

Regular Meeting – P.M.April 30, 2007

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, April 30, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Barrie Clark, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Staff members in attendance were: Acting City Manager, Paul Macklem Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg*; Subdivision Approving Officer, Bob Shaughnessy*; Director of Corporate Services, David Shipclark*; Acting Revenue Manager, George King*; Inspection Services Manager, Ron Dickinson*; Purchasing Manager, Maureen MacGillivray; Urban Forestry Supervisor, Ian Wilson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Lesley Thornley re: Special Olympics Thank You

- Presented the City of Kelowna with a “Gold Metal” for the City’s involvement in the 2007 Special Olympics BC Winter Games this past February.

3.2 Suzanne Anderton re: Communities in Bloom Update

- Gave an update regarding the Communities in Bloom Committee.
 - Looking to expand the Communities in Bloom program to encompass the entire Okanagan Valley (and then become the “Valley in Bloom” program).

Moved by Councillor Rule/Seconded by Councillor Letnick

R457/07/04/30 THAT Council receive the verbal request from the Communities in Bloom Committee;

AND THAT written details of the request are to be forwarded to Mayor and Council for consideration.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Planning & Development Services Department, dated April 19, 2007 re: Z04-0020 – 417860 Alberta Ltd. et al – 5050 McCulloch Road

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Moved by Councillor Day/Seconded by Councillor Given

R458/07/04/30 THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Zone Amending Bylaw No. 9313 (Z04-0020 – 417860 Alberta Ltd. et al) McCulloch Road be extended from May 2, 2006 to November 2, 2007.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 9447 (OCP05-0008) – 684761 BC Ltd. (Nicola Consiglio) – 5127 Chute Lake Road – **Requires a majority of all Members of Council (5)**

Moved by Councillor Day/Seconded by Councillor Gran

R459/07/04/30 THAT Bylaw No. 9447 be adopted.

Carried

5.2 Bylaw No. 9448 (Z05-0020) – 684761 BC Ltd. (Nicola Consiglio) – 5127 Chute Lake Road

Moved by Councillor Gran/Seconded by Councillor Day

R460/07/04/30 THAT Bylaw No. 9448 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Urban Forestry Supervisor and License and Bylaw Enforcement Supervisor, dated April 20, 2007 re: Discharge of Firearms Bylaw

Moved by Councillor Letnick/Seconded by Councillor Day

R461/07/04/30 THAT Council receive the Report of the Urban Forestry Supervisor and the License and Bylaw Enforcement Supervisor dated April 20, 2007;

AND THAT the updated Discharge of Firearms Bylaw No. 9779 be forwarded to Council for reading consideration.

Carried

6.2 Manager, Inspection Services, dated April 25, 2007 re: Stratification of a 4 Unit Dwelling at 663-669 Patterson Avenue

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Moved by Councillor Letnick/Seconded by Councillor Given

R462/07/04/30 THAT the application to stratify the four unit housing at 663 – 669 Patterson Avenue be approved in the name of Jeremy Shelton with no conditions.

Carried

6.3 Acting Revenue Manger, dated April 17, 2007 re: Downtown Kelowna Association 2007 Budget

Moved by Councillor Gran/Seconded by Councillor Hobson

R463/07/04/30 THAT Council approve the Downtown Kelowna Association 2007 Budget

AND THAT Council approve the 2007 levy of \$426,000 on Class 5 and Class 6 properties located within the boundaries of the Kelowna Downtown Business Improvement Area.

Carried

6.4 Acting Revenue Manager, dated April 17, 2007 re: Bylaw to Charge the 2007 Sterile Insect Release (SIR) Parcel Tax to Specific Property Tax Rolls

Moved by Councillor Day/Seconded by Councillor Given

R464/07/04/30 THAT the Sterile Insect Release Program Parcel Tax Bylaw No. 9773 charging the 2007 Sterile Insect Release (SIR) Parcel Tax to individual property tax rolls in accordance with the 2007 SIR Parcel Tax Assessment Roll provided to the City of Kelowna by the Regional District of North Okanagan, be advanced to Council for consideration.

