



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, August 13, 2019, 1:30 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

I would like to acknowledge that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public and all representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

4.1	Minutes of the Public Hearing held Tuesday, July 23, 2019 in the City of West Kelowna Council Chambers	5
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4.2	Minutes of the Regular Council Meeting held Tuesday, July 23, 2019 in the City of West Kelowna Council Chambers	8
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4.3	Minutes of the Special Council Meeting held Wednesday, August 7, 2019 in the City of West Kelowna Committee Room	13
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5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1	Regional District of Central Okanagan Highlights from the July 18, 2019 Regional Board Meeting	15
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5.1.2	Regional District of Central Okanagan Highlights from the July 29, 2019 Regional Board Meeting	17
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5.1.3	Mayor's Reconsideration - Application for a Government Operated Cannabis Retail Outlet	19
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In accordance with Section 131 of the *Community Charter*, the Mayor may require Council reconsideration of a matter, and vote again on a

matter that was the subject of a vote. The Mayor may initiate a reconsideration either at the same Council meeting as the vote took place, or within 30 days following that meeting.

Recommended Motion:

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 Community Charter, Section 57 Notice on Land Title, 1543 Griffiths Place 45

Recommended Motion:

THAT Council direct the Corporate Officer to file in the Land Title Office, pursuant to Section 57 of the *Community Charter*, a notice on the title of the subject property legally described as Plan KAP26206, Lot 23, District Lot 3866, Osoyoos Division of Yale District, which shall state that a resolution relating to that land has been made under this section and that further information about it may be inspected at the Municipal Hall.

8.1.2 TUP 19-01, Temporary Use Permit, 3591 Elliott Road 58

Recommended Motion:

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 19-01) to permit a music school at 3591 Elliott Road for a period of three years subject to the conditions of the attached permit.

8.1.3 June 27, 2019 Social Issues Town Hall 71

Recommended Motion:

THAT Council consider the public feedback received during the Social Issues Town Hall meeting at a future Committee of the Whole meeting to discuss housing and social issues as part of the 2020-2022 Strategic Priorities and budget deliberations.

8.2 ENGINEERING AND PUBLIC WORKS

8.2.1 Video Surveillance Location Approvals - Westbank Lions Hall 85

Recommended Motion:

THAT Council approve the expansion of video surveillance at the Westbank Lions Hall, located at 2466 Main Street.

8.2.2 Road Maintenance Policies and Procedures Update 91

Recommended Motion:

THAT Council repeal the "Winter Roadway Maintenance Policy", dated October, 2014, and the "Snow Clearing Policy for Sidewalks, Walkways and Stairways", dated October, 2014; and

THAT Council adopt the City of West Kelowna Road Maintenance Policy and Procedures, dated August 13, 2019.

8.2.3 Fees and Charges Bylaw - Multipurpose Sports Dome 156

Recommended Motion:

THAT Council give first, second and third reading to the City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.63.

8.2.4 Summer 2019 Water Supply Update #2 160

Information Report from the GM of Engineering and Public Works

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

8.3.1 Active Living Entreprises Ltd. and Johnson Bentley Memorial 2018 Surplus 164

Recommended Motion:

THAT Council approve sharing 30% (\$5,267.40) of the 2018 surplus of Johnson Bentley Memorial Aquatic Centre with Active Living Entreprises Ltd.

8.3.2 BC Transit Annual Operating Agreement 176

Recommended Motion:

THAT Council authorize the Mayor and Corporate Officer to execute the 2019-2020 Annual Operating Agreement (AOA) between British Columbia Transit and the City of West Kelowna.

8.4 CHIEF ADMINISTRATIVE OFFICER

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The next Council meeting is scheduled for Tuesday, August 27, 2019 at 6:00 p.m. in the City of West Kelowna Council Chambers.



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, JULY 23, 2019

MEMBERS PRESENT:

Mayor Gord Milsom
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnson
Councillor Carol Zanon
Councillor Jayson Zilkie

Member Absent:

Councillor Rick de Jong

Staff Present:

Paul Gipps, CAO
Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Brent Magnan, Planning Manager
Allen Fillion, GM of Engineering and Public Works
Bob Dargatz, Development Manager / Approving Officer
Shelley Schnitzler, Legislative Services Manager
Krishan Hewitt, IS Summer Student
Kirsten Jones, Communications Supervisor
Jason Brolund, Fire Chief

1. **CALL THE PUBLIC HEARING TO ORDER:**

The Public Hearing was called to order at 6:00 p.m.

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted. The motion carried unanimously.

4. **OPENING STATEMENT:**

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Zoning Amendment Bylaw No. 0154.84.

The Mayor noted that binders have been available for inspection which includes any written comments received to date for the applications and that Notices of the Public Hearing were duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 Z 18-11, Zoning Amendment Bylaw No. 154.84, 3040 and 3050 Boucherie Road

The Planning Manager introduced Zoning Amendment Bylaw No. 0154.84, to change the Zoning from R1L (Large Parcel Single Detached Residential) to R1 (Single Family Residential) to allow for the creation of an eight lot subdivision while maintaining two existing residential dwellings.

The Mayor asked if the owner/agent wished to address Council regarding this application.

Grant Maddock, Protech Consulting

- No additional comments to provide; available to answer questions.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file.

Peter Wannop

- In favour of the application;
- Concern with the proposed road access to lands beyond with the proposed road running across a portion of the neighbours property;
- Consideration should be given to running the road along the back of the property lines.

Zandong Sun

- Concern with the proposed road connecting the subject development and the subdivision to the south; it shows it crossing on his property;
- Concern with how he'll be able to use his land for future development, should the proposed road remain as shown;
- Concern with drainage having to cross his property and the impact on his vineyard; would like a pipe for drainage instead of having to pump water.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor declared the public hearing closed at 6:15 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 6:15 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Zoning Bylaw No. 0154.84, held on July 23, 2019.

Legislative Services Manager



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, July 23, 2019
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnston
Councillor Carol Zanon
Councillor Jayson Zilkie

MEMBERS ABSENT: Councillor Rick de Jong

Staff Present: Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Brent Magnan, Planning Manager
Bob Dargatz, Development Services/Approving Officer
Jason Brolund, Fire Chief
Kirsten Jones, Communications Supervisor
Krishan Hewitt, IS Summer Student

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

The Mayor acknowledged that this meeting was held on the traditional territory of the Syilx/Okanagan Peoples.

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The meeting was called to order at 6:18 p.m.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C277/19

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Public Hearing held July 9, 2019, in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C278/19

THAT the minutes of the Public Hearing held July 9, 2019 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

4.2 Minutes of the Regular Council Meeting held July 9, 2019, in the City of West Kelowna Council Chambers

It was moved and seconded

Resolution No. C279/19

THAT the minutes of the Regular Council Meeting held July 9, 2019 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 2018 Annual Report

In accordance with Section 99 of the Community Charter, the public was invited to present submissions or questions to Council regarding the 2018 Annual Report.

No members of the public came forward.

It was moved and seconded

Resolution No. C280/19

THAT Council consider and approved the 2018 Annual Report, prepared in accordance with Section 98 and 99 of the *Community Charter*.

CARRIED UNANIMOUSLY

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 Z 19-01, Official Community Plan Amendment Bylaw No. 0100.50 and Zoning Amendment Bylaw No. 0154.83, 3060 Seclusion Bay Road

It was moved and seconded

Resolution No. C281/19

THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.50, 2019; and

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.83, 2019; and

THAT Council direct staff to schedule the proposed bylaw amendment for a Public Hearing.

CARRIED UNANIMOUSLY

8.1.2 Z 19-04, Zoning Amendment Bylaw No. 0154.75, 2411 Apollo Road

It was moved and seconded

Resolution No. C282/19

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.75, 2019.

CARRIED UNANIMOUSLY

8.1.3 Consideration of an Application for a Government Operated Cannabis Retail Outlet

It was moved and seconded

Resolution No. C283/19

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning Application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

DEFEATED Opposed: Councillors Zanon, Findlater and Friesen

8.1.4 Community Visioning Update

Information Report from the GM of Development Services

8.1.5 Okanagan Collaborative Conservation Program (OCCP) Request for Support for the Okanagan Lake Protection Strategy

It was moved and seconded

Resolution No. C284/19

THAT Council support the Okanagan Lake Protection Strategy to foster regional collaboration, commitment and communication to address the importance of protecting Okanagan Lake; and,

THAT Council direct staff to provide a letter of support to Okanagan Collaborative Conservation Program.

CARRIED UNANIMOUSLY

8.2 ENGINEERING AND PUBLIC WORKS

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

8.3.1 Signing Authority Appointment - CAO

It was moved and seconded

Resolution No. C285/19

THAT Council appoint Paul Gipps, Chief Administrative Officer, as a signing authority for the City of West Kelowna.

CARRIED UNANIMOUSLY

8.4 CHIEF ADMINISTRATIVE OFFICER

9. CORRESPONDENCE AND INFORMATION ITEMS

9.1 E-mail dated July 9, 2019 from Sabrina Locicero, Stakeholder Engagement Advisor, BC Hydro, re West Kelowna Transmission Project: Delegation Follow-up

9.2 Letter dated July 11, 2019 from Hon. Carole James, Minister of Finance and Deputy Premier re Implementation of Speculation and Vacancy Tax

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 7:31 p.m.

MAYOR

DEPUTY CAO/CORPORATE OFFICER



CITY OF WEST KELOWNA
MINUTES OF THE SPECIAL MEETING OF COUNCIL

Wednesday, August 7, 2019
COMMITTEE ROOM
2760 Cameron Road, West Kelowna, BC

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Rick de Jong (via phone)
Councillor Doug Findlater
Councillor Jason Friesen (via phone)
Councillor Stephen Johnston
Councillor Carol Zanon
Councillor Jayson Zilkie (arrived at 4:10 p.m.)

Staff Present: Paul Gipps, CAO
Shelley Schnitzler, Legislative Services Manager
Kirsten Jones, Communications Supervisor
Sandy Webster, Capital Infrastructure Communications

1. CALL THE MEETING TO ORDER

The meeting was called to order at 4:05 p.m.

2. PROCEDURAL MOTION

It was moved and seconded

Resolution No. C286/19

THAT Council close the meeting in accordance with Section 90(1) of the *Community Charter* for:

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*]; and

in accordance with Section 90(2) of the *Community Charter* for:

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

3. **ADJOURNMENT OF THE SPECIAL MEETING**

The meeting adjourned at 5:35 p.m.

MAYOR

DEPUTY CAO



The Board Reports

Regional District of Central Okanagan
1450 KLO Rd., Kelowna, BC, V1W 3Z4
Phone: (250) 763-4918 Fax: (250) 763-0606
www.regionaldistrict.com
www.facebook.com/regionaldistrict
www.cordemergency.ca
info@cord.bc.ca

Highlights of the Regional Board Meeting – July 18, 2019

Strategic Priorities 2019 - 2022

The Regional Board has approved a new Strategic Priorities 2019 – 2022 document. It identifies four priority areas of the Regional Board: Transportation and Mobility; Sustainable Communities; Economic Development and Environment. It will guide staff as they develop operational work plans and Capital projects that align with those priorities. The document also outlines how success will be measured in the priority areas over the next four years. View the document online at www.regionaldistrict.com/Board

Emergency Program Updates

The Regional Board has adopted a new Emergency Program Bylaw. It reflects the current operational guidelines and experiences learned in responding to larger scale emergencies over the past 24 plus years, when the first bylaw was adopted.

In addition, the Regional Board has given three readings to a new Preparation for Emergencies Bylaw. This bylaw also updates and modernizes the original bylaw from 1991 and includes a description of the service, reflects participating areas and provides additional cost recovery methods. This bylaw will be considered for final adoption by the Board after receiving approval from participating local governments and the Provincial Inspector of Municipalities.

Okanagan Lake Protection Strategy

The Regional Board has given support in principle for the first phase of developing an Okanagan Lake Protection Strategy. This will see a collaborative working group of stakeholders support a formal terms of reference in order to develop framework for advancing a region-wide protection strategy for Okanagan Lake. Its shoreline has been impacted by development with only 41% remaining in a natural state.

Audio of the Regional Board meeting at:

https://www.regionaldistrict.com/media/270194/Audio_19_07_18brd.mp3

West Kelowna Service Participation

The Regional Board has received an information report regarding history and participation of some residents in the Central Okanagan West Electoral Area in funding of the City of West Kelowna's Johnson Bentley Memorial Aquatic Centre and Westside Seniors Activity Centre. Both facilities were transferred to the City when it incorporated in 2007. Some electoral area residents are being taxed for services they claim they don't use. The report will be forwarded to the city for its consideration.

Corporate Communications Update

The Regional Board has received an update on a review of corporate communications. This includes recommendations for short, medium and longer term communications actions. As well, new visual identity guidelines have been developed and the Board approved simplified logo.

Ellison Area Zoning Amendment Bylaw

The Regional Board has given first reading to a Zoning Amendment Bylaw to replace a Temporary Use Permit for existing agricultural worker housing. The applicant is requesting the site specific rezoning for the portion of the property at 4401 Old Vernon Road which provides accommodation for approximately 100 seasonal workers. A Public Hearing will be scheduled and advertised once the applicant meets a number of conditions including receipt of several draft covenants by the Regional District.

Recreational Site/Trail Referral

The Regional Board has given conditional approval to an application submitted to FrontCounter BC. The Ministry of Forests Recreation Site and Trails Branch proposes to build, maintain, rehabilitate and legally designate an existing recreation site and hiking trails on 48 hectares of Crown land at Sugarloaf Mountain. Should the Province consider approval, the Regional Board requests that source water be protected; pit toilets comply with sewage regulations and that any construction falling within the BC Building Code will require a permit from the Regional District.

The Board Report is published monthly after each regular meeting of the Board of the Regional District of Central Okanagan. The Regional Board meets twice a month in regular session in the Woodhaven Boardroom at the Regional District office, 1450 KLO Road. The public is welcome to attend.

Regional Board Meetings

Regional District office – 1450 KLO Road, Kelowna (Woodhaven Board Room).

- **Monday, July 29th** – 7:00 pm
- **Monday, August 26th** – 7:00 pm
- **Thursday, September 12th** – after 8:30 am
Governance & Services Committee meeting

BC Day Holiday Closures

All services and programs provided from offices in the Regional District of Central Okanagan on KLO Road in Kelowna will be closed for the BC Day holiday on Monday, August 5th.

Emergency service requests for Regional District water systems should be made to 250-868-5299.

We look forward to serving you again at 8:00 am Tuesday, August 6th.

Regular curbside garbage collection will continue on the holiday Monday and the Westside Residential Waste Disposal and Recycling Centre on Asquith Road in West Kelowna will also be open its normal hours Friday through Monday. The North Westside Transfer Station will be open its regular hours Saturday, Sunday and Monday. The Trader's Cove Transfer Station will be open its summer hours on Sunday.

The Environmental Education Centre for the Okanagan (EECO) in Mission Creek Regional Park will be closed on Monday, August 5th.

Nature Trivia Night

Bertram Creek Regional Park
Wednesday July 31st from 7-9pm
5680 Lakeshore Rd.

Enjoy an evening of nature-themed trivia with Tremendous Trivia at Bertram Creek amphitheatre. Make a team of up to 6 people and get a table for the event.

There will be 6 rounds of trivia to determine who is the biggest Nature Buff!

\$20 per table for up to 6 people. Limited spots available!!!
Visit the EECO or email eeeco@cord.bc.ca for tickets.

To register: 250-469-6140
regionaldistrict.com/parksevents

Naturally Yours
REGIONAL PARKS



Story Time in the Park!

Mission Creek Regional Park
Tuesdays 10:30 - 11:30am, until August 27th
2363 Springfield Rd.

Drop by Mission Creek Regional Park and enjoy nature-themed stories and crafts. We meet next to the playground.
Program is for children 3 - 5 years old and their caregivers.
Free and no registration required.

To register: 250-469-6140
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Naturally Yours
REGIONAL PARKS

Meet Your Wild Neighbours

Enjoy a summer evening in the park and join a Park Interpreter to learn more about some of your wild neighbours!
FREE! Drop - in.
No registration required

July 10th - Bats at Bertram Creek Regional Park

July 25th - Birds at Kopje Regional Park

August 8th - Snakes at Bertram Creek Regional Park

August 21st - Bears at Hardy Falls Regional Park.

Programs run 7pm - 8pm

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Highlights of the Regional Board Meeting – July 29, 2019

Land Use Contract Discharged

The Regional Board has adopted a Land Use Contract and Zoning Amendment bylaws affecting a portion of the Scotty Creek neighbourhood in the Ellison community of the Central Okanagan East Electoral Area. The Land Use Contract for the subdivision has been discharged and replaced with equivalent land use and zoning designations for 163 properties in the neighbourhood. This includes single detached housing designation for 161 properties as well as appropriate zoning for the Ellison elementary school and Scotty Creek Community Park.

Development Permit Application

The Regional Board has refused a Development Permit Application from Lake Okanagan Resort because the proposal doesn't conform to the existing Land Use Contract (LUC) for the property. The applicant proposed building 14 two-level duplex chalets on the 50-acre parcel located at 2751 Westside Road North. The Board has asked Community Services staff to work with the applicant on a bylaw that would first discharge the LUC and a zoning amendment bylaw that would ensure proper zoning designations are in place.

Vault Design for Wastewater Plant

The Regional Board has received a report updating information about the future replacement of a key component of the Westside Regional Wastewater Treatment Plant. The Thickened Waste Activated Sludge Vault is part of the original plant constructed between 1989 and 1995. An engineering assessment suggests this concrete containment area needs to be replaced for the facility's long-term viability. Detailed design will take place this year with funds reallocated from within the 2019 budget. Replacement is planned for the 2020 and 2021 budget years.

Financial Plan Bylaw Amended

The Regional Board has adopted 11 program amendments to the Financial Plan bylaw. The various Capital changes are being funded through the use of reserves or the proceeds from sales. The Operating changes are funded primarily through grant revenues or a reduction of other expenses.

Agricultural Land Commission Application

The Regional Board has given conditional support to an application made to the Agricultural Land Commission (ALC) for a property at 3231 Old Vernon Road. The property owner wishes to add one new modular unit as accommodation for migrant workers which requires Non-Adhering Residential Use approval from the ALC. The Board asks that the Commission ensure large adjoining areas of agricultural land are preserved; confirmation of the number of temporary farm worker accommodations on the property and RDCO Board approval of a zoning bylaw amendment.

Planning Applications

The Regional Board has approved the following applications:

- Development Variance Permit for 9257 Winchester Road - VP-19-05 A & L Dahl

Program and Service Highlights

The Regional Board viewed a video update highlighting various service and program accomplishments from April through June this year aligning with the new Board [Strategic Priorities 2019 - 2022](#). The video can be viewed on the RDCO YouTube channel:
www.youtube.com/user/regionaldistrict.

Electoral Area Grant-in-Aid

The Regional Board has approved the following Central Okanagan East Electoral Area Grant-in-Aid:

- \$700 for Scotty Creek Annual Summer BBQ

Fire Department Presentations

The former Chief of the Wilson's Landing Fire Department was presented with a 10 year RDCO service medal. Don Bennison recently retired after serving more than 14 years with the department. New Chief Ronaye Beck was introduced to the Regional Board.

Audio of the Regional Board meeting at:

www.regionaldistrict.com/media/270704/Audio_19_07_29b_rd.mp3

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REGIONAL DISTRICT OF CENTRAL OKANAGAN
REGIONAL PARKS



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REGIONAL DISTRICT OF CENTRAL OKANAGAN
REGIONAL PARKS

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INFORMATION ONLY REPORT For the August 13, 2019 Council Meeting

Mayor's Reconsideration

Summary of the Application for a Government Operated Cannabis Retail Outlet

MAYOR'S RECONSIDERATION

In accordance with Section 131 of the *Community Charter*, the Mayor may require Council reconsideration of a matter, and vote again on a matter that was the subject of a vote. The Mayor may initiate a reconsideration either at the same Council meeting as the vote took place, or within 30 days following that meeting.

CONSIDERATION OF AN APPLICATION FOR A GOVERNMENT OPERATED CANNABIS RETAIL OUTLET

- The original Council Report was considered by Council on July 23, 2019;
- Six members of Council were in attendance to consider the Application;
- The result of the vote on the motion was a tie; the motion was defeated.

Excerpt from the Minutes of the July 23, 2019 Council meeting, Council Resolution No.

C283/19: It was moved and seconded

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning Application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbins Road

DEFEATED; Opposed: Councillors Zanon, Findlater and Friesen

Attachments:

- 1) Letter dated August 2, 2019 from Kevin Satterfield, Director of Retail Operations, BC Liquor Distribution Branch
- 2) Council Report from the July 23, 2019 Meeting: Consideration of an Application for a Government Operated Cannabis Retail Outlet



**LIQUOR
DISTRIBUTION
BRANCH**

BC CANNABIS STORES

August 2nd, 2019

City of West Kelowna
2760 Cameron Road,
West Kelowna, BC V1Z 2T6

Dear Mayor and Councillors:

Re: Cannabis Retail Store Application

At the July 23rd Council meeting, a motion was introduced to increase the total number of retail cannabis stores allowable under the current policy framework from five to six locations. After considerable discussion the motion was defeated based on a divided vote.

We are writing this letter, following the advice of City staff, to provide additional context in hopes that council might consider reintroducing a motion to revise the policy to allow the LDB to proceed with a rezoning application.

The proposed store, located at Westbank Town Centre (2475 Dobbin Road) would be a **Government operated cannabis retail outlet**, following the standardized design and operational model exemplified in our Kamloops, Cranbrook and Campbell River locations. This model consistently scores highly in review matrix methodology set out by Municipalities across the Province due to its attention to detail in design, comprehensive security processes, social responsibility messaging and commitment to accountability, staff training and provision of living wages.

Aside from the four locations currently open we are, at the time of writing, approved to open another twenty locations across the Province.

In 2018 The LDB undertook efforts to locate available retail spaces within the permitted zones in West Kelowna in order to submit an application within the October 17th, 2018 to January 2nd, 2019 intake period. The LDB had earmarked West Kelowna as a high priority market to provide residents the option to obtain a newly legal product from an established and trusted retail chain (the LDB is one of the largest liquor retailers in Canada, serving customers for nearly 100 years). As we were not able to secure a viable space at that time we ask that Council reconsider allowing us to proceed with a rezoning application, once the Private applications submitted as part of that original intake are resolved.

The Westbank Town Centre location would serve as a "Marquis" retail facility in the region, employing 20 Unionized staff members with a selling space large enough to represent the LDB's commitment to building for the future as new product offerings such as edibles, beverages, infusions and topicals come to market.

Ample parking, street visibility and loading mechanisms would also substantiate the location as a premium outlet in the non-medical retail cannabis market.

Please reference the attached presentation for further information on BC Cannabis Stores.

We appreciate your time and consideration.

