylaw No. 9672 – Amendment No. 7 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90

Moved by Councillor Rule/Seconded by Councillor Day

**R903/06/09/18** THAT Bylaw No. 9672 be adopted.

Carried

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8. COUNCILLOR ITEMS

8.1 Councillor Clark – Requirement for Pre-payment of Fuel

Dealt with after agenda item No. 3.3.

8.2 Mayor Shepherd – Municipal Infrastructure Deficit

Moved by Councillor Day/Seconded by Councillor Gran

**R904/06/09/18** THAT a letter be sent to Ron Cannan, Member of Parliament for Kelowna-Lake Country, urging his support when development of a long term national plan for instructure investment is discussed in his caucus and in the House;

AND THAT the letter be copied to The Hon. Lawrence Cannon, federal Minister of Transport, Infrastructure and Communities.

Carried

8.3 Councillor Gran – Notice of Motion

Councillor Gran put Council on notice that she intends to bring forward a motion seeking a letter of support for the RCMP's Crime Reduction Initiative.

9. TERMINATION

The meeting was declared terminated at 4:01 p.m.

Certified Correct:

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Mayor

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City Clerk

BLH/am