Carried

6.5 Manager, Purchasing and Stores, dated April 30, 2007 re: Bylaw to Set Purchasing Policy

Moved by Councillor Letnick/Seconded by Councillor Hobson

R465/07/04/30 THAT Council receive the Report of the Purchasing Manager dated April 30, 2007;

AND THAT Bylaw No. 9590 be forwarded to Council for reading consideration.

Carried

6.6 Cemetery Manager, dated April 20, 2007 re: Amendment to Cemetery Bylaw No. 8807

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Moved by Councillor Letnick/Seconded by Councillor Given

R466/07/04/30 THAT Council receive the Report of the Cemetery Manager dated April 20, 2007 and direct staff to prepare amending Bylaw to reflect housekeeping changes;

AND THAT the amending bylaw be forwarded to Council for reading consideration.

Carried

6.7 Corporate Services, dated April 25, 2007 re: Preservation of Downtown Waterfront Lands

Moved by Councillor Gran/Seconded by Councillor Given

R467/07/04/30 THAT Council adopt the following statement recognizing the spirit and intent of the 1945 and subsequent Councils and the direction of the 2007 Council:

WHEREAS starting in February, 1944 the Council of the City of Kelowna received correspondence and petitions requesting the City establish a Civic Centre as a Post-War project to include a Sports Arena, Auditorium for music and drama and a new City Hall;

AND WHEREAS the Kelowna Sawmill Company experienced a serious fire at their Kelowna Mill site on October 19, 1944 which resulted in the Company offering to sell the lakeshore Sawmill property and the Planing Mill property between Ellis and Water Street to the City of Kelowna with a condition that the properties be used for municipal purposes, any buildings erected be of attractive design and suitably landscaped, that the City not sell the land or use it for commercial or industrial purposes and that the Company be allowed two years to vacate the properties;

AND WHEREAS on December 11, 1944 the Civic Centre Committee, after careful consideration, recommended that the City purchase the Planing Mill property for use as a Civic Centre;

AND WHEREAS Civic Centre Purchase Bylaw 1117, to purchase the Planing Mill property, was approved by public plebiscite, the City adopted the Land Purchase Bylaw in May 1945;

AND WHEREAS a planning consultant's report recommended in September 1945 there is an urgent need for a Civic Centre site and the Planing Mill is the best location but the property is too small, the Council submitted three property purchase Bylaws to the electorate to enlarge the Civic Centre site;

AND WHEREAS Property Purchase Bylaws 1208, 1212 and 1213 to purchase the Sawmill property and nine different properties on Mill Avenue from seven different owners to enlarge the Civic Centre site, was approved by public plebiscite, the City adopted the Land Purchase Bylaws in December 1945;

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AND WHEREAS the agreements to purchase the Kelowna Sawmill properties where completed by the City with the conditions contained in the original offer to sell, a Covenant was registered on both properties in 1946 that the properties be used for municipal purposes, any buildings erected be of attractive design and suitably landscaped, that the City not sell the land or use it for commercial or industrial purposes and that the Company be allowed two years to vacate the properties;

AND WHEREAS Memorial Arena built in 1948 and planning for the new City Hall started in 1948 on the Civic Centre Site;

AND WHEREAS the Kelowna Sawmill Company agreed to the City selling the former lakeshore sawmill site to the Provincial Government to construct a new Court House in Kelowna, the City sold the property in 1949 on the conditions that the Province not sell the property or use it for any commercial purposes, the land be kept in order and be landscaped in keeping with the adjacent Civic Centre site, the Province build a new ferry landing and construct a sea wall along the property and Mill Street be widened to 100 feet;

AND WHEREAS the City purchased the property back from the Province in 1996 for \$2,250,000 and removed the building to create Stuart Park and preserve public access to the lake;

AND WHEREAS City Councils from 1944 to 2007 have supported public access to Okanagan Lake in Kelowna's downtown and have continued to purchase additional properties to guarantee that public access;

AND WHEREAS the Kelowna Sawmill Covenants do not ensure public access to the properties or to the lake;

AND WHEREAS the City of Kelowna has been advised the Kelowna Sawmill Covenants are not enforceable as restrictive covenants running with the lands, do not create a trust on the lands, do not preserve public access to the lands and should be removed;