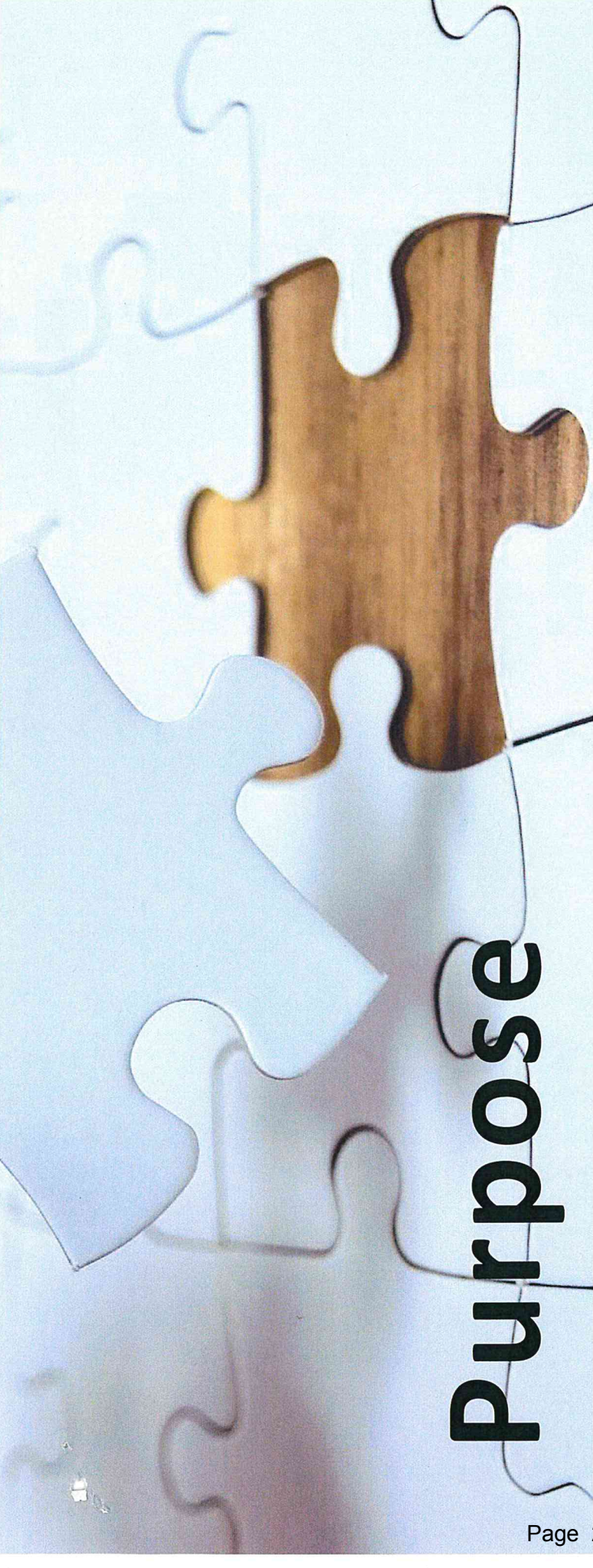
Thanks,

Kevin Satterfield,
Director of Retail Operations,
BC Liquor Distribution Branch

BC CANNABIS STORES

LIQUOR
DISTRIBUTION
BRANCH

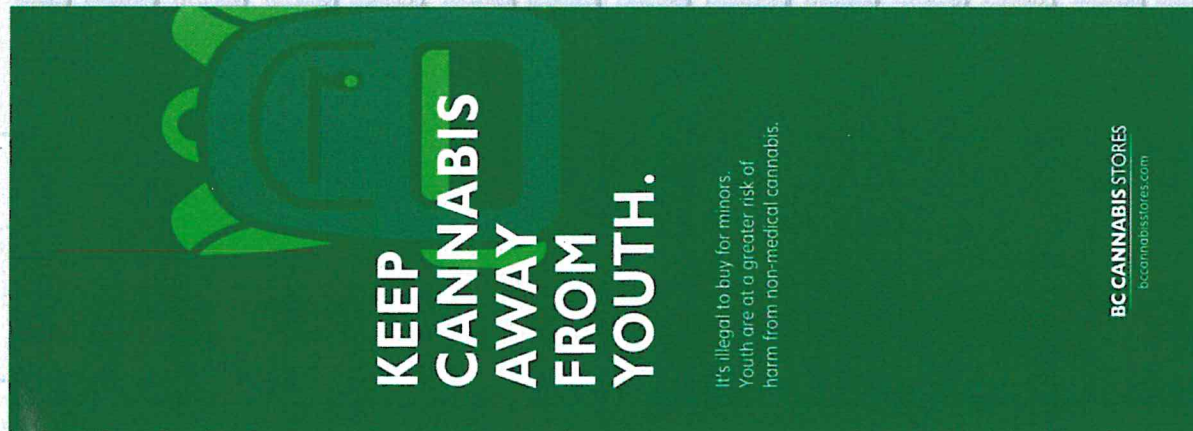


A close-up photograph of a wooden puzzle piece being placed into a larger puzzle made of light blue pieces. The wooden piece is a rich, natural wood color and has a unique, irregular shape. It is positioned in the center-right of the frame, with its edges fitting into the surrounding blue pieces. The background is a soft, out-of-focus light blue, suggesting a larger puzzle surface.

Purpose

To make high-quality cannabis products and education available to all customers – from the discerning to the new – through responsible channels that provide expert and friendly service.

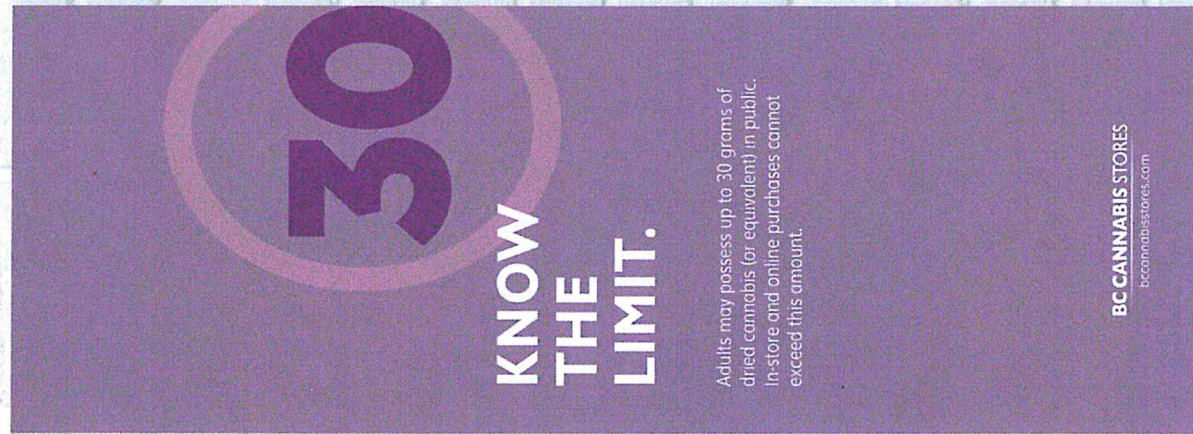
Social responsibility messages instore



**KEEP
CANNABIS
AWAY
FROM
YOUTH.**

It's illegal to buy for minors.
Youth are at a greater risk of
harm from non-medical cannabis.

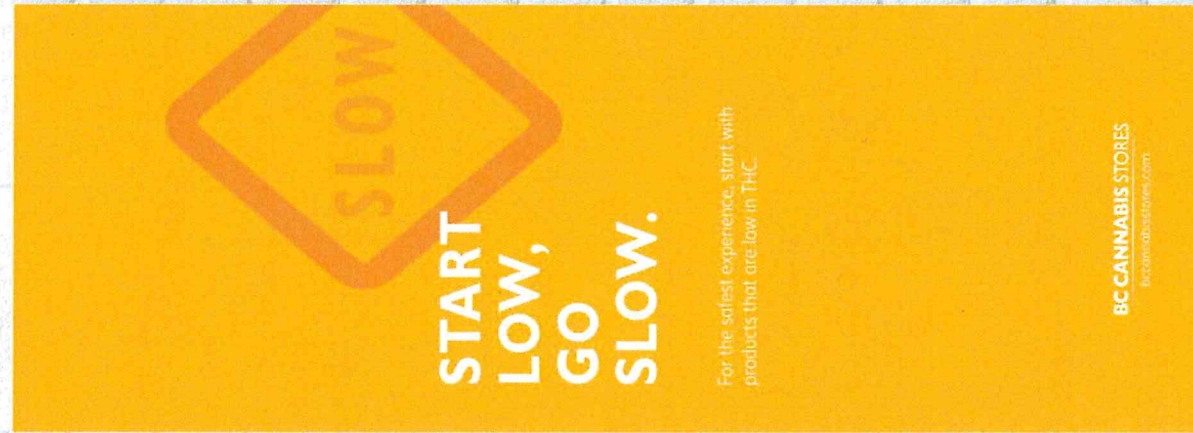
BC CANNABIS STORES
bccannabisstores.com



**KNOW
THE
LIMIT.**

Adults may possess up to 30 grams of
dried cannabis (or equivalent) in public.
In-store and online purchases cannot
exceed this amount.

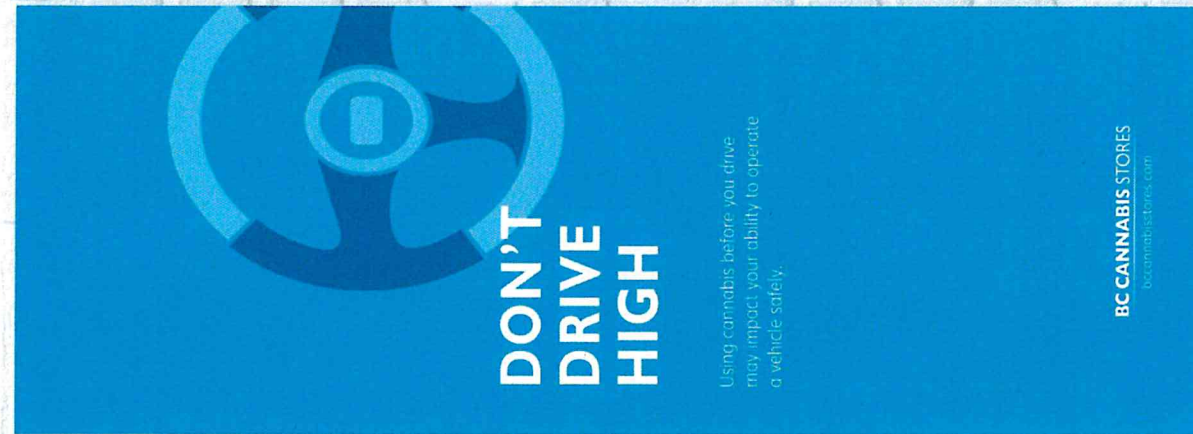
BC CANNABIS STORES
bccannabisstores.com



**START
LOW,
GO
SLOW.**

For the safest experience, start with
products that are low in THC.

BC CANNABIS STORES
bccannabisstores.com

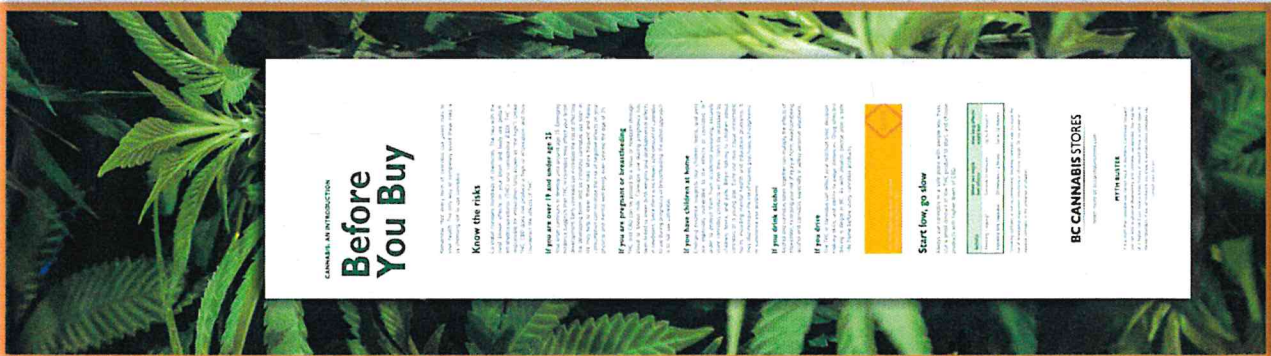


**DON'T
DRIVE
HIGH**

Using cannabis before you drive
may impact your ability to operate
a vehicle safely.

BC CANNABIS STORES
bccannabisstores.com

Information and education messages instore



CANNABIS: AN INTRODUCTION

Before You Buy

Know the risks

Smoking cannabis can irritate your airways and cause coughing and phlegm. Smoking cannabis can also be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

If you are over 18 and under age 21

It is illegal to possess, produce, or distribute cannabis in Canada if you are under the age of 21. If you are over 18 and under 21, you can only possess a small amount of cannabis for personal use. You must not drive or operate a vehicle while impaired by cannabis. You must not consume cannabis in public places or near schools, playgrounds, or other sensitive areas.

If you are pregnant or breastfeeding

Cannabis can harm your unborn child or your milk. If you are pregnant or breastfeeding, you should not use cannabis. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

If you have a heart condition

Cannabis can increase your heart rate and blood pressure. If you have a heart condition, you should be cautious when using cannabis. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

If you have a mental health condition

Cannabis can worsen your mental health condition. If you have a mental health condition, you should be cautious when using cannabis. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

If you are taking medication

Cannabis can interact with certain medications. If you are taking medication, you should be cautious when using cannabis. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

Start slow, go slow

When you start using cannabis, you should start with a small amount and wait to see how you feel. If you feel good, you can increase your amount. If you feel bad, you should stop. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk. Cannabis can be addictive. If you are pregnant or breastfeeding, cannabis can harm your unborn child or your milk.

BC CANNABIS STORES

Visit www.bccannabis.ca for more information.

POTTY PASTER

Visit www.pottpaster.com for more information.

CANNABIS ANATOMY 101

Plant Anatomy

Learning the anatomy of the cannabis plant is important for understanding the science of cannabis and the effects of the various parts of the plant. This guide will provide a comprehensive overview of the cannabis plant's anatomy, from the roots to the leaves, and explain the role of each part in the plant's growth and development.



Flower (Bud)
The flower, also known as the bud, is the part of the plant that produces the cannabis flower. It is the most valuable part of the plant, as it contains the highest concentration of cannabinoids and terpenes. The flower is typically found at the end of the stem, and it is covered in small, white, hair-like structures called trichomes.

Bract
The bract is a small, leaf-like structure that is located at the base of the flower. It is typically dark green or brown in color, and it is covered in small, white, hair-like structures called trichomes. The bract is thought to protect the flower from predators and to attract pollinators.

Fan leaves
The fan leaves are the large, flat, serrated leaves that are found on the cannabis plant. They are typically green in color, and they are covered in small, white, hair-like structures called trichomes. The fan leaves are thought to help the plant absorb sunlight and to regulate its temperature.

Stem
The stem is the central part of the plant that supports the leaves and flowers. It is typically green in color, and it is covered in small, white, hair-like structures called trichomes. The stem is thought to transport water and nutrients from the roots to the leaves and flowers.

Cola
The cola is the part of the plant that is at the end of the stem. It is typically green in color, and it is covered in small, white, hair-like structures called trichomes. The cola is thought to be the most valuable part of the plant, as it contains the highest concentration of cannabinoids and terpenes.

Calyx
The calyx is the part of the flower that is located at the base of the petals. It is typically green in color, and it is covered in small, white, hair-like structures called trichomes. The calyx is thought to protect the petals and to attract pollinators.

Pistil
The pistil is the female reproductive part of the flower. It is typically green in color, and it is covered in small, white, hair-like structures called trichomes. The pistil is thought to produce the cannabis flower and to attract pollinators.

Sugar leaves
The sugar leaves are the small, heart-shaped leaves that are found at the base of the flower. They are typically green in color, and they are covered in small, white, hair-like structures called trichomes. The sugar leaves are thought to help the plant absorb sunlight and to regulate its temperature.

Stigma
The stigma is the part of the pistil that is located at the base of the ovary. It is typically green in color, and it is covered in small, white, hair-like structures called trichomes. The stigma is thought to attract pollinators and to produce the cannabis flower.

Trichomes
The trichomes are the small, white, hair-like structures that are found on the cannabis plant. They are typically green in color, and they are covered in small, white, hair-like structures called trichomes. The trichomes are thought to help the plant absorb sunlight and to regulate its temperature.

BC CANNABIS STORES
Visit www.bccannabisstores.com for more information.

DISPENSE KNOW
Cannabis is a complex plant with many different parts. Understanding the anatomy of the plant is essential for understanding the science of cannabis and the effects of the various parts of the plant. This guide provides a comprehensive overview of the cannabis plant's anatomy, from the roots to the leaves, and explains the role of each part in the plant's growth and development.

Cannabis

AN INTRODUCTION

Plant Types

Cannabis is a flowering plant in the family *Cannabaceae*. It is a dioecious plant, meaning it has separate male and female plants. The male plant produces pollen, while the female plant produces the fruit, which contains the seeds. The fruit is called a seed pod or ovule. The seed pod is covered in a sticky resin called trichomes. The trichomes are the source of the plant's psychoactive properties.

There are two main types of cannabis: **Sativa** and **Indica**. Sativa is a tall, thin plant with long, narrow leaves. Indica is a shorter, bushier plant with wider, shorter leaves. There is also a third type called **Hybrid**, which is a cross between sativa and indica.

The effects of cannabis vary depending on the type of plant and the way it is consumed. Sativa is known for its energizing and uplifting effects, while indica is known for its relaxing and sedative effects. Hybrid plants can have a mix of these effects.

Cannabis has been used for thousands of years for its medicinal properties. It is used to treat a variety of conditions, including pain, nausea, and anxiety. It is also used recreationally for its psychoactive effects.

However, cannabis is also a controlled substance in many countries. It is illegal to grow, sell, or consume cannabis in these countries. It is important to be aware of the laws in your country before using cannabis.

Indica

- Typically shorter in height, often reaching 1-2 meters.
- Leaves are wider and shorter, typically 7-9 pairs of leaflets.
- Known for its relaxing and sedative effects, often used for treating insomnia and pain.
- Higher concentrations of CBD and lower concentrations of THC.

Sativa

- Typically taller in height, often reaching 2-3 meters or more.
- Leaves are narrower and longer, typically 9-13 pairs of leaflets.
- Known for its energizing and uplifting effects, often used for treating depression and anxiety.
- Higher concentrations of THC and lower concentrations of CBD.

Hybrid

Hybrid plants are a cross between indica and sativa. They can have a mix of the characteristics of both parent plants. The effects of hybrid plants can vary depending on the specific cross.

The following table shows the typical characteristics of indica, sativa, and hybrid plants:

Plant Type	Height	Leaf Shape	Effects	THC/CBD Ratio
Indica	Shorter (1-2m)	Wider, shorter leaflets	Relaxing, sedative	High CBD, Low THC
Sativa	Taller (2-3m)	Narrower, longer leaflets	Energizing, uplifting	Low CBD, High THC
Hybrid	Mixed	Mixed	Mixed	Mixed

It is important to note that these are general characteristics and there can be significant variation within each type.

KNOW THE FACTS

Cannabis is a controlled substance in many countries. It is illegal to grow, sell, or consume cannabis in these countries. It is important to be aware of the laws in your country before using cannabis.

The effects of cannabis can vary depending on the type of plant and the way it is consumed. It is important to start with a low dose and to avoid driving or operating machinery while under the influence.

Cannabis has been used for thousands of years for its medicinal properties. It is used to treat a variety of conditions, including pain, nausea, and anxiety. It is also used recreationally for its psychoactive effects.

BC CANNABIS STORES

For more information on cannabis products and services, visit our website at www.bccannabisstores.com.

[illegible][illegible]

Safety and security is our top priority.

Customer, employee and community safety is paramount.

- Superior intruder and fire monitoring systems maximize response time and minimize losses.
- Interior and exterior camera surveillance used to deter theft.
- Locking valuable accessories in tempered glass display cases prevents shoplifting and creates an added barrier for burglars.
- A secure storage room keeps regulated product out of sight from minors and out of reach from shoplifters.
- Durable and reliable commercial-grade doors and locks secure our store premises.
- Smash-resistant windows obstruct vandalism and break-ins.
- Attractive and visible on-premise signage of security measures deter would-be thieves and criminals.





A reputable place to work.

We take pride in being named one of BC's
Top Employers time and time again.

- Mandatory Enhanced Security Screening is completed for all employees.
- Comprehensive product knowledge and customer service training are integral to the product consultant onboarding experience.
- As with liquor, we mandate a Serving It Right equivalent certification for all product consultants.

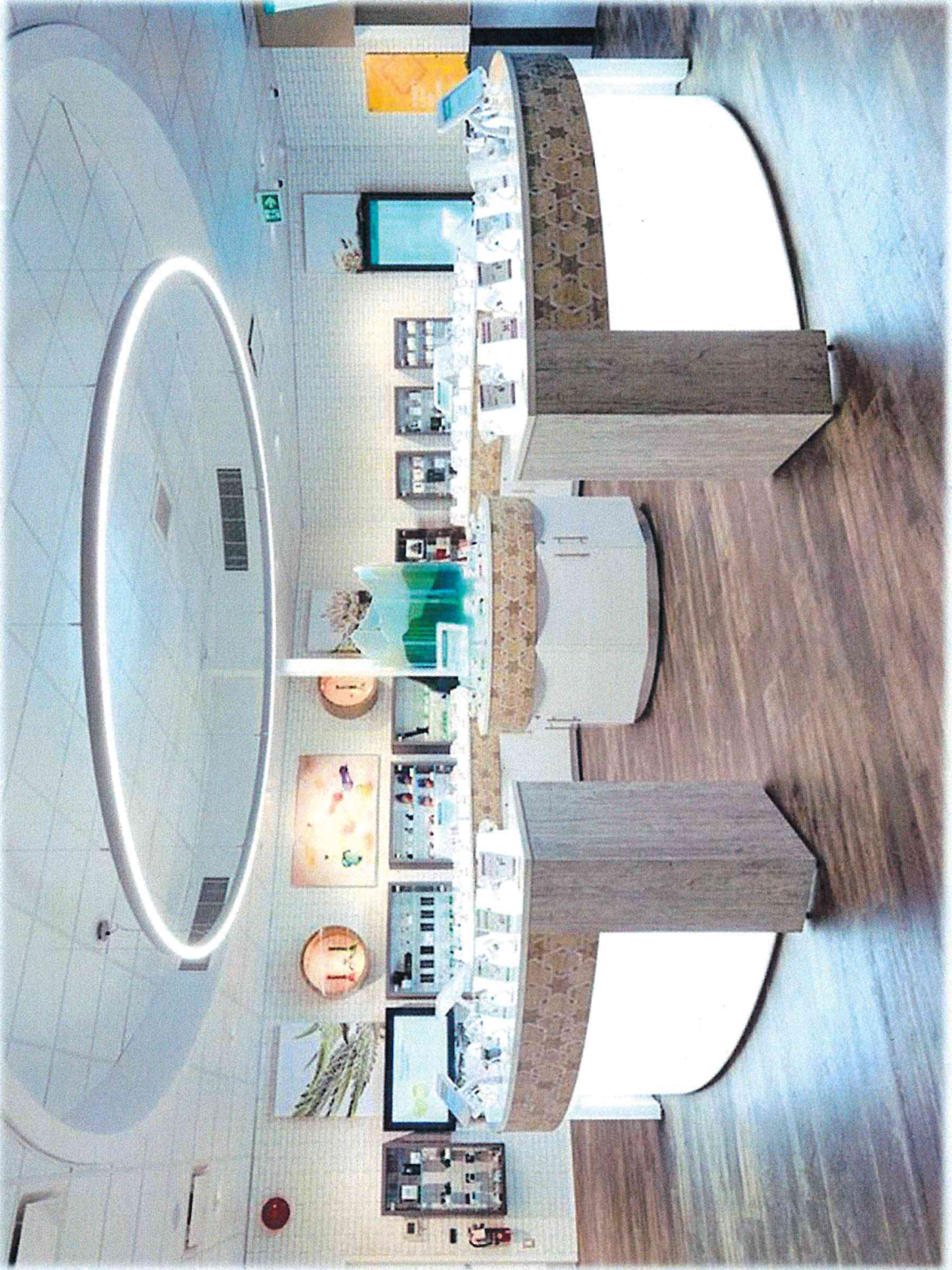
Welcome to BC Cannabis Stores



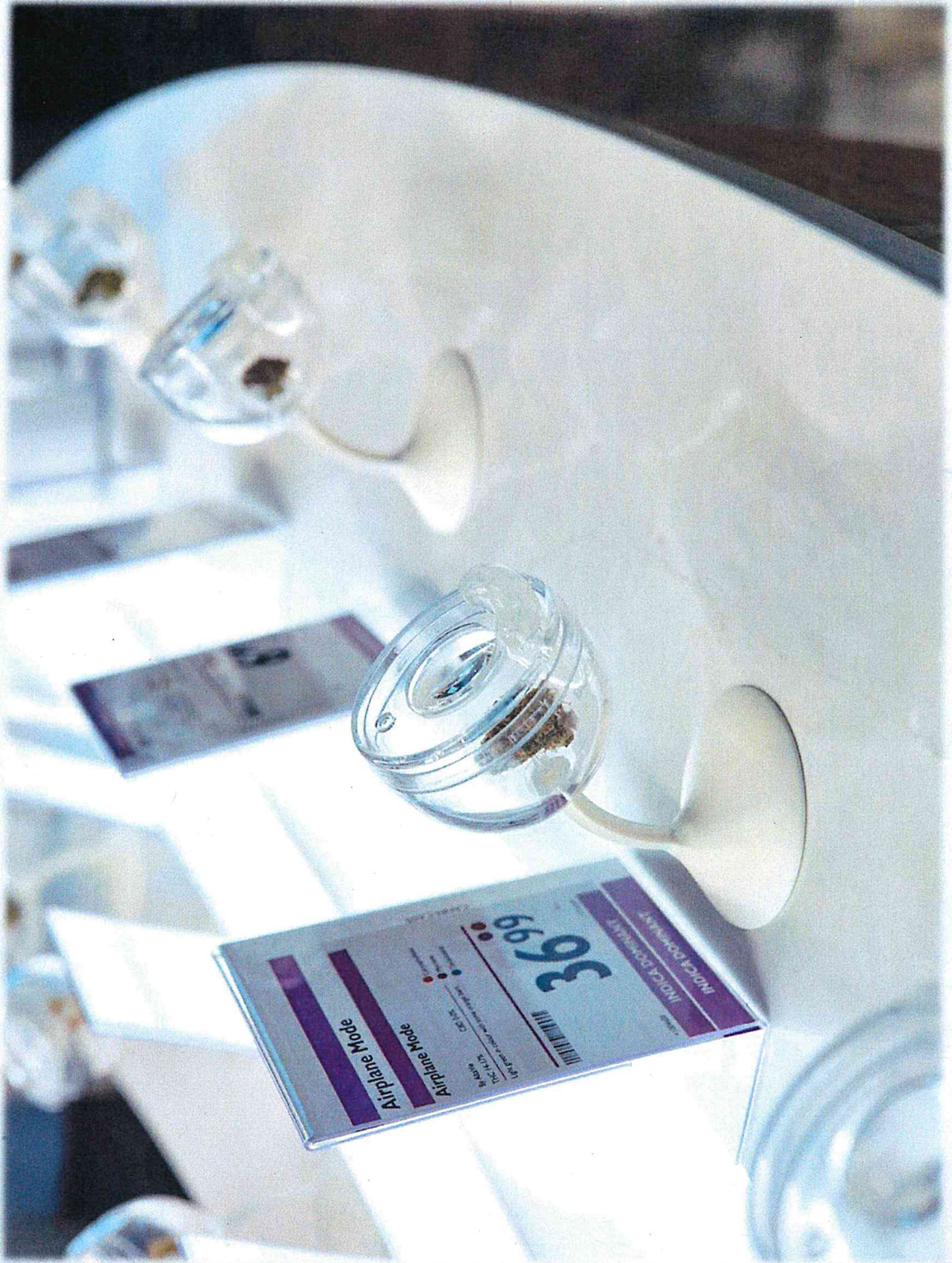
Restricted Access: 2 ID Check



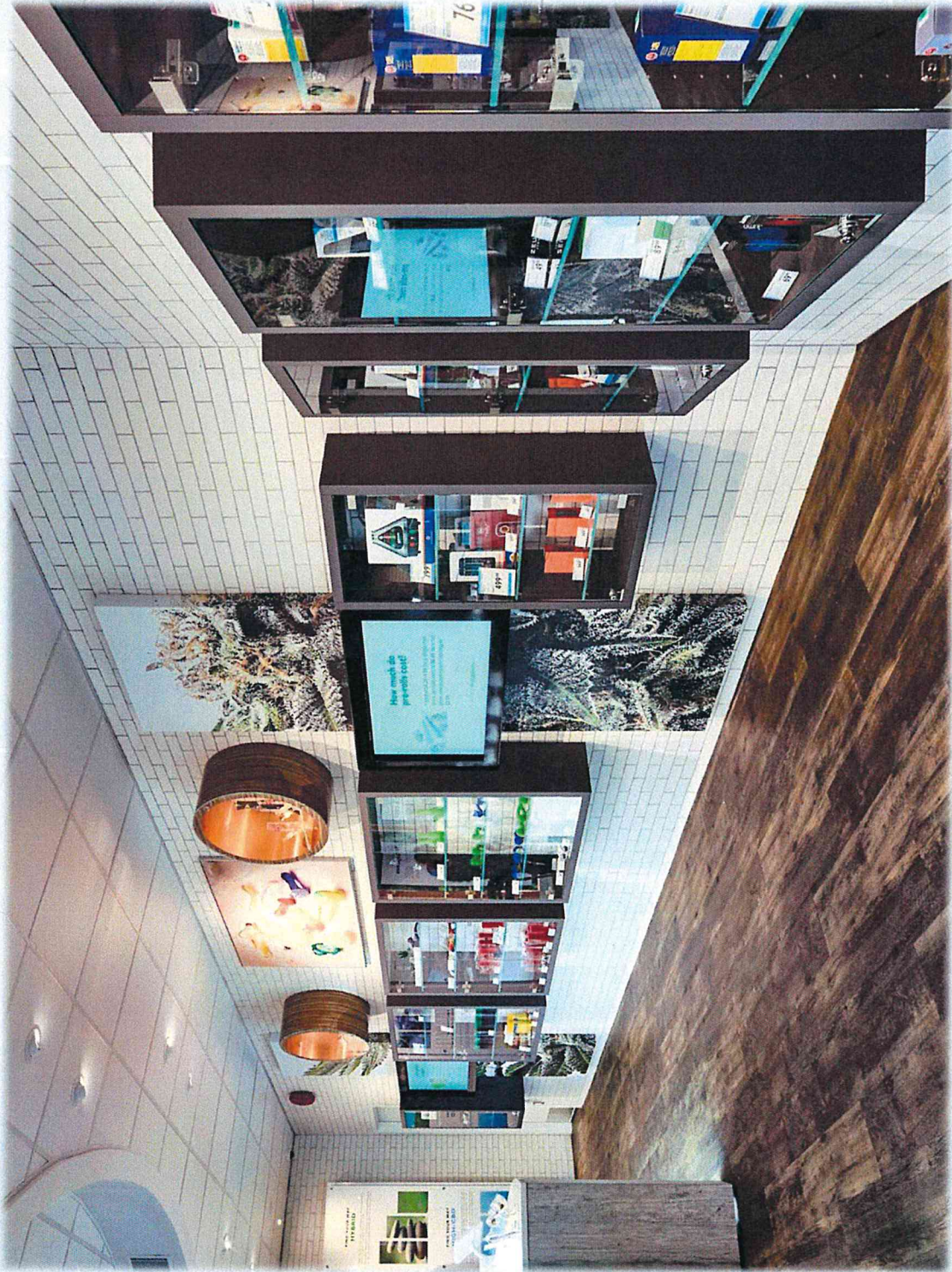
Open & bright interior



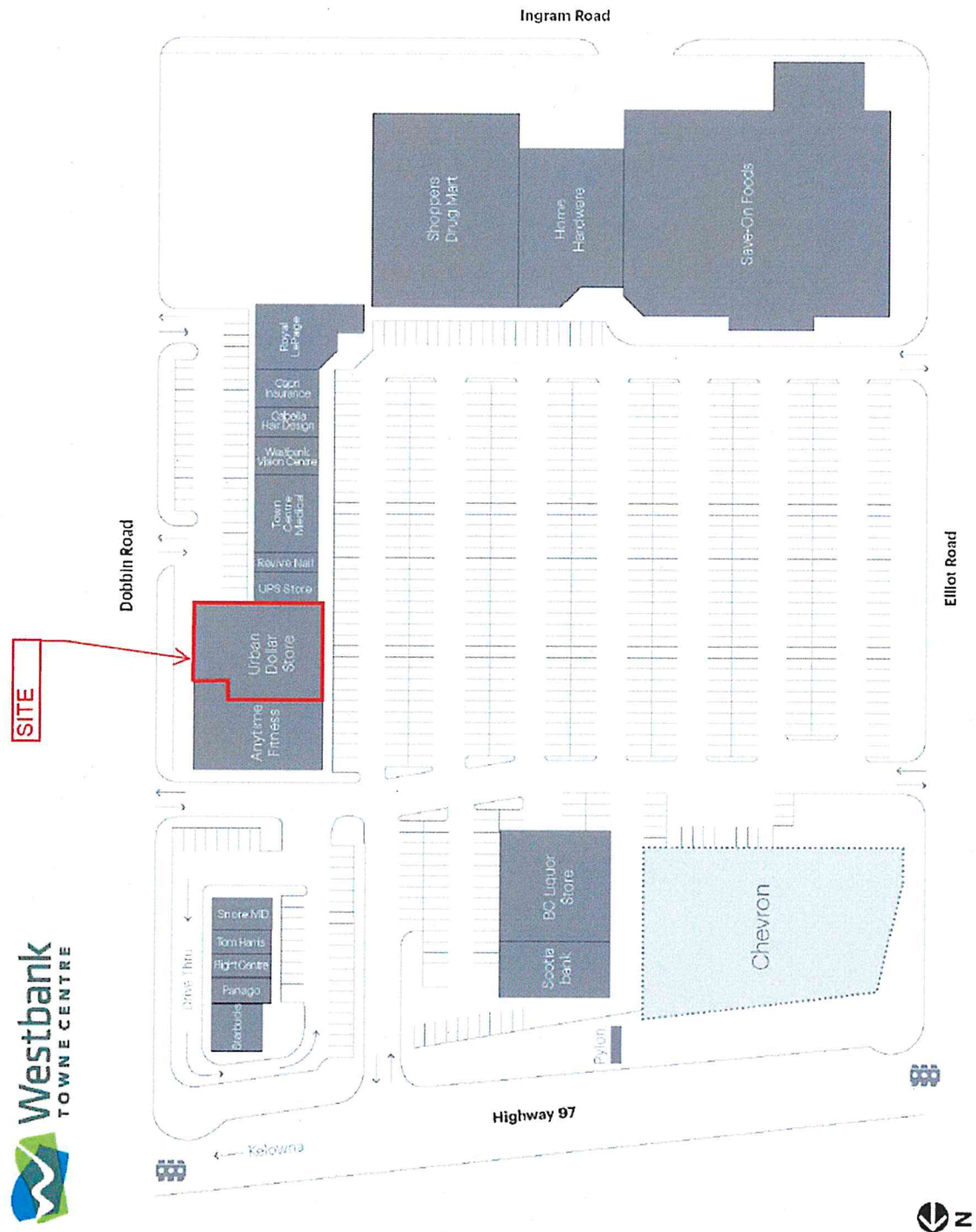
Bud display pods



All product secured safely



Westbank Centre opportunity



NORTHWEST

PROPERTIES

January 24, 2019

Sitings Realty Ltd
1595-650 West Georgia Street
Vancouver BC

Attention: Mr. Dan Clark

RE: BC Cannabis Store Tenancy at Columbia Place Shopping Centre, Kamloops, BC

Dear Dan:

We are the Landlord of the existing BC Cannabis store located in Kamloops at 1210 Summit Drive Kamloops BC which opened on October 17, 2018. The quality of the construction and overall retail experience exceeded our expectations in every respect. Traffic to the mall has increased and we have received feedback from most of our tenants that BC Cannabis has been a welcome addition to the shopping centre and our community. We have not experienced an increase in undesirable or criminal activities on our property due to the opening of the BC Cannabis store at Columbia Place. We have also not noticed or received any complaints regarding cannabis odors originating from the tenant's space.

We would not hesitate to add BC Cannabis to any of our other shopping centers and would recommend them as a tenant to any other Landlord.

I would be happy to provide further information to any property manager or Landlord considering leasing premises to BC Cannabis Store.

Sincerely,

NORTHWEST REALTY INC.



Christoph Richter
VP, Portfolio Management



COUNCIL REPORT
Development Services
For the July 23, 2019 Council Meeting

DATE: July 12, 2019
 TO: Paul Gipps, CAO
 FROM: Chris Oliver, Planner
 RE: Consideration of an Application for a Government Operated Cannabis Retail Outlet

RECOMMENDED MOTION:

THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

RATIONALE:

The recommended motion is based on the following considerations:

- The Government of Canada legalized non-medical cannabis on October 17, 2018 and proceeding to rezone this location will further the goal of providing safe access to cannabis in West Kelowna;
- The Liquor and Distribution Branch (LDB) operates under a public-private model, with revenue generated through the LDB's wholesale and retail operations being directed to the Provincial Government and contributes to supporting vital public services such as health care and education;
- The operator and proposed location are in general conformance with the Non-Medical Cannabis Retail Store Rezoning Policy; and
- Council will have the opportunity to further evaluate the application and gather input from the public through the Public Hearing process.

LEGISLATIVE REQUIREMENTS:

As of October 17, 2018, non-medical cannabis is legal in Canada under the Federal *Cannabis Act*. In British Columbia, the Liquor and Cannabis Regulation Branch¹ oversees retail sales of non-medical cannabis as per the *Cannabis Control and Licensing Act*, *Cannabis Distribution Act* and the Cannabis Control and Licensing Regulations. Under this Federal and Provincial framework, municipalities in BC have the authority to regulate certain aspects of non-medical cannabis retail sales, including zoning regulations, public consultation methods, public consumption and business licensing regulations.

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a license issued by the general manager, but public cannabis stores are authorized under different legislation, the *Cannabis Distribution Act*, and do not require a license. While licences are not required, the LDB are committed to following all municipal zoning processes and

¹ Previously named the Liquor Control and Licensing Branch

meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw. Council has the authority under the *Community Charter* to create and amend regulatory bylaws.

BACKGROUND:

Since 2014, West Kelowna Council has reviewed the topic of cannabis production and cannabis sales a number of times as a result of evolving changes to Federal legislation for medical cannabis as well as the increasing establishment of illegal dispensaries within the community. Council last amended the City's Zoning Bylaw in June 2018 to ensure a clean slate in the bylaw prior to the legalization of non-medical cannabis.

On September 4, 2018 Council reviewed a variety of decision points regarding the preferred City framework for the future retail sale of non-medical cannabis in the community. At this meeting, Council directed the development of a municipal framework that would require proponents for non-medical cannabis retail stores to obtain site-specific zoning approval and further directed the development of a proposed intake framework and review matrix that would guide the acceptance and evaluation of applications. The framework and matrix were largely based on the criteria that the LDB were applying in the selection of their store locations and store operation.

On October 2, 2018, Council adopted the Non-Medical Cannabis Retail Store Rezoning Policy. The Policy was created to help inform Council's decision making on selecting four retail cannabis retail stores in the City based on the following considerations:

- Proposed Neighbourhood and Proposed Location Within Neighbourhood
- Preferred Underlying Zoning and/or Land Use Designation
- Separation from Sensitive Uses
- Separation from other Non-Medical Cannabis Retail Stores
- Building Design, Aesthetics and Neighbourhood Security (including CPTED review)
- Nuisance Activity
- Parking
- Municipal Bylaw Compliance History
- Qualifications and Experience of the Applicant/ Owner (including operational plan)

The Council Policy further outlines the framework for the review and processing of applications for non-medical cannabis stores in West Kelowna. While the recommended motion is based on the Policy, Council retains full discretion to choose to follow the Policy and approve or reject recreational cannabis stores through the subsequent rezoning application process. There is currently no ability to operate a non-medical cannabis retail store in the City without amending the Zoning Bylaw.

As part of the initial Council consideration of the 10 non-medical cannabis retail applications received, Staff were directed to process Zoning Bylaw amendment applications for five locations instead of the four determined as part of the development of the Non-Medical Cannabis Retail Store Rezoning Policy. As of July 9, 2019 all five rezoning applications have been adopted by Council.

Having concluded the rezoning process, the LDB has requested that Council consider an additional (6th) Non-Medical Cannabis Retail Store Application in the Westbank Centre Neighbourhood area (Attachment 1).

A map of the Westbank Towne Centre area. The map shows several streets: Dobbins Road at the top, Ingram Road on the right, Elliot Road at the bottom, and Highway 97 on the left. A red box labeled "SITE" points to a building labeled "Urban Dollar Store". Other buildings shown include Anytime Fitness, Starbucks, BC Liquor Store, Chevron, Shoppers Drug Mart, Home Hardware, Save on Foods, Town Centre Medical, and various smaller businesses like Scott's Book, Pet Services, and others. A north arrow is located in the bottom left corner.

The LDB has indicated in their letter to Mayor and Council that they undertook efforts to locate available spaces as part of the City's initial intake process but were unable to do so due to a lack of availability to substantiate long term tenancy and capital investment (Attachment 1). In addition to the background on location selection, the LDB also outlines the various priorities and operational considerations that they establish as part of their operation including:

- Community engagement and social responsibility.
- Keeping cannabis out of the hands of minors.
- Creating a safe and favorable alternative to purchasing non-medical cannabis from the illicit market.
- A neighbourhood strategy training program for employees.

- Implementing Crime Prevention Through Environmental Design (CPTED) strategies.

Since the Non-Medical Cannabis Retail Store Rezoning Policy was largely based on the criteria the LDB utilize when selecting their locations and operational format, the LDB (as an operator) and proposed location are in general accordance with the Policy. Should Council wish to accept an application for a Non-Medical Cannabis Retail Store from the LDB, at First and Second Reading a motion to waive the Policy for the proposed Provincial Cannabis Outlet will be included. Additional review of the proposal and information will be presented to Council as part of the rezoning process.

ALTERNATE MOTION:

1. **THAT** Council postpone acceptance of a government operated cannabis retail outlet.

Should Council wish to postpone acceptance of an application from the LDB, it is requested that Council provide specific direction as to what is required prior to reconsideration.

2. **THAT** Council direct staff to not accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.

Should Council wish to not accept an application for an additional store in the Westbank Centre neighbourhood area, the applicant would be directed wait until the Non-Medical Cannabis Retail Store Rezoning Policy is reviewed in April – October 2020 (18-24 months after Policy adoption) to determine if additional applications will be accepted.

Respectfully submitted,

Chris Oliver
Chris Oliver
 Planner III

FOR

Nancy Henderson
Nancy Henderson
 General Manager of Development
 Services

Powerpoint: Yes ☐ No ☒

Attachments:

1. Letter from the Liquor and Distribution Branch

Approved for Agenda
Paul Gipps
Paul Gipps, CAO
 Date *July 19, 2019*

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20
 Applications\2019\Cannabis Applications\Westbank Centre\Provincial Store\Provincial Cannabis
 Report.doc



LIQUOR DISTRIBUTION BRANCH

May 8, 2019

City of West Kelowna
2760 Cameron Road,
West Kelowna, bC V1Z 2T6

Dear Mayor and Councillors:

Re: Cannabis Retail Store Application

Please accept this letter and information package to request that Council consider adding a 6th non-medical retail cannabis store to the recently amended Cannabis Retail Store Rezoning Policy.

The store, located at Westbank Town Centre (2475 Dobbin Road) would be a **Government operated cannabis retail outlet**. The Liquor Distribution Branch (LDB) has received support from the property owner to proceed with an application, should Council decide to amend the policy.

In 2018 The LDB undertook efforts to locate available retail spaces within the permitted zones in order to submit an application within the October 17th, 2018 to January 2nd, 2019 intake period. Unfortunately there was a lack of availability at that time to substantiate long term tenancy and capital investment. The BC Cannabis Store model calls for a minimum spatial requirement of 3,500 sq feet which significantly reduced options.

Discussions were held over a number of locations which were ultimately not fruitful due to the aforementioned size constrictions or impingement upon sensitive use buffers.

The unit proposed in this letter has subsequently become available and is within the required C1 Zone designation.

At 7,116 sq feet, it offers the space and layout to optimize customer experience.

About the LDB

The LDB is one of two branches of government responsible for the beverage alcohol industry in BC. The *Liquor Distribution Act* gives the LDB the sole right to purchase and distribute beverage alcohol for the Province. The LDB is also the public liquor retailer in the province's mixed public-private model, operating 197 retail outlets under the brand 'BC Liquor Stores.'

As per the *Cannabis Distribution Act*, the LDB is also the sole wholesale distributor of non-medical cannabis for the province and operates standalone, public retail stores and provides online sales. The LDB currently operates one non-medical cannabis store, under the brand 'BC Cannabis Stores,' in the City of Kamloops.

The LDB is self-insured as a branch of the provincial government.

Revenue generated through the LDB's wholesale and retail operations is directed to the Provincial Government and contributes to supporting vital public services such as health care and education. For the 2017/2018 fiscal year, the LDB contributed \$1.12 billion to fund government services.

Location of Proposed BC Cannabis Store

The location at was selected by the LDB for a proposed BC Cannabis Store for a number of reasons, including that the site is:

- Located in an existing retail node and therefore consistent with the nature of the immediate area;
- Easily accessible to customers with ample parking; and
- Not expected to adversely impact traffic in the surrounding area, given its location in an already established retail complex.
- The property is within range of the 100m sensitive use separation distance for both George Pringle Elementary School and Our Lady of Lourdes Catholic School, however the public entrance of unit itself is well over 100m from both locations as required in section 4.1.(d) of the Policy.

Community engagement and social responsibility

The LDB works closely with the Liquor and Cannabis Regulation Branch (LCRB), the Ministry of Public Safety and Solicitor General, and the Ministry of Attorney General to encourage the safe and responsible consumption of alcohol and non-medical cannabis in BC.

The LDB is committed to working in partnership with local governments to ensure a smooth introduction of the legal cannabis retail market to BC communities. While government-operated BC Cannabis Stores do not require a licence from the LCRB^[1], we are committed to following all municipal zoning processes and meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Social responsibility is integral to the LDB and is one of the four pillars we have identified to support our success. Our efforts are focused on three themes: encouraging and promoting the responsible use of alcohol and cannabis, reducing the impact our business has on the environment, and giving back to the communities we serve. We meet these objectives by:

- Delivering products that meet strict safety and quality requirements. All cannabis products purchased through the LDB wholesale channel and sold through BC Cannabis Stores are purchased from federally licensed producers..
- Promoting the safe and responsible use of non-medical cannabis through social responsibility campaigns aimed at keeping cannabis out of the hands of youth*,

[1] As a branch of the Ministry of Attorney General, the LDB does not require a formal license from the LCRB to operate a retail cannabis store - written confirmation from the LCRB is attached.

preventing driving under the influence, and informing the public about potential associated health risks.

- Actively discouraging customers from engaging in high-risk behavior such as driving high, consuming cannabis during pregnancy and participating in sporting activities while under the influence of cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behavior through various in-store campaigns with strategically placed messaging;
- Running regular in-store fundraising campaigns for dry grad celebrations, Red Cross disaster relief, kids in need, and local community charities (through the Provincial Government's Employee Workplace charitable giving campaign); and
- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

Keeping cannabis out of the hands of minors is a top priority for the LDB. Unlike liquor stores, minors will not be permitted to enter cannabis retail stores, even if they are accompanied by a parent or guardian. Our two ID-check policy at store entranceways prevents minors from entering our cannabis stores. All staff receive comprehensive training for ID-checking

Store Operations

BC Cannabis Stores are bright, clean, welcoming and professional, with the intent of creating a safe and favourable alternative to purchasing non-medical cannabis from the illicit market. Storefronts have frosted windows to align with Health Canada's requirement that cannabis not be visible to minors.