NOW THEREFORE the Council of the City of Kelowna confirm the goal of preserving continuous public access to Okanagan Lake from City Park to Knox Mountain Park;

THAT Council instruct City Staff to proceed with an Official Community Plan amendment to reflect Council's goal of preserving continuous public access to Okanagan Lake from City Park to Knox Mountain Park;

AND THAT Council instruct City staff to proceed with final design, financing plan and development plan for Stuart Park, rezoning of the land to P3 – Park and Open Space use, removal of the Kelowna Sawmill Covenant from title to the Lands and erection of a plaque acknowledging purchase of the properties from the Kelowna Sawmill Company and other owners for the Kelowna Civic Centre site;

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AND THAT Council instruct City Staff to proceed with registration of a Section 219 restrictive covenant against the Stuart Park Lands that would establish the permitted uses in the Park;

AND THAT the primary use of the Stuart Park Lands be for park purposes with any commercial uses as an ancillary secondary use in compliance with the zoning of the property only and that the lands purchased from the Kelowna Saw Mill Company as they exist on title today remain City-owned property and not be sold.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 9590 – Bylaw to Set Purchasing Policy

Moved by Councillor Gran/Seconded by Councillor Day

R468/07/04/30 THAT Bylaw No. 9590 be read a first, second and third time.

Carried

7.2 Bylaw No. 9773 – Sterile Insect Release Program Parcel Tax Bylaw 2007

Moved by Councillor Gran/Seconded by Councillor Day

R469/07/04/30 THAT Bylaw No. 9773 be read a first, second and third time.

Carried

7.3 Bylaw No. 9779 – Discharge of Firearms within the City of Kelowna

Moved by Councillor Gran/Seconded by Councillor Day

R470/07/04/30 THAT Bylaw No. 9779 be read a first, second and third time.

Carried

7.4 Bylaw No. 9783 – Amendment No. 4 to Kelowna Memorial Park Cemetery Bylaw No. 8807 – Housekeeping Amendments

Moved by Councillor Gran/Seconded by Councillor Day

R471/07/04/30 THAT Bylaw No. 9783 be read a first, second and third time.

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(BYLAWS PRESENTED FOR ADOPTION)

- 7.5 Bylaw No. 9775 – Amendment No. 2 to Five Year Financial Plan, 2006-2010

Moved by Councillor Letnick/Seconded by Councillor Given

R472/07/04/30 THAT Bylaw No. 9775 be adopted.

Carried

- 7.6 Bylaw No. 9776 – Amendment No. 1 to Sale of City-Owned Land Reserve Fund Expenditure Bylaw No. 9604 - 2006. **Requires a two-thirds vote of Members (6)**

Moved by Councillor Given/Seconded by Councillor Letnick

R473/07/04/30 THAT Bylaw No. 9776 be adopted.

Carried

- 7.7 Bylaw No. 9782 – Amendment No. 3 to the City of Kelowna Nuisance Trees and Shrubs Bylaw No. 6469

Moved by Councillor Clark/Seconded by Councillor Rule

R474/07/04/30 THAT Bylaw No. 9782 be adopted.

Carried

8. COUNCILLOR ITEMS

Moved by Councillor Hobson/Seconded by Councillor Letnick

R475/07/04/30 THAT staff be directed to investigate the options for retaining portions of the old Okanagan Lake Bridge and report back to Council with recommendations.

Carried

Councillor Hobson:

- Advised Council regarding public input on gravel pit applications in the Regional District region. (This inquiry was made as a result of the Westside Gravel Pit application).

Councillor Day:

- Advised that a report to update Council regarding the Downtown Centre Strategy Task Force's consultant's report will be brought forward to Council on May 14, 2007.

Councillor Gran:

- Provided an update on the Advisory Committee on Community & Women's Issues Committee's Workshop which was held on April 27, 2007. A report will be brought

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forward to Council sometime in June to bring forward the recommendations that resulted from the Workshop.

9. TERMINATION

The meeting was declared terminated at 3:51 p.m.

Certified Correct:

Mayor

SLH/dd

Deputy City Clerk