All BC Cannabis Stores employ unionized staff; stores in large municipalities will have approximately 12-20 employees and stores in smaller municipalities will have approximately 6-12 employees. Each store will have a Store Manager, at least one Assistant Store Manager, and staff comprised of full and part-time Cannabis Consultants. Wages start at \$21.00 per hour. All prospective employees must undertake an Enhanced Security Screening (ESS) as mandated by the provincial government.

Store hours may vary by location, with most stores being open from Monday to Sunday 10 am to 10 pm.

The LDB's neighbourhood strategy includes:

- *Keep It Safe*, a mandatory full-day training program, for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. Procedures are in place to ensure there are at least two employees in the store at all times and that stores are armed and locked outside

business hours. For events that occur outside of the store, staff are trained to contact mall security, if applicable, or to call 911.

- Training staff on how to verify a customer's age and to spot signs of fraudulent I.D.
- Transporting expired or defective product off-premises for destruction. There will be no disposal of cannabis at any store, further reducing the risk that cannabis will fall into the hands of minors or the illicit market

Security

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC. The LDB utilizes Crime Prevention through Environmental Design (CPTED) principles when designing our retail stores.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores have:

- Centrally maintained province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;
- A secure storage room for product storage;
- Durable and reliable commercial-grade doors and locks;
- Security shutters and smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached presentation and accompanying materials. We appreciate Councils' consideration.

Best Regards,

Kevin Satterfield

Director of Retail Operations, Cannabis Operations – Store Operations
BC Liquor Distribution Branch.



October 5, 2018

Erin McEwan
Liquor Distribution Branch
2625 Rupert Street, Vancouver BC V5M 3T5

Dear Ms. McEwan:

Re: Non-Role of the Liquor and Cannabis Regulation Branch in the licensing of public stores.

This letter is to confirm that public stores that are established and operated by the Liquor Distribution Branch (LDB) do not require a licence from and are not regulated by Liquor and Cannabis Regulation Branch.

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a licence issued by the general manager, but public cannabis stores are authorized under different legislation, the *Cannabis Distribution Act*, and do not require a licence. LDB should work directly with local governments that are interested in having public cannabis stores in their jurisdictions.

For information on the Liquor and Cannabis Regulation Branch, please refer to:
<https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

The guides below are intended to help local governments and Indigenous nations understand their role in the cannabis retail store licence application process. That role involves gathering the views of those potentially affected by the location of a private retail store and providing a recommendation to the General Manager. Please note that these guides may be updated from time to time.

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/indigenous_nation_role_in_licensing_cannabis_retail_stores.pdf

.../2

**Liquor and Cannabis
Regulation Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
400-645 Tyee Road
Victoria, BC V9A 6X5

www.gov.bc.ca/liquorregulationandlicensing

If you have any questions or concerns, please do not hesitate to contact me at 778 974-2347 or Suzanne.Bell@gov.bc.ca.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Suzanne Bell', written in a cursive style.

Suzanne N. Bell
Deputy General Manager
Licensing and Local Government Liaison
Liquor Control & Licensing Branch

cc: Joshua Huska, Licensing Manager
Julia Bates, Licensing Manager



COUNCIL REPORT
Development Services
For the August 13th, 2019 Council Meeting

DATE: July 30, 2019
TO: Paul Gipps, CAO
FROM: Geoff Brownlie, Building Services Manager
Nancy Henderson, General Manager of Development Services
RE: *Community Charter*, Section 57 Notice on Land Title

Legal: Plan KAP26206 Lot 23 District Lot 3866 Osoyoos DIV of Yale District
Address: 1543 Griffiths Place
Owner: Ryan Gurney and Keilen Gurney

RECOMMENDED MOTION:

THAT Council direct the Corporate Officer to file in the Land Title Office pursuant to Section 57 of the *Community Charter* a notice on the title of the subject property legally described as Plan KAP26206 Lot 23 District Lot 3866 Osoyoos Division of Yale District, which shall state that a resolution relating to that land has been made under this section and that further information about it may be inspected at the Municipal Hall.

RATIONALE:

The Notice on Title will advise prospective purchasers of issues with the subject property in relation to unauthorized building on the property.

LEGISLATIVE REQUIREMENTS:

Section 57 of the *Community Charter* provides that where a building inspector, during the course of carrying out duties, either:

- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers results from the contravention of, or is in contravention of, a municipal bylaw, a Provincial building regulation, or any other enactment, that relates to the construction or safety of buildings or other structures, and that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
- (b) discovers that something was done with respect to a building or other structure, or the construction of a building or other structure that required a permit or an inspection and the permit was not obtained or the inspection not satisfactorily completed,
then the inspector may recommend to the Council that it consider a resolution directing the Corporate Officer to file a notice in the Land Title Office stating that a resolution relating to that land has been made under this section, and further information about it

may be inspected at the Municipal Hall. This recommendation must be made in writing, and notice of the proposed resolution must be given to the affected landowner in advance.

Council must provide the building inspector and the owner an opportunity to be heard before passing or declining to pass the resolution.

Relevant excerpts of sections of the City of West Kelowna's Building Bylaw No. 0086, 2009 (the "Building Bylaw") provide as follows:

Policy and Bylaw Review

Building Bylaw No. 0086

Relevant excerpts of sections of the City of West Kelowna's Building Bylaw No. 0086, 2009 (the "Building Bylaw") provide the following regulations:

PROHIBITIONS:

7.1 No person shall build or install a structure except in conformity with the requirements of this bylaw, the Code and other District bylaws.

7.2 No person shall commence construction of any project for which a permit is required, without first obtaining a permit for that purpose from the Building Inspector.

No owner, agent or tenant shall allow use of a project or portion of a project for which a permit is required under this bylaw, without first obtaining an occupancy permit.

PERMITS

8.1 A permit is required whenever a project regulated by this bylaw is to be commenced. Projects regulated by this bylaw include, but are not limited to:

8.1.3 Interior and exterior alteration of buildings and structures which involve materials or systems controlled by the Code;

8.1.13 Construction of retaining walls over 1.2 m (3.9 ft) in height, measured from the ground level on one side of the structure to the ground level on the opposite side of the structure.

8.13 Every owner shall ensure that all construction complies with the Code, this bylaw and other applicable enactments respecting safety.

BACKGROUND:

On June 21st, 2019 it was communicated to the City's Building Services Department by legal counsel for the Municipal Insurance Association of British Columbia that it had been reported to legal counsel by a former owner of the property that in or about the year 2008 work had been done to a single family home at the above noted address without building permits

Review of City records found permits only for the original house construction in 1977 (November 28th 1977) and for a sewer connection on July 25th, 2002. No other records are noted for this property.

Review of professional reports from legal counsel and through an exterior only site inspection of the property on June 27, 2019 (Attached) a number of items were identified as not being completed under authorization of a Building Permit as well as contrary to the 2018 British Columbia Building Code and to the City of West Kelowna Bylaw No. 0086.

Based on these professional reports and the site inspection, the works completed without permits are as follows:

1. Front entrance exterior stairs exceeds the maximum rise of 200mm (7 7/8") and is not uniform in rise and run.
2. Guardrails – They are missing in a few locations or have not been installed correctly.
3. Front retaining walls – The front retaining walls have been constructed and show signs of bulging and failure.
4. At a number of locations no flashing has been installed for the horizontal junction of the cladding elements.
5. Dampproofing has been installed and is visible in some locations at the top of the foundation wall. It is unknown if the materials installed are acceptable for the use or if the materials were installed correctly.
6. Exposed weeping tile is unknown what the drainage is for or if it was installed correctly.
7. Rear Decks have been modified from the original permit application and new decks have been added at the front and rear of the home.
8. The rear house footing appears to be exposed and does not appear to have the minimum frost protection at rear elevation under lower deck.
9. Positive draining has not been maintained under rear lower deck.
10. Shared correspondence from Counsel has indicated that structural repairs were previously completed in approximately 2008 on the southeast corner of the home without involvement of a structural, or geotechnical professional or without a building permit.
11. Shared correspondence from Counsel has indicated that grading and drainage of the foundation and for the site has been modified with the addition of a foundation/ slab drainage system and a French drainage system adjacent to the home in approximately 2013.

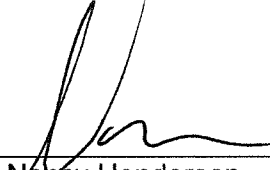
This is not a comprehensive list of deficiencies and missing documentation. City building officials have not inspected covered work, meaning that there may be unobserved deficiencies which will require exposure of certain elements for assessment.

ALTERNATE MOTIONS:

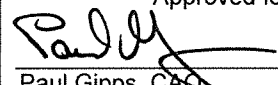
1. That Council postpone the resolution as written to place notice on the title of the subject property legally described as Plan KAP26206 Lot 23 District Lot 3866 Osoyoos DIV of Yale District.

Respectfully submitted,


Geoff Brownlie
Building Services Manager


Nancy Henderson
General Manager of Development
Services

Powerpoint: ☒ Yes ☐ No

Approved for Agenda
 Aug 9, 2019
Paul Gipps, CAO Date

Attachment - 1543 Griffiths Place Inspection report dated June 27th, 2019

H:\DEVELOPMENT SERVICES\BUILDING\3760 Building Regulations\30 Notices on Title



City of West Kelowna

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778)797.1000 Fax (778)797.1001

Inspection Report

Address: 1543 Griffiths Place, West Kelowna, British Columbia

Legal address: Plan KAP26206 Lot 23 District Lot 3866 Osoyoos DIV of Yale District

Arrived: 9:00 am

Inspection date: Thursday June 27th, 2019 (1:40 pm – 2:05 pm)

Classification: Part 9 - Group C Single Family Dwelling

Inspection performed by:

Geoff Brownlie, Building Services Manager, City of West Kelowna

Michael Foster, Senior Official, City of West Kelowna

Background/ Scope:

The Building Services Department with the City of West Kelowna was recently made aware from legal counsel for the Municipal Insurance Association of British Columbia that work had been done to a single family home at the above noted address without building permits. It was also noted however that the work may have been completed some time ago being 2011 through 2015.

Review of our records found permits for the original house construction in 1977 (November 28th, 1977) and for a sewer connection on July 25th, 2002. No other records are noted for this property.

Only general observations have been made, and limited to the exterior of the home. No access was requested to the interior nor was the interior of the home made available to view and therefore not part of this Inspection. The building was found to be occupied, and the home itself appears to still be the same overall footprint from the original Building Permit application issued in 1977 with the exception of a rear deck that has been added.



City of West Kelowna

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778)797.1000 Fax (778)797.1001

Observations/ Comments:

The following deficiencies were observed and unless noted otherwise found in violation of the 2018 British Columbia Code Division B or require further investigation. A full investigation has not taken place, and additional items may become apparent through additional review and be required in addition to these items:

1. Front entrance exterior stairs – Access to principle entrance bottom riser exceeds the maximum rise of 200mm (7 7/8”) and is not uniform in rise and run. The bottom rise differs by 25mm, Articles 9.8.4.1 require uniform rise and run and uniformity in accordance with Article 9.8.4.4..
2. Guardrails – They are missing in a few locations or have not been installed correctly. The front entrance walkway and exterior stairs do not have a guardrail, and the rear built in deck seating area has opening exceeding the maximum permitted size. Elevation differences exceeding 600mm are required to be protected in accordance with Article 9.8.8.1., and openings are to limited to a maximum of 100 mm (3 7/8”) as required by Article 9.8.8.5..
3. Front retaining walls – The front retaining walls have been constructed and show signs of bulging and failure. Retaining walls are required to be designed to resist the lateral pressure of the retained material pursuant to Article 9.4.4.5..

Pictures shared by Counsel from the time of the construction also show that there are concentrated loads from the retaining wall now applied to the foundation of the home. These concentrated loads would exceed the prescriptive requirements for the uniform loads assumed for the original construction. Loads exceeding the prescriptive requirements are to be designed in accordance with Part 4 as required by Article 9.4.1.1., and with Professional Involvement as outlined by Clause 2.2.7.1.(1)(c) of Division C.

4. At a number of locations such as the pressure treated ledger at front of the home and rear added deck no flashing has been installed for the horizontal junction of the cladding elements. Such flashing is required in accordance with Article 9.27.3.8..
5. Damproofing has been installed and is visible in some locations at the top of the foundation wall. Pictures supplied by Counsel have also shown damproofing and drain tile installed. It is unknown if the materials installed are acceptable for the use or if the materials were installed correctly. The front left elevation has wood siding that has been covered by the newer installed damproofing and appears to be in contravention of damproofing requirements and exterior finishing clearances.



City of West Kelowna

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778)797.1000 Fax (778)797.1001

Sufficient information is required to determine if the work completed conforms to the Code. Such information is required pursuant to Article 2.2.2.1. of Division C.

6. Exposed weeping tile at the Northwest Corner (front left elevation) - It is unknown what this drainage is for or if it was installed correctly. Sufficient information is required to determine if the work completed conforms to the Code. Such information is required pursuant to Article 2.2.2.1. of Division C.
7. Rear Decks have been modified from the original permit application and new decks have been added at the front and rear of the home. A number of deficiencies were observed with the wood deck construction such as, but not limited to:
 - Supporting wood posts are in contact with soil and do not appear to be on support 2' below frost.
 - Beams have incorrect splicing.
 - Existing deck has been modified with a header that is exceeding its design load.
 - Wood Joists have exceeded the maximum cantilever distance (20" measured past beam).
 - Insufficient fasteners.
 - Insufficient bearing of framed members.

All framed members are required to be framed, anchored, fastened, tied and braced to provide the necessary strength and rigidity in accordance with Article 9.23.2.1..

Sufficient information is also required to determine if the work completed conforms to the Code. Such information is required pursuant to Article 2.2.2.1. of Division C.

8. The rear house footing appears to be exposed and does not appear to have the minimum frost protection at rear elevation under lower deck. Additional review is required to determine if there is adequate frost protection as required by Article 9.12.2.2. and the City of West Kelowna Bylaw 086 item 4.2..
9. Positive draining has not been maintained under rear lower deck. Such surface drainage is required so that water will not accumulate at or near the building in accordance with Article 9.14.6.1.
10. Shared correspondence from Counsel has indicated that structural repairs were previously completed in approximately 2008 on the southeast corner of the home without involvement of a structural, or geotechnical professional or without a building permit. Further investigation is required for the for the structural and geotechnical work completed in accordance with Clause 2.2.7.1.(1)(c) of Division C.



City of West Kelowna

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778)797.1000 Fax (778)797.1001

11. Shared correspondence from Counsel has indicated that grading and drainage of the foundation and for the site has been modified with the addition of a foundation/ slab drainage system and a French drainage system adjacent to the home in approximately 2013.

Drainage and grading systems are requirements of Section 9.14 and a french drainage system is outside the scope of the prescriptive requirements. Further investigation is required by a geotechnical professional for the work completed in accordance with Clause 2.2.7.1.(1)(c) of Division C.



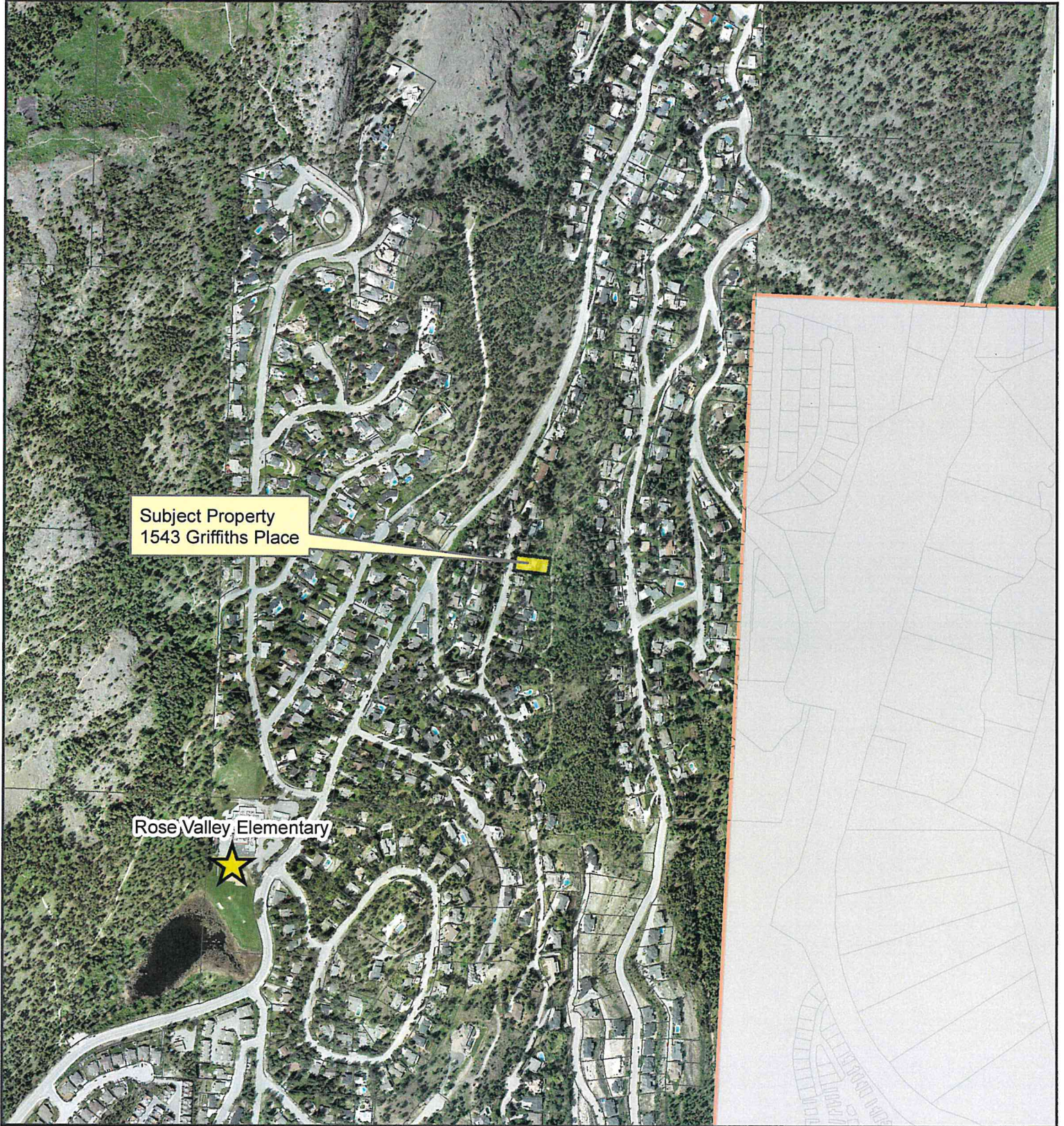
Geoff Brownlie
Building Services Manager

CC

Michael Foster, Senior Official City of West Kelowna





CONTEXT MAP: 1543 GRIFFITHS PLACE



File: Notice on Title

Legal Description: Lot 23 DL3866, ODYD, Plan KAP26206

 Subject Property
 City Boundary

0 120 240 480
Metres







Foundation footing exposed - inadequate frost protection minimum 2 feet of coverage required



Incorrect damp proofing installation & finish
material not approved for contact below
grade (possible structural earth load on
wood frame wall)

Retaining wall leaning and starting to fail



COUNCIL REPORT
Development Services
For the August 13, 2019 Council Meeting

DATE: August 8, 2019 File: TUP 19-01
TO: Paul Gipps, CAO
FROM: Hailey Rilkoff, Planner I
RE: Application: Temporary Use Permit (TUP 19-01)
Address: 3591 Elliott Road
Legal: Lot 16 District Lot 486 ODYD Plan 27961
Owner: WIC Properties Inc., Inc.No. BC0773399
Applicant: West Kelowna Music School

RECOMMENDED MOTION:

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 19-01) to permit a music school at 3591 Elliott Road for a period of three years subject to the conditions of the attached permit.

RATIONALE:

The recommended motion is based on the following:

- The proposed music school teaches acoustic instruments only and has installed wall-to-wall carpeting in each studio which serves to significantly reduce any noise impacts on neighbouring residents.
- The proposed TUP is less intensive than other uses permitted in the C2 zone, such as a restaurant or care facility major.
- The proposed Temporary Use Permit (TUP) would provide for a family and community oriented business to remain in the Westbank Centre neighbourhood.
- The subject property is well-suited for such a commercial business due to its large parking area and existing commercial building.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Section 493 (2) (b) of the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for up to three years at the discretion of Council.

BACKGROUND:

Location and Surrounding Uses

The subject property, situated in Westbank Centre, is within the Neighbourhood Commercial Zone (C2) and has a future Land Use Designation (LUD) of Commercial. The surrounding land uses are predominantly residential and commercial and include:

- North – C2 Neighbourhood Commercial zoned parcel
- East – RC1 Westbank Centre Compact Residential zoned parcels
- South - C2 Neighbourhood Commercial zoned parcel
- West – R1L Large Parcel Single Detached Residential and R1 Single Detached Residential zoned parcels

The subject property has an existing multi-tenant commercial building. In 2016, tenant improvements were done in one of the units for a beverage manufacturing business. In the past, this commercial building has had a pharmacy and medical clinic previously occupying the units.

In May of 2019 the applicants applied for a Business Licence for the music school at 3591 Elliott Road. The Planning review identified that the current zoning of the property (C2) does not allow for a Commercial School (music school) use and the Business Licence referral was rejected in early June of 2019. This use is only permitted in the C1 and C4 zones. All other referrals from the Business Licence review came back as approved, and the applicants had a building inspection which resulted in no requirements for the proposed occupancy.

However, due to a delay in the Business Licensing process the applicants were not advised of the zoning issue until mid-July. A lease had already been secured by the applicants based on the results of the building inspection. Staff have expedited the processing of this TUP due to the previous delay through business licencing and due to the proposed music classes anticipated to start at the beginning of September with the new school year.

The Bylaw Department has made changes to the internal processing of business licences to address the issue which caused the delay in this application. Longer term solutions are also under consideration to improve the Business Licensing process.

Proposal

The application is a request for a Temporary Use Permit (TUP) to allow a music school (West Kelowna Music School) to operate on the subject property.

Applicant Rationale

The applicant has provided a proposal summary describing their intentions respecting the TUP, which outlines:

- The music school requires more studio space than their current location can accommodate;
- The approval of this use will allow their music students to stay in West Kelowna rather than have them leave the community for other music schools;
- The property is the only suitable option in West Kelowna because of its affordability, location, parking and configuration;
- Hours of operation are Monday through Saturday between the 9:00am and 9:00pm, September to June with reduced summer hours; and
- The family oriented business will discourage transient activity currently occurring due to the current low level of activity and animation of the site.

The applicant's proposal summary is attached for review (*Attachment 4*).

POLICY, LEGISLATION AND BYLAW REVIEW

Official Community Plan Bylaw No. 0100

The subject property is within the Boucherie/Westbank Centre Growth Management Designation (GMD) which is intended to create centres that are an attractive, walkable node of employment and community amenities. Objectives of the Westbank Centre GMD include increasing the mix and intensity of land uses and promoting economic development by encouraging a variety of economic activities.

The subject property has a Commercial Land Use Designation (LUD which includes policies to permit small scale community services compatible with and in support of residential use and to direct commercial uses with a regional appeal to Boucherie/Westbank Centre.

The OCP commits to fostering economic growth while focusing on diversification, revitalization and redevelopment to create a complete community. The OCP encourages economic development that supports the unique character of the community and provides services to a broad range of user groups. The OCP supports zoning amendments or variances where they are consistent with the GMD and LUD and the proposed facilities are a desired use in the community.

Zoning Bylaw

The subject property is within the Neighbourhood Commercial Zone (C2) which accommodates a limited range of convenience services, typically required on a day to day basis by residents of local neighbourhoods. Commercial School, which includes music schools, is not a permitted use in the C2 Zone and is only permitted in the Urban Centre Commercial Zone (C1) or Service Commercial Zone (C4). Commercial School is defined as:

“premises used for commercial training, instruction, or certification in a specific trade, skill or service. Typical uses include secretarial, business, hairdressing, information technology, beauty, culture, and music schools.”

The C2 Zone does permit the similar use of Recreation Services, Indoor which includes uses for performing and cultural arts such as dance and yoga studios.

The Zoning Bylaw requires ten (10) parking spaces per classroom for Commercial School uses located within Institutional Zones, which does not fit with the studio style music school that is proposed with one-on-one student instruction. Within Commercial Zones, there is no specific parking requirement for Commercial Schools. Using the general parking provision for Commercial Zones, 3.0 spaces per 100m² (1076.4 ft²) are required. As the Music School space is approximately 2556 ft², seven (7) parking spaces are required.

TECHNICAL REVIEW

Parameters of Temporary Use Permits

Temporary Use Permits, if approved, allow for a specific use(s) on a specific property subject to compliance with all conditions outlined within the Permit. As such, where one or more of the applicable conditions have not been met or adhered to the use(s) specified within the Permit may not occur. Council may approve Temporary Use Permits for any time period, to a maximum of three years.

Advisory Planning Committee (APC)

Section 4.2 of Bylaw No. 0098 which establishes the APC states that the Development Services Department may refer matters, such as Temporary Use Permit applications to the commission for

review. The application has not been considered by the City's Advisory Planning Commission (APC) due to the availability of meeting schedules and the shortened timeline before the proposed start of classes in the beginning of September. Should Council wish this application to be considered by the APC, an alternate motion has been provided.

Parking

The proposal includes the provision of 15 dedicated parking spaces which is over double what is required by Zoning Bylaw No. 0154. The entire site has 40 parking spaces, which can easily accommodate the existing commercial business that occupies the site as well as additional tenants who may occupy the building in the future.

Building & Fire

The occupant load of the current unit is a maximum of 30 occupants at any one time.

Noise

The applicant installed wall-to-wall carpeting within the studio rooms to lessen the chances of noise issues. In addition, the site is laid out with the parking lot bordered by mature vegetation between the commercial building and the majority of neighbouring residential properties. The commercial building has air conditioning which should reduce the need to open windows which would allow sound from the music school to travel further. Should there be any issues with noise or compliance the City maintains a Good Neighbour Bylaw to address issues related to noise respecting residents' enjoyment of their homes and neighbourhoods.

Landscaping

There is existing landscaping and mature vegetation on the subject property which could contribute to dampening noise between the music school and neighbouring residential properties (Figure 1).



Figure 1 – Existing Landscaping Buffers on site

Business Licensing

The commercial operation of a music school will require a Business License, which has already been applied for. Should any operation of a business not be in compliance with applicable conditions and regulations (e.g Temporary Use Permit conditions, Business Licensing Bylaw, etc), the City's Business Licensing Bylaw No. 0087 empowers the City to daily fines where a licensee has failed to comply with the terms or conditions of the license.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0131. Additionally, a mail out was sent to all property owners (Attachment 6) and their tenants within 100 meters of the subject property (79 letters total) and an advertisement will be placed in the local newspaper on August 7th. At time of writing this report, no correspondence from the public has been received in reference to this proposal.

In accordance with the City's Development Application Delegation Request Policy, Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a TUP.

ALTERNATE MOTION #1 – Postpone Consideration of the TUP and Refer Application to APC

THAT Council postpone the consideration of a Temporary Use Permit (File: TUP 19-01) to permit a music school at 3591 Elliott Road and direct staff to refer the application to the Advisory Planning Commission for review.

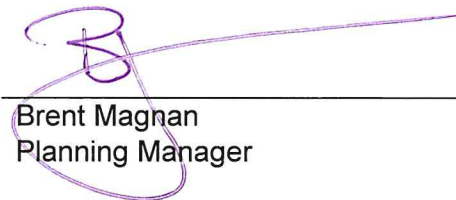
ALTERNATE MOTION #2 – Deny Issuance of the TUP

THAT Council deny the issuance of a Temporary Use Permit (File: TUP 19-01) to permit a music school at 3591 Elliott.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

Respectfully submitted,


Hailey Rilko
Planner I



Brent Magnan
Planning Manager


Nancy Henderson
General Manager of Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Temporary Use Permit TUP 19-01
2. Context Map
3. Subject Property Map
4. Proposal Summary
5. Parking & Site Plan
6. Public Notification Map

Approved for Agenda	
 Paul Gipps, CAO	AUG 8, 2019 Date



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 19-01**

TO: West Kelowna Music School
c/o WIC Properties Inc
3591 Elliott Road
West Kelowna, BC, V4T 1N9

1. This Permit is issued subject to compliance with all of the Bylaws of the District of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot 16 District Lot 486 ODYD Plan 27961 (3591 Elliott Rd)

3. This Temporary Use Permit (TUP 18-06) allows for the use of a commercial school at 3591 Elliott Road to allow for a music school, subject to the following conditions:
 - i. Maximum occupant load within the unit at any one time is 30 occupants.
5. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/XX PASSED BY THE MUNICIPAL COUNCIL ON
AUGUST 13, 2019.

EXPIRY DATE: AUGUST 13, 2022

ISSUED ON:

Signed on

City Clerk



CONTEXT MAP: TUP 19-01



File: TUP 19-01

Legal Description: Lot 16, DL 486, ODYD, Plan 27961

 Subject Property

 City Boundary

0 105 210 420
Metres






SUBJECT PROPERTY: TUP 19-01



File: TUP 19-01

Legal Description: Lot 16, DL 486, ODYD, Plan 27961

LEGEND

-  Subject Property
 Zoning Boundary
 Parcels



Temporary Variance Application for 3591 Elliott Road

West Kelowna Music School (WKMS) primary vision over the past 6 years has been to nurture a love of music in a supportive and positive environment. We have provided excellence in music education for all ages since 2013. Our current student enrolment represents over 100 families and is growing. Our teachers are specialists offering programs for everyone in the community from preschooler to University prep to continuing education for adults.

Over the years WKMS has offered annual community performances at local senior residences, community concerts, Westbank Museum Christmas fair, performances at the Westside Culture Days, Westbank Christmas Light-up and is scheduled to have our choir, Vox-Forte! perform at the West Kelowna Remembrance Day ceremonies this year. We are supporters and co-founders of Westside Music Festival, which brings Canadian Composers to West Kelowna each year for a non-competitive music festival open to all West Kelowna music students. As well, WKMS was nominated and a finalist in the Westside Board of Trade's Key Business Awards for Performing Arts in 2018.

We have had a successful 6 years at our current location, however our school requires more studio space to house our growing music co-operative. This new space will afford us the ability to offer a mentorship program for new teachers to ensure the longevity of music education in West Kelowna. Our desire is to keep West Kelowna music students in West Kelowna rather than have them leave the community for other music schools.

After an exhaustive two-year search, this property (3591 Elliott Road) is the only suitable option in West Kelowna because of its affordability, location, parking and configuration.

Our hours of operation have been Monday through Saturday between the hours of 9:00am and 9:00pm, September to June. Our summer hours of operation are much reduced.

We are aware and see daily evidence of transient activity at this location due to it being vacant for so long. We are confident that our family-oriented business will discourage this activity. (Please refer to attached statement from direct neighbour).

When we first came together to create our music co-op, we approached the city to get our business licence, which consisted of simply filling out a form and paying \$60. We assumed, naively, that same process would take us to the new location, however, when we found out we would require more than that we went forward with the City's process and held off signing our lease. Two people from the building inspection department came to our site and told us we were approved with a cap of 30 occupants at one time. The Fire Inspector gave us a few things to address and once those were completed he

gave us the occupancy limit sign to be posted at our door. At this time, we understood that we were “good to go”.

It was only at this point we signed a three-year lease for this Elliott Road property which we now have to honour whether we have a variance approval or not and whether we can teach there or not. Sub-letting this location would be impossible, as I am sure you are aware, given the restrictions of the current zoning.

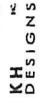
We feel there was a lack of communication in the process of acquiring this business licence. It was not fully explained at the beginning or at any point of the process. We are confused by the lack of information initially given by the City. Why would the City send out two inspectors to look at the location if the zoning wasn't correct to begin with? Shouldn't that have been the first hurdle? Why waste time with building and fire inspections if the most basic element of zoning was wrong according to the City itself?

Our lease at our current location expires August 31st of this year and we need to be settled at the Elliott Road property so that we can proceed with classes scheduled to begin September 1st.

We count on your support in our efforts to continue to provide music education in West Kelowna.

Melodie Petersen, WKMS

Sandra Mitchell, WKMS



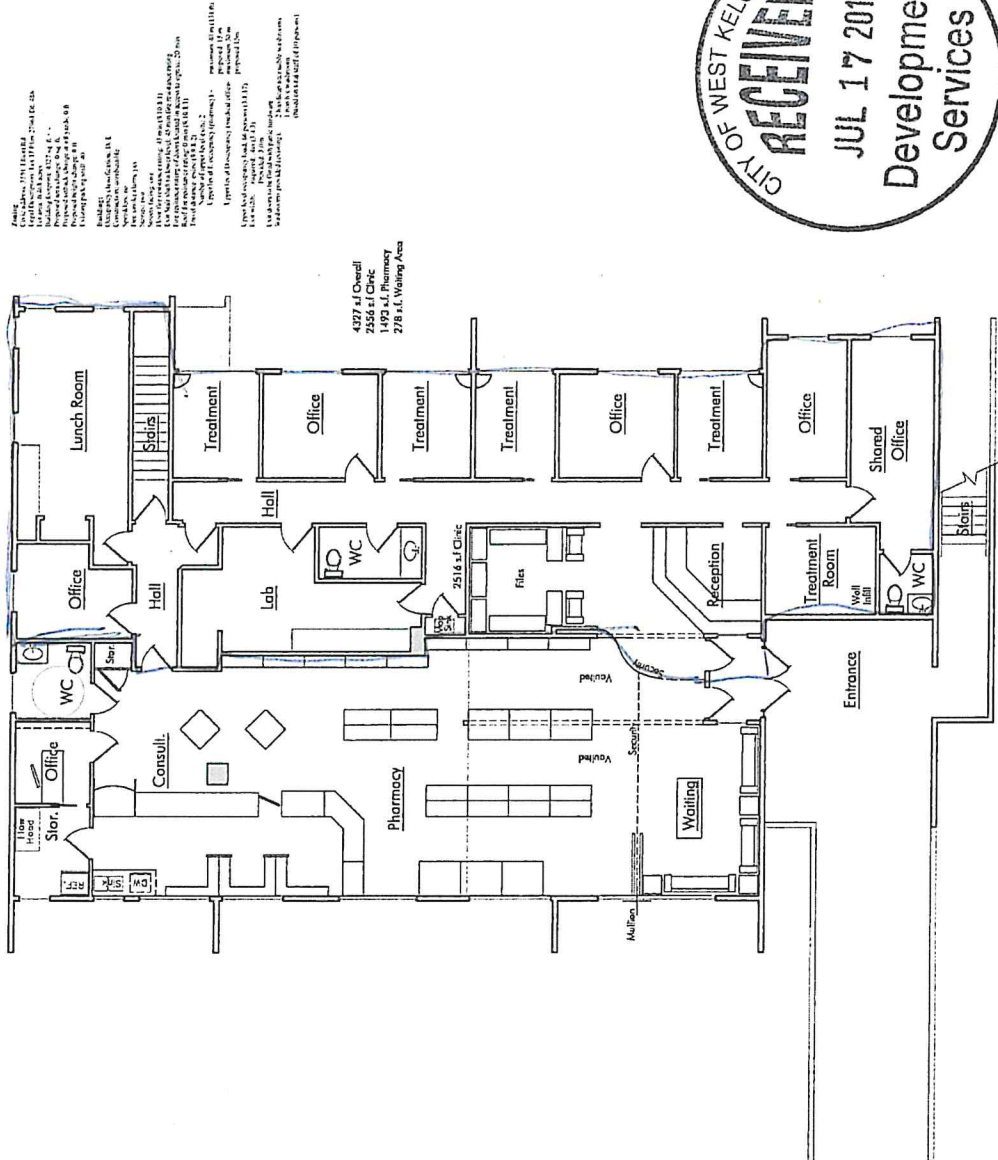
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3591
Elliot Rd.
West Kelowna

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	03/25/2012

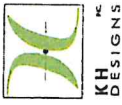
As-Built
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A-2b



A circular black and white stamp. The outer ring contains the text "CITY OF WEST KELOWNA" at the top and "Development Services" at the bottom. In the center, the word "RECEIVED" is written in large, bold, capital letters, and below it, the date "JUL 17 2019" is stamped.

1 UPPER
A-2B 216-110



5225 Eastwood Road
FACILAND
P.O. BOX 111
R.D. #1
ROSELAND, NC 28384



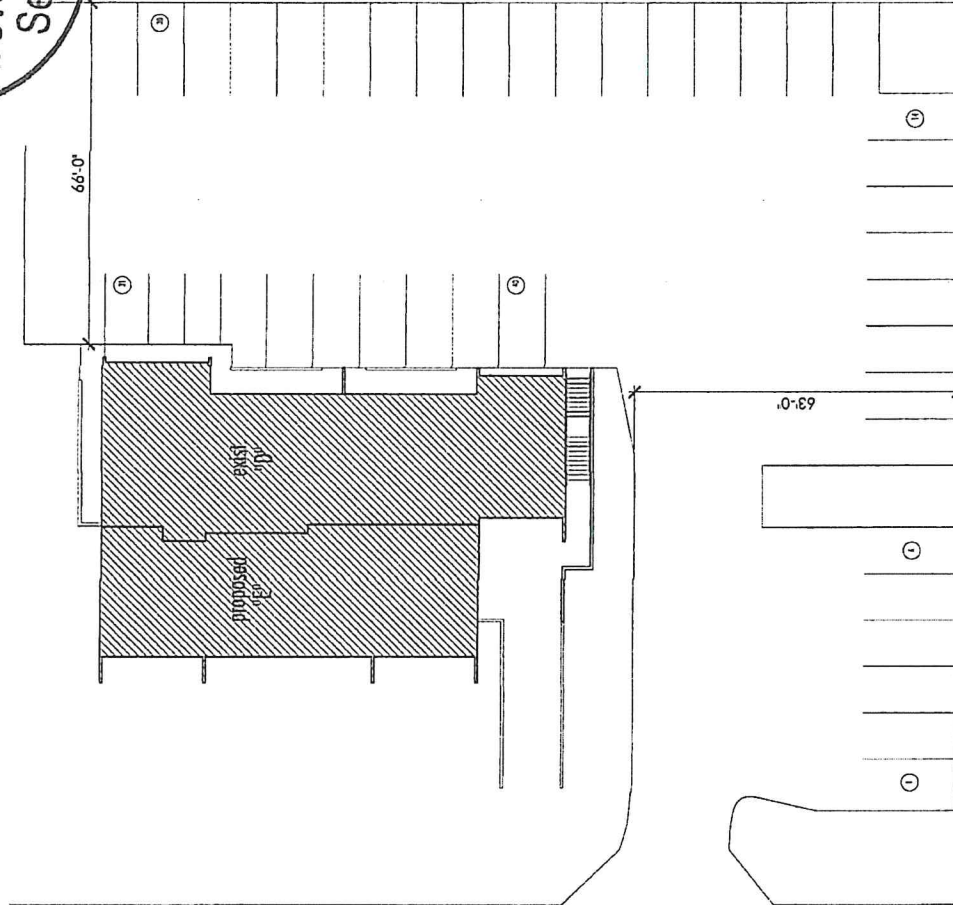
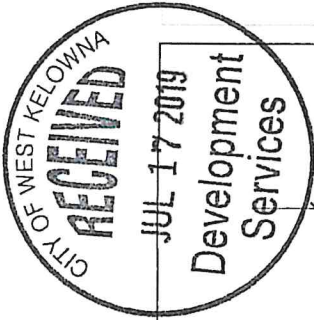
Westside
Medical
Clinic

3591
Elliot Rd.
West Kelowna

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Site
Plan

A-0



Elliot Rd.

Zoning: Civic Address: 3591 Elliot Rd.
Legal Description: Lot 17 Plan 27961 DL 486
Lot area: 0.468 acres
Building footprint: 4327 sq. ft. +/-
Proposed area change: 0 sq. ft.
Proposed setback change at all yards: 0 ft
Existing parking stalls: 50
Existing parking stall: 50
Building:
Occupancy classification: D, E
Construction: combustible
Sprinklers: no
Fire smoke alarm: yes
Storeroom: two
Street lighting: one
Fire resistance rating of doors: 45 min (0.10.8.1)
Exit Sign: shall have a self-luminous exit sign
Fire resistance rating of doors located in access to egress: 20 min
Travel distance: 0 min (0.10.8.1)
Number of exits: 2
Upper level E occupancy (pharmacy) - maximum 40 m (131 ft) proposed 15 m
Upper level D occupancy (medical office) - maximum 20 m proposed 15 m
Exit width: required: 4m (13.1 ft) provided: 3.0m
Exit doors to be fitted with panic hardware
Washrooms provided (existing): 2 handicap accessible washrooms
1 non-hc washroom
(based on total staff of 10 persons)

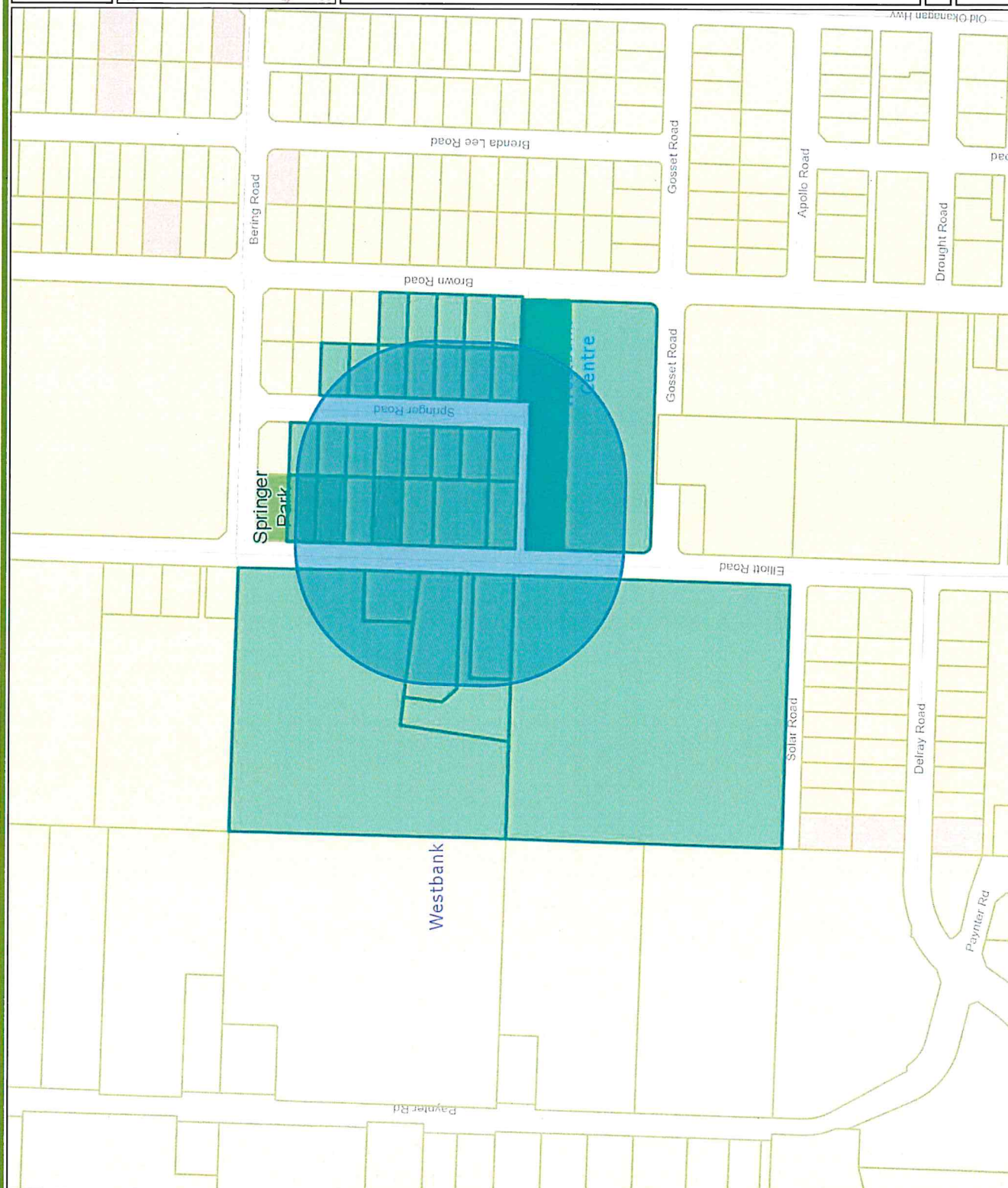
TUP 19-01 GIS Mail Notification Map



Legend
Landmarks
 Cemetery
 City Hall
 Community Centre
 Dam
 Fire Hall
 Museum
Basemap Layers
 WK Admin Boundary
 Regional Admin Boundary
 Highway
 River / Stream
 Intermittent Stream
Parcels
 Waterbody
 Lake Access
 Regional Park
 Municipal Park
 Westbank First Nation
 Lease
 Park
 Road Right-Of-Way
 Walkway
 Common Access
 Crown Land

Scale 1 : 4,000

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



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Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna (2015)

Map Produced on: 7/26/2019 9:16:25 AM



COUNCIL REPORT
Development Services
For the August 13, 2019 Council Meeting

DATE: August 6, 2019 File: 5080-01
TO: Paul Gipps, CAO
FROM: Nancy Henderson, GM of Development Services
RE: June 27, 2019 Social Issues Town Hall

RECOMMENDATION:

THAT Council consider the public feedback received during the Social Issues Town Hall meeting at a future Committee of the Whole Meeting to discuss housing and social issues as part of the 2020-2022 Strategic Priorities and budget deliberations.

RATIONALE:

On June 18, 2019 Council directed staff to arrange a Town Hall meeting to provide West Kelowna residents and business owners the opportunity to share concerns and possible solutions related to crime, vagrancy, open drug use and other unsavoury behaviour in the downtown core and surrounding neighbourhoods. Council further directed staff to provide a report outlining the comments and suggestions received at the town hall meeting for consideration at a future Council meeting

This report provides a summary of the public feedback received during the Town Hall Meeting held in Westbank Centre on June 27, 2019. It is recommended that these comments be considered as part of the 2020-2022 Strategic Priorities and budget considerations.

STRATEGIC PRIORITY OBJECTIVE:

2019 Strategic Priorities

A commitment to action was made through the 2019-2022 strategic plan, which prioritizes support for efforts to address health, homelessness and housing in the community. The following action items have been prioritized in 2019 to accomplish this strategic goal:

- To work with the province and other organizations to improve access to supportive housing, health and social services for individuals experiencing homelessness.
- Creation of a Homelessness Strategy for the Westside.
- Advocating for the development of an urgent care centre on the Greater Westside and improvements to community health care services.
- Pursue the development of an Urgent Care Centre in West Kelowna.

The 2019 Strategic Priorities also has a focus on relationships and identified the need to build relationships and to be more collaborative with neighbouring communities. In addition, priorities for 2019 include a focus on community safety and the review of municipal policing levels and lobbying for a review of provincial policing levels, which the province has committed to and is currently underway.

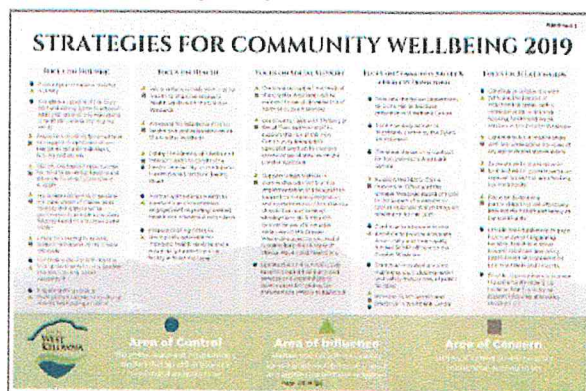
2020- 2022 Priorities

Council has identified priorities for 2020 - 2022 in the 2019 Priorities document, which will be reviewed in detail annually and amended to reflect emerging priorities throughout the term of Council.

- Establishment of an Affordable Housing Strategy, with the intent of providing direction to stakeholders in response to the affordable housing needs of the community.
- Develop a vibrant downtown core that will offer attractions for all West Kelowna residents.

BACKGROUND:

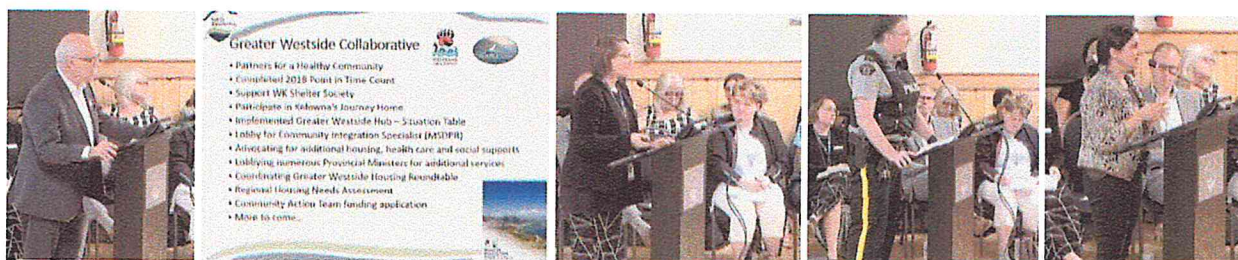
On the evening of June 27, 2019, the City of West Kelowna hosted a public Town Hall in the Westbank Lions Community Centre to gather input and suggestions from the public regarding social issues in West Kelowna's downtown area and surrounding neighbourhoods. Staff were directed to coordinate the town hall meeting by Council at its Committee of the Whole Meeting on June 18, 2019. Council agreed to provide this opportunity to allow for public input related to concerns with crime, vagrancy, open drug use and other unsavoury behaviour that is negatively impacting the downtown core of Westbank Centre and the surrounding areas. On June 25, 2019, the West Kelowna Strategies for Community Wellbeing 2019 was presented to Council; a summary of the social issue's initiative was presented by staff during the Town Hall.



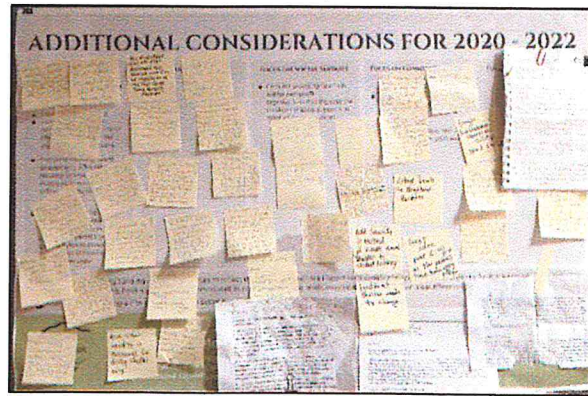
The Town Hall was advertised through press releases, the City of West Kelowna email list server and website. Approximately two hundred people attended the Town Hall. The meeting was facilitated by Allan Nielson of Neilson Strategies. Elected official attending included City of West Kelowna Mayor Gord Milson, Councillors Jason Friesen, Jason Zilke, Stephen Johnson, Doug Findlater and Rick de Jong; Westbank First Nation Councillor Tom Connick and Member of Parliament, Dan Albas. The elected officials and staff's role at this meeting was to listen and only seek clarification through the facilitator.

The meeting commenced with opening remarks by the facilitator and the Mayor and included presentations by:

- Nancy Henderson, General Manager of Development Services, City of West Kelowna
- Duncan Dixon, Staff Sergeant, West Kelowna RCMP
- Dhorea Ramanula, Manager of Programs, West Kelowna Shelter Society
- Ann Howard, Regional Director, Interior Region Office, BC Housing
- Dr. Silvina Mema, Medical Health Officer for Central Okanagan, Interior Health Authority



A public feedback board was available for written comments from the public and handouts included the City of West Kelowna Strategy for Community Wellbeing 2019; an Overview of the Brown Road Interim Housing Project, prepared by the Westside Shelter Society; and a copy of the Westside Shelter Resource Calendar for June through August. Sign-up sheets were available at the entrance to volunteer with the Westbank Centre Business Watch, Community Partners for a Healthy Community and the West Kelowna Shelter Society. While there was no interest from the attendees to volunteer for the West Kelowna Shelter Society, one individual signed up for the Community Partners for a Health Community and four people signed up for the Westbank Centre Business Watch Program. A sign-up sheet for presenters was provided and each presenter was allowed up to two minutes to speak in order to allow all attendees a chance to present their ideas.



Of the two hundred attendees, thirty-three people spoke and thirty-nine written comments were received. This report is not intended to provide a verbatim transcript of the meeting, but instead provides a summary of the public comments received during the event. The event was recorded and the full proceedings are available on the City's website under Community Video's on the Webcasts [page](#).

Public Feedback Summary

The public presenters were a mix of residents, business owners, social service providers and two current residents of the Brown Road Interim Housing. A complete summary of the speaker comments and written submissions has been attached this report (*Attachment 1*). The attached written post-in note summary has been organized under four categories: 1) Patrol/Enforcement; 2) Shelter Location; 3) Other Jurisdiction Solutions; and 4) General. Highlights of the comments are provided below.



Summary of Public Feedback:

- Overall residents appreciated the Town Hall format, the need for a regional approach and the the various stakeholders and service providers attending to listen.
- Significant concern was raised about resulting crime from the homeless population; most felt it was directly related to the opening of the shelter, though the Westbank Library noted that the number of security incidents at the library has decreased since the shelter opened.
- Appreciation for Paladin security in Westbank Centre was a common comment, most generally feel that it has helped the Westbank Centre area, though many feel it is not enough and would like 24/7 patrols.
- General sentiment is that the homeless shelter should be relocated to a better site, with multiple speakers raising concern about the location being near seniors and children.
- Many feel the homeless are immune from the existing laws and want the RCMP to have stronger enforcement.
- Multiple speakers raised concern on the amount of tax dollars spent addressing the resulting vagrancy and crime.
- The businesses in Westbank Centre feel they are being negatively impacted by the resulting vagrancy and crime associated with the social issues facing those that are living rough.
- Many felt that the users of the shelter should be required to give back to the community through work programs such as garbage pickup, snow removal etc.

- Many of the social service providers suggest that if residents and business owners engaged with the homeless, they may see things differently. Overall there was a request for compassion from the public towards persons who live rough.
- Service providers who spoke are excited to see the collaborative efforts to help solve the social challenges.
- The overall feeling by those that attended was that more needs to be done.
- Many felt that the local government should put more pressure on the province and federal government to help solve the issue of homelessness, drug addiction and mental health.
- The users of the shelter are thankful that they have a place to go.

COUNCIL REPORT / RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
June 18, 2019	<p>THAT Council direct staff to arrange a Town Hall meeting to provide West Kelowna residents and business owners the opportunity to share concerns or possible solutions related to crime, vagrancy, open drug use and other unsavoury behaviour where there is a negative impact on the downtown core and surrounding neighbourhoods; and</p> <p>THAT Council direct staff to hire a facilitator for the Town Hall meeting; and</p> <p>THAT Council limit its role at this meeting to listening and only seek clarification through the facilitator; and</p> <p>THAT Council limit speaking time to no more than two minutes per person, except for invited speakers; and</p> <p>THAT Council direct the Town Hall meeting take place at the Westbank Lions Community Centre on Thursday, June 27, 2019 from 6 p.m. to 9 p.m.; and</p> <p>THAT Council direct staff to provide a report outlining the comments and suggestions received at the town hall meeting for consideration at a future Council meeting.</p>	Committee of the Whole Mtg -no minutes available yet.
June 25, 2019	Housing, Health and Social Initiatives Update Information Report presented.	N/A

As outlined in detail in the June 25, 2019 Housing, Health and Social Initiatives Update report to Council, the cause of the rise in social issues in West Kelowna is multi-faceted and extremely complex. In 2019, the City has taken a collaborative leadership approach to addressing the social issues on the Greater Westside. The Strategies for Community Wellbeing document highlights the five key focus areas identified for 2019. This strategy builds off the successes to date, including:

- the strong relationships being built with the community and stakeholders (ex. the Greater Westside HUB and the Affordable Housing Roundtable),
- the establishment of a security and bylaw presence in Westbank Centre,
- the increasing services on the Westside such as the creation of a provincial Community Integration Specialist staff position, and
- conveying the needs of the community to BC Housing and Interior Health.

Next Steps:

1. To ensure the feedback received at the Town Hall is considered as part of the 2020–2022 Strategic Priorities and budget considerations.
2. To continue to implement the Strategies for Community Wellbeing 2019.

3. To coordinate a community open house to further engage the public and provide information regarding the community wellbeing initiatives underway and offered by a variety of agencies and organizations on the Greater Westside.
4. In collaboration with Interior Health, co-ordinate a seniors engagement to obtain feedback on housing and health care.

Respectfully submitted,



Nancy Henderson
GM of Development Services

PowerPoint: ☐ Yes ☒ No

Attachments:

1. Public Comment Summary

Approved for Agenda	
 Paul Gipps, CAO	AUG 8, 2019 Date

"H:\DEVELOPMENT SERVICES\PLANNING\5080 Social Planning\01 General\Town Hall\Council Report August 13, 2019.docx"

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

SPEAKER COMMENTS (also available on webcast):

Speaker 1.

- Happy that the meeting is happening, thanked Mayor for coming to his store to listen; appreciates the overview provided by presenters.
- Provided concerns with crime associated with homeless; very concerned that children are watching people doing drugs.



Speaker 2.

- Has a stepson fighting drug addiction and feels that both Interior Health Authority (IHA) and RCMP won't listen and have failed both himself and his son. Feels that the RCMP give his addicted stepson a pass and did not enforce a restraining order in place.
- Doesn't like the current approach to drug addiction: he doesn't understand why there is no requirement to quit doing drugs from IHA or Welfare; feels that drug addicted people should be included under the Mental Health Act.

Speaker 3.

- Agrees somewhat with last speaker, feels there is a big difference between supporting and enabling.
- Involved in the Westside Duplicate Bridge Club and an instructor at the Recreation Programs at the Lions Hall. These programs cater to seniors to keep them engaged and active, which is crucial to their success and well being.
- Very unsettling for senior residents to be exposed to violent and unsafe environment created by homeless community.
- Feels that the security guards have helped, but It hasn't eliminated the issues.
- Concerned that tax dollars aren't going to the appropriate initiatives.

Speaker 4.

- Is involved as a consultant addressing the WFN homelessness issues. Provided an overview of her involvement with WFN homelessness and social issues and advised that these issues require a regional approach.

Speaker 5.

- Feels that adding shelters just make it more convenient for homeless to come here.
- Used Vancouver, San Francisco and Portland as examples of what not to do.
- Feels the City should focus on taxpayers and business people and law-abiding residents of this community, not the homeless. Wonders where the harm reduction measures for our environment, assets and community infrastructure are.
- Feels the homeless and drug addicts are immune to the law due to a lack of enforcement of the existing laws
- Asked Council to abandoned plans for new shelters/programs and instead create a strong enforcement strategy that will preserve Westbank and West Kelowna for tourism and business and for decent citizens. The laws are there, please enforce them.

Speaker 6.

- Previously worked next to a shelter that turned away the worst of the worst and he had to deal with the results of this, including threats, vandalism and public urination to his adjacent business.

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

Speaker 7.

- Minister at Westbank United Church. The Church has been helping this community since the beginning; serving god by serving those in need.
- Provided a letter from Rick Thorpe and the Ministry of Children and Family Development showing that homelessness in the area has been an issue since at least 2005.
- Excited to see new City Council, Province, WFN, Peachland etc. working together for new initiatives. Says we are in this together.

Speaker 8.

- Long time, second generation resident. Hurt to see the negative attitude towards the homeless. Are we brothers and sisters' keepers, do we aspire to help our neighbours?
- Appreciates seeing patrols on street, hope they have compassion while they patrol.
- We the people of Westbank can roll up our sleeves and play an important part in helping.
- Thankful for the United Church providing a caring resource
- Feels if we all take time to understand there are mental health issues and addiction, it becomes natural to want to help. It will take some work.
- Housing First seems like the best approach, with BC Housing providing funds.

Speaker 9.

- Thanked Mayor for hosting.
- Moved from Surrey, left because of crime and lack of response, now lives in Sage Creek on WFN land and loves it.
- Knows its not politically correct, but feels that you fully know who the criminals are, who the immigrants are, who the refugees are that are committing the crimes.
- Feels that RCMP cannot do their job anymore because the courts don't let them anymore. Court system is failing.
- Thinks that we need to come down on Ottawa really hard and our provincial politicians and enforce the existing laws that are already on the books.

Speaker 10.

- Has been a businessowner for 22 years, worked in mental health for years. Has had no issues until last year.
- Wants to help the homeless, but wants to provide a hand up not a hand out. Feels that rehab is needed. Suggests a ranch for healing and rehabilitation (thinks that the Bennett's offered land in the past). The ranch should be whether you want the help or not. When you have mental health or addiction, you don't know you need help.
- Need to create responsibility. Wants more police out 24/7.
- We need to change the laws; we need to do something different.

Speaker 11.

- Local businessowner. Used to have support services in Westbank Centre and thinkd the services relocated because it was too dangerous for their staff. We spend our money picking up after the homeless.
- It's more a mental health and drug addiction issue, rather than just the homeless. Feels the drug addicts come here because we hand out drugs and needles.
- You're killing the City; people need to be safe and secure in what they do. Paladin Security told him that you need RCMP on speed-dial, as they cannot do anything.
- Asks that the City spends our taxes in the right places.

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

Speaker 12.

- Biggest thing we have to be concerned with is not creating more homeless people. Affordable Housing is key, used the example of manufactured home parks.
- Lives in a mobile home park and she's fighting to keep her home. The owner of the park wants it condemned, not because the homes are not good, but the owner doesn't want to be a landlord and wants to develop.
- Study say that the people being kicked out of the parks end up staying in the community as homeless. The Cities needs to protect the manufactured home parks.

Speaker 13.

- Thanked the City for bringing the key agencies together for this event.
- Is a member of a gated community in West Kelowna, his role is to organize security.
- The past 6-8 months trespassers in neighbourhood has increased. Seniors are becoming fearful. It's a major concern in the community.
- Has contacted RCMP and spoken with Roy Morgan. He is always looking for help. No solutions to offer, but has ideas that he will discuss with RCMP and Roy Morgan.

Speaker 14.

- Pastor with Salvation Army, a mom and a neighbour. Compassion for concerns addressed tonight. Has compassion for stories heard from the people she speaks for. Understands why they are using drugs to numb the pain.
- Doesn't like that her sons has to be careful in the fields during his lunch, but she teaches them compassion for others. Example, her son saw someone living rough and her son said 'mom, that person looks like they need something to eat'.
- Suggests going out for coffee with those homeless and hear their stories.

Speaker 15.

- Thanked coordinators for the respectful way that this meeting is being held.
- Marketing Manager at Heritage Retirement Residence; residence and families have expressed concern about walking downtown.
- We work with the vulnerable and we realize we are surrounded by the vulnerable too.
- Always had open doors, however, they now feel the need to put a gate up.
- Thank you for taking the time to look at this issue seriously.

Speaker 16.

- Has been involved in homelessness for 4 years, now involved with West Kelowna Shelter Society.
- Eyes opened when he sat and listened to the people. Most of the homeless are from here, these are not strangers. This is not build it and they will come, they are from here, they went to school here, their families are here. The Shelter is here to support our residents.
- Gives accolades to the City for supporting the interim housing. It's the step from homelessness to back in the community. We should be working together to provide safe shelter as it's a human right in this community.

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

Speaker 17.

- Branch Head for the Westbank Library confirms a 66% drop in security incidence at the Westbank Library since the shelter started.
- Having a 24-hour shelter has decreased the number of people using the library for drug use, bathrooms and shelter, significant decrease in incidences.
- Staff have been successfully trained using Guide for Homelessness. Staff are attending lunches at the United Church.
- Downtown security has helped tremendously.

Speaker 18.

- Operates a small outdoor education business for the past 20 years in Westbank Centre.
- Suggests the solution is a new drug ibogaine, which can stop oxycodone addiction.
- Concerned about the introduction of pot shops, as many physicians say developing mind in a young person continues into their 20's. Friend who works in Freedom's Door says pot is a gateway drug.
- Are Pot Shops in our town going to help the issue?

Speaker 19.

- New Executive Director for the John Howard Society. Hoping to have more presence on the Westside.
- New to community, very excited to be part of it, and very proud of the community.
- Journey Home is a long-term strategy with an aggressive 5-year goal.
- Important that we have dialogue. Encourages seeking collaborative solutions, as supported people stabilize and become stronger.

Speaker 20.

- Few Concerns: Lives in the Smith Creek development. Shannon Lake and Asquith is a drag strip, would like a RCMP presence. Snow removal is a major concern. More street lights and sidewalks.

Speaker 21.

- Speaking on behalf of the landlord of Westridge Shopping Centre, which shares a back alley with the shelter.
- Before shelter, dealt with weekly issues with criminal behaviour, significant cost of security. With the introduction of Paladin Security, we saw a decrease in incidence.
- With the introduction of the Shelter, the number of incidences outside of the security hours has increased, thinks it's mostly friends of the shelter residents.
- Business security costs is a big deterrent to businesses opening. Adjacent construction companies are also dealing with significant property crime issues.

Speaker 22.

- Owner of Whisky Jack's Pub. Feels an easy way to solve the crime issues in Westbank Centre is to move the shelter.
- Feels the City has thrown out their plan to revitalize Brown Road.
- We are asked to respect to these people, but he feels they need to be held to the same level of respect that the rest of us expect of ourselves.

Speaker 23.

- Resident of the shelter. He is an alcoholic, he know he's part of the problem, but says we need still somewhere to go.

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

Speaker 24.

- Is a member of WFN and a resident of the shelter. Is very grateful to be a resident in the shelter. Before that, he lived at the bridge and only got \$600 from CPP. He was homeless due to alcohol and pills. He doesn't bother anyone, he doesn't hurt anyone but himself. Was granted GIS and is very grateful for where he is at now. Biggest addiction right now is gambling, but again, he doesn't hurt anyone but himself.

Speaker 25.

- Mom of three kids. Town Hall asked for solutions, so she offer that.
- RCMP: we are lacking in RCMP staff, we were promised 2 staff last year, we still haven't received them. Taking that into consideration, we opened a shelter.
- Shelter: Shelter shouldn't be next to a daycare and a retirement community. It should be closer to services, near the bridge.
- Security: We need to ensure security in Westbank Centre.
- Asks the community to channel your frustrations, empower yourselves and reach out to the people in charge.

Speaker 26.

- Harm reduction has to be considered in a multi-functional way. Not just the homeless, but also harm reduction for the community.
- Concerned about adding recreational marihuana users to the area.
- Concerned about needles associated with drug users in area.
- Would like to know how the shelter is being run?
- How do we manage the loitering, the criminal use, how do we empower the residence and their friends?

Speaker 27.

- Speaker say get a job, acknowledges that maybe that makes him heartless. Feels that giving free needles just enables them.
- Brother is addicted to oxycodone, but he always wants handouts that aren't helping him.
- Police can't help as their hands are tied. The drug addiction is a cancer.
- Doesn't have solutions, but something has to be done, maybe tough love.

Speaker 28.

- Works at the shelter. Grew up in Surrey, he's seen a lot more, a lot worse. His parents taught him to have compassion. It taught him to mobilize and help out. Kelowna can be a tough place to live and get along, it can be very divided.
- No one is getting free drugs, it's a misconception that needs to stop.
- Look to other communities and see their successes, but community support is key to success.

Speaker 29.

- Has owned a dental office in Westbank Centre for 12 years.
- Agree with idea that a place with support is needed, but the location is not ideal.
- Much rather see my tax dollars go somewhere that is more than just a shelter and meal. What are they supposed to do during the daytime? Money needs to be focussed into more intense programs. They need medical intervention, ways to become purposeful in the community. They aren't employable in the regular sense, so they need to be taught.
- Suggests a better location and something innovative.

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

Speaker 30.

- Works for Paladin Security. Comments are his own, do not reflect the companies position.
- Nature of security is to observe and report. Make the call, take your community back.
- Security and policing don't cure homelessness. Housing solves homelessness. The Shelter is a solution but the Shelter has to be accountable and responsible for their residence.
- When you take people off the streets and put them in a house by themselves this sets them up for failure. The interim housing is the solution, as it teaches the residence how to live again.

Speaker 31.

- Works in addiction services in Kelowna. Involved in Journey Home as the convenor for the Living Experience (part of the Journey Home consultation).
- Not one of the homeless consulted said give me a house, drugs or alcohol. They asked for respect, to look them in the eye, treat them like a human being. We need to provide choice and dignity.
- Enforcement doesn't work – the system needs to change. Harm Reduction is key and contempt prior to investigation leads to failure.

Speaker 32.

- Homeless have to be responsible for their wellbeing. If we keep giving them handouts, they're going to keep stealing from us.

Speaker 33.

- This is not our problem, it's a federal and provincial problem. The federal/provincial governments should take the mental addiction and drug problems and get them the heck out of our town.

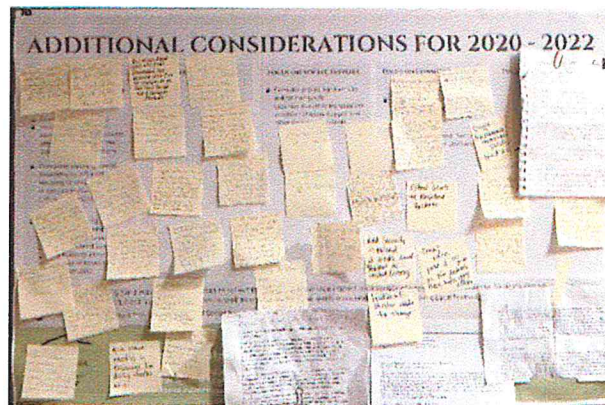
June 27, 2019 Social Issues Town Hall Public Feedback Summary:

WRITTEN COMMENTS:

Post It Notes (exact wording):

Patrols/ Enforcement:

1. Patrol the church parking lot (across from fire station)
2. Why are homeless and drug addiction people not process(ed) as breaking the law? Police program is not working. Law enforcement means enforcement.
3. Sending people to prison just further exposes people to more sophisticated criminals and potentially increases criminality.
4. Crime increase in the Brown Road area. RCMP not able to attend to other calls.
5. Lack of RCMP
6. Add security to extend two blocks around shelter to control loitering
7. Extend patrols to neighbour business.
8. Great idea past 6:00pm, as the patrols have been very effective.



Shelter Location:

9. Moving the location away from a transit accessible location will not work
10. Move the current shelter away from seniors, daycare, downtown core, bars etc.
11. Please respect homeless people by not housing them in areas of high population where they are potentially stared at. They need help and an area to feel safe and comfortable.
12. The fellows from the shelter said it best. They are grateful for help, but in that location they don't know what direction to not walk from leaving the shelter. Children are one way, seniors the other.
13. We support the cause, but the location is wrong
14. Most services are in Kelowna, location is too isolating
15. Location of Shelter needs to change
16. Has anyone asked the residents of the shelter if they think they should be by a daycare, seniors' home, businesses and bars. Feeling "on display".
17. Good intentions, they need help. Next to daycare, retirement home and beer store is stupid.

Other Jurisdiction Solutions:

18. Recommend you inquire with City of Nanaimo as to how they solve their homeless
19. Seattle is Dying notes (see attached typed comments)
20. Google: Amsterdam Homeless Solution. Spend 5 minutes.

General:

21. Whenever someone continuously receives charity, they lose their self respect and hate the one who took it from them
22. Our street is so dark, we need more street lights – Shannon Lake
23. What part of the shelter helps the homeless other than an attraction to free night out of the cold? If they get free shelter, then make them work, street clean up, clean parks and boulevards. There are many jobs available.
24. Social workers accompanying police, ensuring people are connected to resources, provide mental health support

June 27, 2019 Social Issues Town Hall Public Feedback Summary:

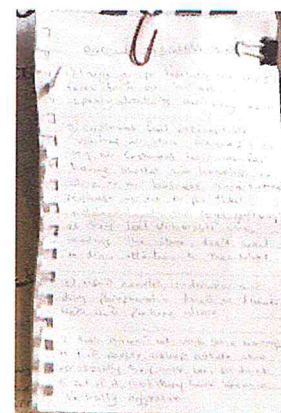
25. Can we use the large lot to have community gardens serviced by the housing residents? Snow removal on the sidewalks in winter.
26. It's important that we don't conflate homelessness with crime. Some homeless people may commit crimes, but our crime problem is not just because of homeless people.
27. Multi-level Facility: shelter, transitional housing appts, workers assisting people to find market housing
28. Give Clean needles in exchange for dirty needles only
29. Agree with the "on the scene" comment that – Drug addiction programs are 'not working'. Stop assisting them to continue use, they should be forced into treatment plan. Stop giving taxpayers handout to allow them to purchase drugs.
30. Anyone staying at shelter works picking garbage, yard work, whatever. After working all day, they then get a meal and a bed.
31. This meeting is a failure. The homeless lobby is here preaching at us. But this should be a citizen driven meeting, the point is "what do we do about the shelter – close or stay".
32. More Housing First. More harm reduction supports. More compassion, less stigma
33. On behalf of the GWBOT members, most especially, those members who are located in the downtown Westbank, we encourage both municipal governments to ask both provincial and federal governments for the resources required to resolve the multi-faceted issues that need to be addressed. Long term solutions and strategic plans must be established ASAP to maintain the economic sustainability of the Greater Westside. As we all know, a healthy local economy equals a healthy community. Keep westside businesses safe, secure and open for business, so customers continue to walk through the door.
34. Every homeless person in our community needs to register then show up every morning to get sent to a job at: the dump, parks, picking up cigarette butts, recycling depot, washing CWK work vehicles, etc. The City of West Kelowna could run this program. If they can't help upkeep this community, then send them on their way. No more handouts.
35. There are many vacant commercial properties on WFN land. Why can they not be talked into homes for the WFN homeless/addicted?
36. The problem is not the homeless. The problem is attracting transient people to our community who commit crime and scare seniors and the young.

Other Written Submissions:

- 3 typed comments attached at end of this summary.
- 1 Handwritten Note – text provided below:

Ongoing Homeless Issues – June 2019

- 1) *Large groups hanging out across road from our business, all day, openly drinking and drug dealing.*
- 2) *Customers feel uncomfortable visiting our store. Frequently asked by our customers how we feel having shelter and homeless so close to our business. Some customers request us not to put their purchases into our logo giftbags as they feel vulnerable when leaving the store, they don't want to draw attention to themselves.*
- 3) *Used needles, underwear and drug paraphernalia found in flower beds and parking alcove.*
- 4) *Have arrived at work some mornings to find people asleep outside store, occasionally they have been so drunk or out of it that they have become verbally aggressive.*



June 27, 2019 Social Issues Town Hall Public Feedback Summary:

- 5) *Drunk or high on drugs people come into store asking to use our phone and toilet. Sometimes they ask unrealistic questions about our jewellery and waste staffs time and make everyone in the store feel on edge.*
- 6) *Garbage left behind when they are hanging out across the road.*
- 7) *Noticeably less foot traffic on Main Street since homeless shelter opened.*
- 8) *Blue transit van – suspect drug dealing?*
- 9) *Wide spread general public conception that downtown West Kelowna is not safe.*
- 10) *Pot Shop, quality greens building and cattle country – really??!!!*

Other Submissions

A copy of a 2005 letter, was provided by the Westbank United Church, from the Ministry of Children and Family Development acknowledging the issues associated with homelessness and community safety in the Westbank Centre area stems back to at least 2005.



COUNCIL REPORT
Engineering and Public Works
For the August 13, 2019 Council Meeting

DATE: July 22, 2019
TO: Paul Gipps, CAO
FROM: Erin Goodwin, Facilities Manager
RE: Video Surveillance Location Approvals – Westbank Lions Hall

RECOMMENDED MOTION:

THAT Council approve the expansion of video surveillance at the Westbank Lions Hall located at 2466 Main Street;

RATIONALE:

- To ensure the safety and security of people, assets, and property.
- To assist in identifying persons of interest when an act of vandalism, theft, or crime has occurred.
- To install an improved camera system that has better image quality, improved surveillance features, and is more user friendly.

LEGISLATIVE REQUIREMENTS:

Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, Chapter 165

BACKGROUND:

The City of West Kelowna uses video surveillance systems to ensure the security of people, assets, and property. Video surveillance cameras that record images of people must comply with certain legislative requirements, including the *Freedom of Information and Protection of Privacy Act*. The CWK Video Surveillance Camera Policy ensures that the City complies with such legislative requirements and outlines those areas for authorization, use, and records management.

As per the CWK Video Surveillance Camera Policy;

Section 3.4

Before implementing a new surveillance system or expanding an existing video surveillance system, the reason for introducing or expanding the video surveillance is to be provided in writing and approval must be granted by Council.

Section 5.1

When considering the proposal, staff will provide a report to Council outlining the following:

- a) *Incident reports respecting vandalism, theft, property damage, and safety concerns.*
- b) *Safety or security measures currently in place or attempted before installing video surveillance.*
- c) *Safety or security problems that video surveillance is expected to resolve.*
- d) *Areas and/or times of operation.*
- e) *Expected impact on personal privacy.*
- f) *How the video surveillance will benefit the City or is related to City business.*
- g) *How the benefits are expected to outweigh any privacy rights as a result of video surveillance.*
- h) *How it will protect the security and safety of persons.*

(See attached Video Surveillance Camera Policy)

A Capital request to install an updated surveillance system that is owned and operated by the City of West Kelowna was submitted and approved by Council during 2019 budget deliberations.

The request was submitted due to the ongoing vandalism and crime that has occurred since the CWK took over operations of the Lions Hall, in 2017.

Project Budget: \$26,000

Below is some information in relation to Section 5.1 of the CWK Video Surveillance Policy:

a) *Incident reports respecting vandalism, theft, property damage, and safety concerns*

- i. Vandalism to building cladding.
- ii. Graffiti.
- iii. Unauthorized access into the facility.
- iv. Illegal drug activity.
- v. Public intoxication.
- vi. Public urination.
- vii. Verbal abuse.
- viii. Staff and public safety concerns when entering or exiting the building.

b) *Safety or security measures currently in place or attempted before installing video surveillance*

- i. Building security system is in place.
- ii. Security system is monitored 24 hours per day by a monitoring company.
- iii. Security company has been hired to watch over the property.
- iv. Locks are in place for building access.
- v. Security cards are required to access the facility.
- vi. Multiple meetings to discuss staff safety and awareness when working in the area.

c) *Safety or security problems that video surveillance is expected to resolve*

- i. Will help identify persons of interest
- ii. Notification software can help report suspicious activity before certain crimes or vandalism occurs.

d) *Areas and/or times of operation*

- i. Cameras will monitor the property 24hrs per day / 7 days per week.
- ii. Location of cameras will monitor the parking lot, building exterior, and certain building interior hallways and door access points.

e) Expected impact on personal privacy

- i. It is anticipated that personal privacy will be upheld and that the introduction of a closed circuit security camera will have a negligible impact as a result of the limited access to the surveillance information, the computer and physical security procedures and the limited use of surveillance information protocols, as described in the Policy.
- ii. The impact of video surveillance will be clearly communicated via onsite signage with contact information, should the public require more information.

f) How the video surveillance will benefit the City or is related to City business

- i. The ability by the City and RCMP to use the information for incident investigations.
- ii. The ability to be notified when an incident occurs, instead of discovering it after it occurs.
- iii. The hope is that incidents of vandalism, theft, and crime will be reduced.
- iv. Increased confidence in public safety.
- v. Improved safety measure for staff when working in the area or inside the facility.

g) How the benefits are expected to outweigh any privacy rights as a result of video surveillance

- i. The benefits of video surveillance outweigh the privacy concerns as it is expected to result in improved public safety, a reduction in crime / vandalism, and costs by the City of West Kelowna, tax payers, and general public.

h) How it will protect the security and safety of persons


- i. The ability to be notified when an incident occurs, instead of discovering after it occurs, may deter thieves from entering the compound.
- ii. Better coverage of the facility may assist in identifying persons of interest when an incident occurs.
- iii. Reducing crime and vandalism would help increase public confidence in their safety.

FINANCIAL IMPLICATIONS:

Approved 2020 Capital Request:


\$26,000

Respectfully submitted,


Erin Goodwin
Facilities Manager

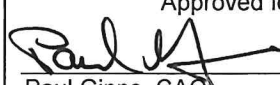

Shelley Schnitzler
Legislative Services Manager


Allen Fillion
GM of Engineering & Public Works


Warren Everton
CFO

Attachments: Video Surveillance Camera Policy

Powerpoint: ____ Yes x No

Approved for Agenda
 Aug 7, 2019
Paul Gipps, CAO Date



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 3

Approval Date: March 24, 2015

SUBJECT: VIDEO SURVEILLANCE CAMERAS

1.0 Purpose:

- 1.1 To establish guidelines for the use of video surveillance technology by ensuring compliance with the *Community Charter*, the *Freedom of Information and Protection of Privacy Act* and District Records Management requirements.

2.0 Scope:

- 2.1 This Policy applies to any video surveillance system operated by or for the District of West Kelowna that collects personal information in any form. This Policy does not apply to video surveillance conducted and collected by the RCMP, who are subject to federal legislation, or to covert (hidden) video surveillance.

3.0 Principles:

- 3.1 As an owner of significant public assets that represent a large investment of public money, the District of West Kelowna wishes to make use of video surveillance systems to better protect the security of its people, assets and property.
- 3.2 The District of West Kelowna acknowledges that the use of video surveillance may, in some circumstances, represent an intrusion into personal privacy and does not wish to impair personal privacy any more than is warranted to provide necessary and reasonable protection of its property against vandalism, theft, damage and destruction.
- 3.3 Video surveillance systems will be installed only after other less intrusive security methods have been considered or attempted and have been found to be insufficient or unworkable.
- 3.4 Before implementing a new surveillance system or expanding an existing video surveillance system, the reason for introducing or expanding the video surveillance is to be provided in writing and approval must be granted by Council.

4.0 Designated Responsibilities:

- 4.1 The Chief Administrative Officer is responsible for the overall video surveillance program.

- 4.2 The Corporate Officer is responsible for ensuring the establishment of procedures for the use of video surveillance equipment, including the random audit of such procedures, in accordance with this policy.
- 4.3 The Corporate Officer or designate is responsible for the life cycle management of authorized video surveillance systems including, but not limited to, specifications, installation, maintenance, replacement, disposal, and related requirements, including signage. Equipment specifications and standards are to follow corporate policy.

5.0 Video Surveillance Requirements and Use

- 5.1 Before introducing new video surveillance in any District facilities, parks, or public spaces, the need for video surveillance will clearly meet the criteria of this Policy and the installation will conform to this Policy and be approved by Council. When considering the proposal, staff will provide a report to Council outlining the following:
- a) Incident reports respecting vandalism, theft, property damage, and safety concerns.
 - b) Safety or security measures currently in place or attempted before installing video surveillance.
 - c) Safety or security problems that video surveillance is expected to resolve.
 - d) Areas and/or times of operation.
 - e) Expected impact on personal privacy.
 - f) How the video surveillance will benefit the District or is related to District business.
 - g) How the benefits are expected to outweigh any privacy rights as a result of video surveillance.
 - h) How it will protect the security and safety of persons.
- 5.2 Council approval is required for any new video surveillance system. Requests to implement or expand a video surveillance system in an open public space require a Report to Council outlining items a) – h) above, and in conjunction with the budget process.
- 5.2 Video surveillance will be in public places only and must be practically minimized. Surveillance will not take place in areas considered confidential or normally private (ie. change rooms, washrooms).
- 5.3 Access to video surveillance information is limited to the following individuals or their designates:
- Chief Administrative Officer
 - Freedom of Information Head
 - Information Technology Manager
 - Facilities Manager
 - RCMP in relation to a law enforcement matter
- 5.4 Use of video surveillance information is to be for the purposes of investigation of an incident in any public place. Information Technology staff will access the equipment only for the purpose of maintaining, backing up the software, and assisting with the extraction of the portions of the data.
- 5.5 Physical and computer related security will be in place at all times to properly secure access to the recording equipment and video data.
- 5.6 The locations and times of all videotaping and access thereto, must be maintained in logs and kept current by the relevant operator/viewer. An exception to this may occur when the video

screen is mounted in a public place with the intention of communicating information to the general public by live video feed.

- 5.7 Records of video surveillance systems that collect personal information will be protected in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 5.8 Video surveillance data or videotapes may not be publicly viewed or distributed as provided by this Policy and/or the *Freedom of Information and Protection of Privacy Act*. Video data must not be altered in any manner, with the exception of saving investigation material related to an incident on public places or information required for law enforcement purposes. Other than release to the RCMP, or use for District of West Kelowna purposes in accordance with this Policy, video surveillance data will only be released on the authority of a warrant to seize the recorded data for evidence or other Court Order.
- 5.9 Any other requests for access to incident specific information must be referred to the District of West Kelowna's Freedom of Information Head.

6.0 RETENTION AND DESTRUCTION

- 6.1 The District of West Kelowna will use a recording system that overwrites data on a continual basis.
- 6.2 Recorded video data will generally be retained for up to four weeks, depending on the system configuration, available memory, and the amount of available space within the District's storage facilities and the type of medium used.

7.0 SIGNAGE

- 7.1 It is a requirement of the *Freedom of Information and Protection of Privacy Act* that individuals be notified when the District of West Kelowna collects their personal information. As such, signage will be prominently displayed at the location of every video surveillance camera.
- 7.2 The sign will clearly communicate the following:
 - a) Warn people that the area is under video surveillance.
 - b) Legal authority under which the public body is operating (District of West Kelowna)
 - c) Who is responsible for the surveillance (District of West Kelowna / Corporate Officer)
 - d) Contact information (District of West Kelowna / Corporate Officer)

Previous Revision/s:



COUNCIL REPORT
Engineering and Public Works Division
For the August 13, 2019 Council Meeting

DATE: August 6, 2019 File: 5400-13-01
TO: Paul Gipps, CAO
FROM: Kyle Reese, Roads and Drainage Supervisor
RE: Road Maintenance Policies and Procedures Update

RECOMMENDED MOTION:

THAT Council repeal the “Winter Roadway Maintenance Policy” (October 2014) and the “Snow Clearing Policy for Sidewalks, Walkways and Stairways” (October 2014); and

THAT Council adopt the City of West Kelowna Road Maintenance Policy and Procedures (August 13, 2019)

RATIONALE:

Staff have developed a Policies and Procedures manual to guide the delivery of all roadway maintenance activities in West Kelowna. These policies and procedures are intended to work together to ensure consistent delivery of these core services. These policies and procedures have been developed for flexibility should Council decide to increase or decrease service levels through the annual budget process. The Municipal Insurance Association of British Columbia (MIABC) has also provided feedback on these policies and staff have made revisions accordingly which are reflected in the attached Road Maintenance Policies and Procedures Manual.

BACKGROUND:

At the June 25, 2019 Council meeting, staff presented Council with an initial draft of proposed road maintenance policies to obtain feedback early in the process of developing and/or updating these documents.

At the June 25 Council meeting, staff proposed all road and drainage maintenance activities be incorporated into maintenance policies in the following format:

1. Council adopted Policy which would include high level policy statements and guidelines
2. Operational procedures manual

These two documents would work in conjunction to guide the delivery of West Kelowna’s road and drainage maintenance activities. The proposed policies would cover six categories and include 28 core maintenance activities delivered by the department. This is an increase in the number of policies for the department as currently only snow and ice control is covered within an adopted policy.

When developing the policies and procedures the following key items were considered:

- Ensure that the high-level policies clearly outline the intended outcomes but avoided the operational details found in the performance measures for each individual activity.
- Ensure that policies align with strategic priorities.
- Ensure that procedures and corresponding performance measures could be used for all services regardless of the delivery method (i.e. in-house vs contract).
- Ensure that the policies were defensible.
- Ensure that operational procedures were flexible in the event resourcing and corresponding levels of service were either increased or decreased, at the discretion of Council, through the budget process.

Staff determined that these items could be satisfied by separating policies and procedures into two documents that work together to guide maintenance activities. This is a similar approach to the current Purchasing Policy which is made up of separate Policy and Procedures documents adopted by Council in February 2019. The overarching draft road maintenance policies were presented to Council on June 25, 2019 and have now been revised based on Council's feedback and a review by the City's insurer.

MIABC Review

As noted, staff have referred to the City's insurer MIABC to obtain feedback on the broad policies previously presented to Council. Staff requested feedback and advice on whether the broad overarching policies separated from a procedures manual was a suitable approach or if having specific pieces in one document or the other is better from a liability standpoint.

MIABC's policy review comments included:

- A high level commitment from Council with a more detailed service level outlined in a supporting procedures manual would provide a defensible policy.
- The phrase "all work will be completed as resources permit" was a concern. It would be far more defensible to have the broad Council policy delegate authority to senior staff to set the service level in the procedure manual by stating, "All work will be completed in accordance with the service levels and procedures outlined in the road maintenance procedures manual".
- This approach gives Council and staff the flexibility to change and adapt the service levels according to the resources available and what can be reasonably achieved, by making changes to the procedures manual without having to go back before Council to change the policy. Council will ostensibly set the service level each year when they approve the departmental budget.

Based on the feedback received from the June 25 Council meeting and a review by the City's insurer (MIABC), staff have now combined these items into one document that includes both the Road Maintenance Policies and Procedures. A draft of this document is found attached to this report. Under this proposed framework, Council would adopt the policies and establish the levels of service annually through the budget approval process and the CAO would have the authority to set the procedures accordingly. Any Council approved increases or decreases in service levels may trigger a need to revise procedures, at the discretion of the CAO, but would not necessarily require a policy revision.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
June 5, 2019	Draft Road Maintenance Policies and Project Status Update	N/A

FINANCIAL IMPLICATIONS:

At this point, there is no additional financial implication for 2019. Pending Council feedback and eventual procurement results, it should be noted that there may be a possibility of additional funding required for the main road maintenance contract, services delivered by separate contracts, or to support increased services done in-house for 2020 and beyond.

ALTERNATE MOTION:

THAT Council defer the adoption of the Road Maintenance Procedures Manual and maintain the existing "Winter Roadway Maintenance Policy" and the "Snow Clearing Policy for Sidewalks Walkways and Stairways"

Road Maintenance activities would continued to be provided without clear direction in the form of policies and procedures.


Respectfully submitted,



Kyle Reese
Roads and Drainage Supervisor

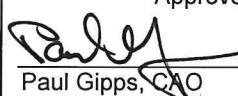


Chris Anderson
Public Works Manager



Allen Fillion
GM of Engineering and Public Works

Powerpoint: Yes ☒ No ☐

Approved for Agenda	
 Paul Gipps, CAO	AUG 7, 2019 Date

Attachments:

1. Existing winter roadway maintenance policy
2. Existing snow clearing policy for sidewalks walkways and stairways
3. Proposed Road Maintenance Policy and Procedures Manual



DISTRICT OF WEST KELOWNA COUNCIL POLICY MANUAL

Approval Date: October 14, 2014

SUBJECT: Winter Roadway Maintenance Policy
--

Policy Statement:

To ensure that the District of West Kelowna's roadway system is maintained in an effective manner during winter conditions to optimize road user safety and mobility.

The District of West Kelowna currently delivers its winter roadway maintenance through a 5 year contract with an external service provider. As such this policy should be reviewed and amended as required concurrently with any new contract.

Purpose:

To set reasonable and affordable winter maintenance service levels to support a safe, economical, and reliable roadway system for all road users.

Definitions:

- Accumulation* means the vertical amount of snow that builds up during a snow event;
- Arterial Road* means a high mobility road that moves traffic around the District at higher speeds;
- Collector Road* means a medium mobility road that connects local roads to arterial roads;
- Cycling Time* means the time it takes plows to complete a complete circuit of the District's roadway network;
- Freezing Event* means freezing rain or sleet;
- Local Road* means a low speed road that provides access to the land;
- Roadside* means the shoulder and ditch portions of the roadway; and
- Snow Event* means a snowfall.

Policy:

The District of West Kelowna will remove loose snow, slush, compact snow and ice from roadways and sidewalks to protect roadway users from situations that are unsafe, and to ensure that the resources required to perform the maintenance services are available and deployed in a manner which anticipates and responds in advance of adverse winter driving conditions.

Loose snow, slush, and ice will be removed on the full width of the travelled lanes, ensuring that accumulations remain below the Maximum Allowable Accumulations shown in the table below:

Plowing Requirement	Maximum Allowable Accumulations (cm)			
	Arterial Roads	Collector Roads	Local Roads	Rural Roads (Gravel)
One lane in each direction	6	10	15	25
All other lanes	16	20	n/a	n/a

Regardless of the Maximum Allowable Accumulation, plow cycle times will continue to meet the following timeframes during a snow event:

Plowing Requirement	Maximum Allowable Cycle Times (Hours)			
	Arterial Roads	Collector Roads	Local Roads	Rural Roads (Gravel)
Snow and broken compact snow	2	6	8	n/a

Complete removal of slush from roadway surfaces on all travelled lanes within 2 days of the end of the last measurable snowfall.

Should extended periods of extreme cold make it impossible to comply with the Maximum Allowable Cycle Times for compact snow and ice, the District will ensure that unsafe conditions are remedied, including but not limited to, alleviating roughness and slippery surfaces using abrasives and de-icing materials. Snow and ice will be pushed beyond the shoulder edge according to the times in the following table, which establishes the allowable time from the end of the last snow or freezing event:

Plowing Requirement	Maximum Allowable Cycle Times (Days)		
	Arterial Roads	Collector Roads	Local Roads
Extreme cold conditions	6	10	24

The District will apply winter abrasives and/or chemicals to minimize the development of slippery surface conditions on roadways and to facilitate the removal of snow, compact snow and ice, as appropriate for the location. The time to restore traction, from the time the deficiency is detected by or reported to the District, will be per the following table:

Condition	By Roadway Classification in Hours			
	Arterial Roads	Collector Roads	Local Roads	Rural Roads (Gravel)
From beginning and or during snowfall event on hills over 5% gradient (one lane each direction)	1.5	2	4	n/a
From beginning and or during snowfall event on curves under 60 kilometres per hour	1.5	2	4	n/a
From beginning and or during snowfall event in school zones & intersections	2	3	6	n/a
From beginning and or during snowfall event in all other locations	3	4	8	n/a
Freezing rain at all locations	3	5	6	n/a
Black ice at all locations	3	5	6	n/a
After snowfall on all hills	8	24	48	n/a
After snowfall on all curves	8	24	48	n/a
After snowfall on all other locations	36	72	As required	n/a
When slippery surfaces are encountered during patrol at all locations	Immediate	Immediate	Immediate	n/a

Previous Revision/s: N/A



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: October 14, 2014

SUBJECT: SNOW CLEARING POLICY FOR SIDEWALKS, WALKWAYS, AND STAIRWAYS

Policy Statement:

This Policy addresses snow clearing for sidewalks, walkways, and stairways. In accordance with the Good Neighbour Bylaw, residences and businesses shall be responsible for clearing snow from sidewalks and walkways bordering their property within 24 hours of any accumulation of snow and/or ice. The District will be responsible for maintaining the exempted sidewalks listed in the Good Neighbour Bylaw.

On an annual basis, the sidewalk, walkway, and stairway priority classification shall be reassessed by staff, and revisions made where warranted. Following the street priority classification review, a map will be prepared reflecting the revised priorities.

Purpose:

To address the snow accumulation hazard for pedestrian traffic on sidewalks, walkways and stairways.

Procedure:

Emphasis on snow clearing operations shall generally be in order of the assigned classifications priority as noted below. When necessary, the order of priority for the service may be altered.

- Priority 1:** Sidewalks/Walkways/Stairways surrounding District owned property, Good Neighbour Bylaw exempt sidewalks on arterial and collector roads, Rapidbus transit exchanges.
- Priority 2:** Selected District Sidewalks/Walkways/Stairways, Good Neighbour Bylaw exempt sidewalks on local roads, transit shelters.
- Priority 3:** Other District Sidewalks/Walkways/Stairways and transit bus stops.

Should any walkways or staircases be deemed hazardous to pedestrian use, staff reserves the right to close them for the season or as needed until such a time that the hazard has passed.

Notwithstanding the snow removal requirements of the Good Neighbour Bylaw for residences and businesses, staff may provide an in-kind service to clean sidewalks fronting residences or businesses after a snowfall event. Such in-kind service will only be provided if the District has the resources available to do the work, and under the condition that there is no expectation created that the District is obligated to provide the service during future snowfall events. Sidewalks may not necessarily be plowed to bare concrete.

All inquiries will be will be handled by staff during normal working hours and a call-in number will be provided for after hours, weekends, and holidays.

Complaints of an emergent nature are to be transmitted to appropriate field personnel for action.

Road Maintenance Policy and Procedures Manual



DRAFT

July 2019

TABLE OF CONTENTS

SECTION	PAGE NO.
Table of Contents	i
1 Introduction	1-1
Introduction	1-1
Roles & Responsibilities	1-1
Definitions	1-1
Reference Documents	1-1
2 Road Maintenance Policies	2-2
3 Road Maintenance Procedures	3-3

1 INTRODUCTION

INTRODUCTION

This Road Maintenance Policy and Procedures Manual is to establish defined methodology for the implementation of maintenance to provide a safe roadway network that support Council's Strategic Priorities.

ROLES & RESPONSIBILITIES

The roles and responsibilities at the City regarding the maintenance of the roadway network infrastructure shall be as follows:

City Council	<ul style="list-style-type: none">• Adopt Road Maintenance Policies:<ul style="list-style-type: none">○ Winter Road Maintenance○ Drainage Road Maintenance○ Surface Maintenance○ Roadside Maintenance○ Traffic Maintenance○ Network Management Maintenance• Set annual budgets and corresponding levels of service the Road and Drainage operational programs must fall within.• Confirm Authorizations, approval limits, and processes to be followed in the policy.• Establish overall direction, philosophies and values that the City of West Kelowna will follow within the policy.
CAO	<ul style="list-style-type: none">• Set the procedures to be followed for all road and drainage maintenance programs, in accordance with the policies set by Council.• Changes or revisions to the road and drainage maintenance procedures at the sole discretion of the CAO.
GM, Department Managers and Supervisors	<ul style="list-style-type: none">• Responsible for oversight and administration of the Road Maintenance Policy and Procedures Manual.• Delivering annual road and drainage maintenance within the levels of service and budgets set by Council.• Managing and administering all contracts in the department used to deliver these services• Monitoring and reporting on adherence to the performance measures found within the Policy and Procedures Manual.

DEFINITIONS

The terms used in this document are intended to be defined in the following context:

- a) **Classification** means the roadway classification as identified by the City of West Kelowna

Priority	Road Description
1	Higher volume, commuter routes, steep hills
2	Intermediate volume, transit routes, hills
3	Low volume, typically local residential roadways

As shown on the City of West Kelowna Snow Removal Map. Appendix A

b)

c)

d)

REFERENCE DOCUMENTS

Refer to the current version of the following documents which are referenced in this manual however not reproduced herein.

Title:	Produced By:

2 ROAD MAINTENANCE POLICIES



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Winter Road Maintenance

Purpose:

To guide the winter road maintenance level of service during the winter months on the City of West Kelowna's road network.

Policy:

The City of West Kelowna shall ensure the provision of snow removal, snow and ice bonding prevention, and traction control on our roads and sidewalks. The outcome of our service will optimize road user safety, provide reliable mobility, and will strive to deliver excellent customer/citizen service. This Winter Road Maintenance Policy shall deliver this service in accordance with the roadway priorities and shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1. Guidelines

This policy applies to the entire City of West Kelowna road and pedestrian network. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

a. Roadway Snow Removal

To proactively monitor, anticipate, manage and respond to winter precipitation accumulations including the initial weather event, and developing compact snow and ice conditions to facilitate the safe and orderly flow of traffic.

b. Snow and Ice Bonding Prevention and Control

To proactively monitor, anticipate, manage and minimize the development of slippery conditions and restore traction.

c. Other Snow Removal and Ice Control

To remove winter accumulations from roadside, overhead, and pedestrian accessed infrastructure and restore traction.



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Drainage Maintenance

Purpose:

To ensure all surface drainage is conveyed away from the travelled surface of the City of West Kelowna's road network.

Policy:

The City of West Kelowna shall ensure the provision of drainage maintenance services on all roadways, roadsides, bridges, and other municipal infrastructure under our control and management. These services shall result in unobstructed, channeled or contained drainage such that risk of damage to roads, bridges, critical infrastructure and adjacent property is minimized. This Drainage Maintenance Policy shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1. Guidelines

This policy applies to the entire City of West Kelowna road and pedestrian network. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

- a. Ditches
To provide unobstructed drainage for all roadways.
- b. Drainage Appliances
To maintain roadways that are efficiently drained, and water is channeled or contained to prevent erosion. This includes for example, culverts and trash racks.
- c. Roadside Catchment Appurtenances
To protect roadway users and roadway infrastructure. This includes, for example catch basins.
- d. Structures Drainage
To provide effective drainage for structures.
- e. Storm Retention Ponds
To proactively monitor the functionality of the existing storm retention ponds and anticipate seasonal changes.



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Surface Maintenance

Purpose:

To provide oversight and guidance on the level of service for the surface maintenance of the City of West Kelowna's entire road and pedestrian network.

Policy:

The City of West Kelowna shall ensure the provision of surface maintenance services on all roadways, bridges, and other municipal infrastructure under its control and management. These services shall result in smooth, even, and stable hard surface, dirt, and gravel roadways along with all bridge decks to ensure consistency with the proper alignment and cross-section for the given classification of roadway. The additional result of surface maintenance services is an impermeable surface that resists water penetration and structural damage and promotes the efficient movement of goods and services on the transportation network contributing to a healthy, expanding economy.

The City of West Kelowna shall ensure that the roadway and bridge surfaces are kept in a clean and unobstructed condition resulting in safe travel surfaces where loose material and debris are removed from the travel surface within the appropriate response times for the given classification of roadway. The frequency of these services shall take into consideration the multi-purpose of our municipal infrastructure to accommodate varied events throughout the year. This Surface Maintenance Policy shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1. Guidelines

This policy applies to the entire City of West Kelowna road and pedestrian network. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

- a. Pot Hole Patching
To provide a smooth, stable, sealed surface on roadways and bicycle / pedestrian paths.
- b. Roadway and Shoulder Grading and Reshaping
To provide safe, smooth, stable, compacted and free draining dirt and gravel roadways and shoulders.

- c. Dust Control
To minimize the impact of dust for roadway users, adjacent properties, and watercourses on dirt and gravel roadways
- d. Roadway and Shoulder Graveling
To provide strengthened, uniform, smooth, compacted and free draining dirt and gravel roadways and shoulders.
- e. Roadway Surface Cleaning
To provide safe, clean surface conditions, and facilitate free drainage. This includes sweeping as an example.
- f. Debris Removal
To provide roadways free of debris.
- g. Bridge Decks
To provide safe, uniform, smooth, stable, free draining and durable surfaces on bridge decks.
- h. Structures Cleaning
To provide safe and clean structures.
- i. Cracksealing or Crack Filling
To provide for a stable and sealed asphalt surface.
- j. Pedestrian Sidewalks and Walkways
To provide and maintain accessibility for the pedestrian and roadway users.



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Roadside Maintenance

Purpose:

To provide oversight and guidance on the level of service for the surface maintenance of the City of West Kelowna's roadway boulevards.

Policy:

The City of West Kelowna shall ensure the provision of roadside maintenance services for all roadways and bridges under its control and management. These services shall result in roadways and bridges that are clean and tidy and free of unsightliness and vandalism. These services shall also result in roadways and bridges that are free of vegetation that has the potential to impede visibility of the roadway user and restrict drainage.

The outcome of this service reflects our pride in the function, condition, and appearance of our transportation infrastructure. This Roadside Maintenance Policy shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1 Guidelines

This policy applies to road dedications, from the back of curb or edge of pavement to property line inclusive of raised medians. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

- a. Litter Collection and Graffiti Removal
To keep roadways clean and tidy.
- b. Vegetation Control
To improve visibility and facilitate drainage.
- c. Brush, Tree, and Danger Tree Removal
To improve visibility, safety, facilitate drainage, and provide access to structures.



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Traffic Maintenance

Purpose:

To provide oversight and guidance on the level of service required to maintain safety and traffic control on the City of West Kelowna's roadway network.

Policy:

The City of West Kelowna shall ensure the provision of traffic maintenance services resulting in the safe operation of the roadway network while maintaining the orderly flow of traffic. These traffic maintenance services shall also result in the protection of workers and road users during maintenance and repair activities and will protect road users from roadside hazards. This Traffic Maintenance Policy shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1 Guidelines

This policy applies to the entire City of West Kelowna road and pedestrian network. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

- a. **Signage**
To regulate and facilitate the safe and orderly flow of traffic.
- b. **Traffic Management**
To keep roadway users safe, protect roadway workers and minimize traffic delays.
- c. **Pavement Markings and Eradication**
To facilitate the continuous, safe and orderly flow of traffic.
- d. **Roadside Barriers**
To protect roadway users from roadside hazards.
- e. **Street Light Illumination**
To provide safety for pedestrian and vehicle movement on roadways and maintain the existing inventory of City of West Kelowna owned street lights in a functioning manner of operation.



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 1
Date: 31 July 2019
Adoption Date:

SUBJECT: Network Management Maintenance

Purpose:

To guide the management of the road maintenance and communication of achievements, safety concerns, conditions and ongoing routine maintenance activities within the City of West Kelowna's road network system. Provide fiscal assurance that the road network budgets are achieving optimal performance and service levels.

Policy:

The City of West Kelowna shall ensure the provision of network management services resulting in the protection of the public from traffic incidents and other severe events. The City of West Kelowna shall ensure that roadways are inspected on a regular basis and any potential unsafe conditions are identified and corrective action is taken in a timely manner.

The City of West Kelowna shall ensure that procedures are established to ensure efficient and effective communication among the public, identified stakeholders, and the City of West Kelowna. All communication with the public and the stakeholders will enforce our commitment to a high quality of service to our customers/citizens thereby demonstrating our community dedication. This Network Management Policy shall comply with the performance measures contained in the City of West Kelowna Road Maintenance Procedures Manual.

1.1. Guidelines

This policy applies to the entire City of West Kelowna road and pedestrian network. All work will be completed in accordance with the operating budgets and levels of service set by Council and the maintenance procedures set by the CAO.

- a. Roadway Inspection and Safety Patrol
To monitor conditions and develop a comprehensive knowledge of roadway conditions to support a work identification and planning program.
- b. Communications
To communicate effectively and in a timely manner with the public, stakeholders, and the City of West Kelowna.

3 ROAD MAINTENANCE PROCEDURES

**DRAFT****Winter Road Maintenance****Roadway Snow Removal
and Ice Control****P1.1****Outcome:**

To proactively monitor, anticipate, manage and respond to winter accumulations including the initial Weather Event, and to proactively monitor, anticipate, manage and minimize the development of slippery conditions and restore traction by the application of abrasives and/or chemicals.

Maintenance Services:

PM1.1-1 Remove winter accumulations from full width of travelled lanes during the Weather Event as follows:

Plowing Requirement	Maximum Allowable Accumulations by road priority (cm)		
	P1 Roads	P2 Roads	P3 Roads (incl. Gravel Roads)
a) One lane in each direction	6	10	15
b) All other lanes	16	20	N/A

PM1.1-2 Remove winter accumulations on full width of all travelled lanes within 48 hours of the end of the Weather Event.

Note: If within 48 hours of an initial Weather Event a separate Weather Event occurs, PM1.1-2 applies to the latter Weather Event.

PM1.1-3 Achieve bare lanes on all paved travelled lanes after the Weather Event as follows:

Plowing Requirement	Response by Roadway Priority (Days)		
	P1 Roads	P2 Roads	P3 Roads
Bare lanes when the pavement temperature is -9°C or warmer	3	7	21

Note: If extended periods of extreme cold make it impossible to achieve PM1.1-3, unsafe road conditions must be remedied by including but not limited to, alleviating slippery surfaces.

**DRAFT**

PM1.1-4 Remove winter accumulations after the Weather Event as follows:

Plowing Requirement	Response by Roadway Priority (Days)		
	P1 Roads	P2 Roads	P3 Roads
a) Paved shoulders	6	10	24
b) To edge of curb	6	10	24
c) Pull-outs and parking areas at a minimum 2.5 metre pass width	1	1	N/A

PM1.1-5 Deploy resources at least 60 minutes in advance of a forecasted or anticipated Weather Event to pre-treat key locations (e.g. known frequent snowfall and/or blowing snow, black ice areas)

PM1.1-6 Restore and maintain traction on travelled lanes immediately when slippery conditions occur outside of a Weather Event or a non-forecast Weather Event.

PM1.1-7 Restore and maintain traction on travelled lanes with slippery conditions once the Weather Event commences as follows:

Condition	Response by Roadway Priority (Hours)		
	P1 Roads	P2 Roads	P3 Roads (incl. Gravel Roads)
Grades exceeding 5% (one lane each direction)	1.5	2	4
Curves under 60 kilometres per hour	1.5	2	4
School zones & intersections	2	3	6
All other locations	3	4	8
Freezing rain at all locations	3	5	6
Black ice at all locations	3	5	6
Snowfall on all hills	8	24	48
Snowfall on all curves	8	24	48
Snowfall on all other locations	36	72	As required
When slippery surfaces are encountered during patrol at all locations	Immediate	Immediate	Immediate

Materials and/or Procedures:

Weather Monitoring:

- Actively monitor and evaluate roadway surface temperatures and conditions using methods including but not limited to safety patrols, observations, weather forecasts and other



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methodologies / technologies, for example Road Weather Information System (RWIS) stations if possible, to anticipate impending Weather Events.

- b) Increase the frequency of monitoring and evaluating information including but not limited to forecasts, patrols, and other methodologies / technologies, for example RWIS stations if possible, when a Weather Event is anticipated to occur.
- c) Deploy sufficient resources in advance to respond to an anticipated Weather Event. Resources must be deployed to key areas (e.g. known frequent snowfall and/or blowing snow areas) prior to the anticipated Weather Event to minimize severe conditions in those areas.
- d) If available, use the provincial Road Temperature and Condition (RTC) forecasts and other available methodologies and technologies including but not limited to RWIS information and thermal mapping, to determine if a Weather Event is likely to develop slippery surface conditions.
- e) If available, use RTC forecasts and RWIS information or other alternative technologies when anti-icing and de-icing to determine and apply appropriate and sufficient chemical concentrations on the travelled lanes to: prevent re-freeze, minimize the development of slippery conditions, and achieve the performance criteria stipulated in PM1.1-3.

Winter Accumulation Removal:

- f) Ensure proactive service to local stakeholders including but not limited to, the City, emergency services and transit. The routes used by these stakeholders are to receive priority service, in the allocation of resources to their road priority classifications, and specific to their individual needs.
- g) Keep shoulders clear more frequently in areas of high-vulnerable user use, in consultation with local stakeholders.
- h) Remove winter accumulation from super elevations and other locations where the shoulder edge is higher than the travelled lanes, so that snowmelt does not drain onto or across the travelled lanes.
- i) Ensure the removal of surface gravel from the road structure is minimized during plowing activities on gravel surface roads.

Materials

- j) Anti-icing, de-icing and pre-wetting materials recognized on the Pacific Northwest Snowfighters (PNS) Qualified Products List or as accepted in writing by the City of West Kelowna.

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- k) Use materials in accordance with the maximum allowable particle size for winter abrasives and the mean gradation limits when tested according to ASTM Designations C136 and C117 and as follows:

Gradation Limits	By Roadway Priority		
	P1 Roads	P2 Roads	P3 Roads
Maximum particle size	12.5 mm	12.5 mm	16 mm
Metric screen size, 19 mm	N/A	N/A	100%
Metric screen size, 16 mm	N/A	N/A	100%
Metric screen size, 12.5 mm	100	100	N/A
Metric screen size, 9.5 mm	N/A	N/A	80 to 100%
Metric screen size, 4.75 mm	50 to 95%	50 to 95%	50 to 95%
Metric screen size, 2.36 mm	30 to 80%	30 to 80%	30 to 80%
Metric screen size, 0 to 0.6 mm	10 to 50%	10 to 50%	10 to 50%
Metric screen size, 0 to 0.3 mm	0 to 25%	0 to 25%	0 to 25%
Metric screen size, 0 to 0.075 mm	0 to 6%	0 to 6%	0 to 6%

**DRAFT****Winter Road Maintenance****Other Snow Removal
and Ice Control****P1.2****Outcome:**

To remove winter accumulations from roadside, overhead, and pedestrian accessed infrastructure and restore traction.

Maintenance Services:

PM1.2-1 Remove winter accumulations and restore traction of all sidewalks and walkways within 1 day after the end of a Weather Event.

Note: Only sidewalks and walkways exempt from the City of West Kelowna Good Neighbour Bylaw require maintenance.

PM1.2-2 Remove winter accumulations and restore traction of pedestrian accessed areas after the end of a Weather Event as follows:

Location	Response by Roadway Priority (Days)		
	P1 Roads	P2 Roads	P3 Roads (incl. Gravel Roads)
a) Intersections and medians	1.5	1.5	3
b) Roadside barrier	3	8	12
c) Sight distance obstructions	5	8	12

Note: Where two roadways of different priority classification intersect, the higher priority shall be the designation.

PM1.2-3 Remove snow and ice when required from ditches and drainage appliances to restore drainage flow after detecting the deficiency as follows:

Condition	Response by Roadway Priority (Hours)		
	P1 Roads	P2 Roads	P3 Roads
Winter ditch maintenance	12	24	72

PM1.2-4 Remove winter accumulations and restore traction at all RapidBus pullouts within the following times after the end of a Weather Event:



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Criteria	Response time
a) Remove accumulations from entire roadway pull-out including inlet and outlet tapers	1 day
b) Restore and maintain traction of entire roadway pull-out including inlet and outlet tapers	3 hours
c) Remove accumulations from sidewalk, platform and shelter area, ensuring clear access to platform and shelter	1 day
d) Restore and maintain traction of sidewalk, platform and shelter area, ensuring safe access to platform and shelter	1 day

PM1.2-5 Remove winter accumulations and restore traction on all bicycle lanes.

PM1.2-6 Remove roadside snow and haul to designated snow dump locations as required by the City.

Materials and/or Procedures:

Weather Monitoring:

- Actively monitor and evaluate roadway surface temperatures and conditions using methods including but not limited to safety patrols, observations and weather forecasts and other methodologies / technologies, for example Road Weather Information System (RWIS) stations if possible, to anticipate impending Weather Events.
- Increase the frequency of monitoring and evaluating information including but not limited to forecasts, patrols, and other methodologies / technologies, for example RWIS stations if possible, when a Weather Event is anticipated to occur.
- If available, use the provincial Road Temperature and Condition (RTC) forecasts and other available methodologies and technologies including but not limited to RWIS information and thermal mapping, to determine if a Weather Event is likely to develop slippery surface conditions.
- If available, use RTC forecasts and RWIS information or other alternative technologies when anti-icing and de-icing to determine and apply appropriate and sufficient chemical concentrations on the travelled lanes to: prevent re-freeze, minimize the development of slippery conditions, and achieve the performance criteria stipulated in Roadway Snow Removal PM1.1-3.



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Winter Accumulation Removal:

- e) Remove snow accumulations and ice deposits more than 30 cm in depth from the top of roadside barriers and bridge railings.

Materials:

- f) Anti-icing, de-icing and pre-wetting materials recognized on the Pacific Northwest Snowfighters (PNS) Qualified Products List or as accepted in writing by the City of West Kelowna.
- g) Use materials in accordance with the maximum allowable particle size for winter abrasives and the mean gradation limits when tested according to ASTM Designations C136 and C117.



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Drainage Maintenance

Ditches

P2.1

Outcome:

To provide unobstructed roadside drainage.

Maintenance Services:

PM2.1-1 Remove any obstructions where heavy equipment is not required and can be undertaken by handwork, within the following times from when the obstruction was identified:

Water Flows	Response time
During high-water flow	12 hours
At all other times	10 days

PM2.1-2 Remove debris and obstructions and re-establish existing ditches requiring heavy equipment, within 1 month from when the deficiency was identified.

PM2.1-3 Construct new ditches requiring heavy equipment as per annual prioritized list developed by the City.

Notes:

- 1) Restore the cross-section and grade of the ditch.
- 2) Widen and deepen ditches at culvert entrance locations or other drainage appliance locations to provide a collection area, preventing the culvert or other appliance from becoming obstructed, following BC 1 Call protocol.
- 3) Ensure the shoulder width of the adjacent road is not reduced.
- 4) Construct new ditches in accordance with the current version of the City of West Kelowna Works and Services Bylaw No. 0249, following BC 1 Call protocol and WorkSafe BC regulations.

Materials and/or Procedures:

- a) Actively monitor and evaluate all ditches and watercourses using regular safety patrols to ensure proper drainage and detect any deficiencies.
- b) Increase the frequency of monitoring and evaluating of ditches and watercourses during anticipated times of high-water flow.



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- c) Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.
- d) Notify local stakeholders of any obstructions to water flow which threaten the integrity of the roadway.

**DRAFT****Drainage Maintenance****Drainage Appliances****P2.2****Outcome:**

To maintain roadways that are efficiently drained, and water is channeled or contained to prevent erosion. This includes for example, culverts, trash racks and catch basins.

Maintenance Services:

PM2.2-1 Remove obstructions affecting the water flow, such as sedimentation or debris, or maintain or repair drainage appliances where heavy equipment is not required and can be undertaken by handwork, within the following times from when the obstruction was identified:

Water Flows	Response time
During high-water flow	2 hours
≥ 50% reduction in water flow capacity or history of drainage problems	7 days
At all other times	2 months

PM2.2-2 Remove obstructions affecting the water flow, repair/replace existing drainage appliances, or install drainage appliances at new locations requiring heavy equipment, within the following times from when the deficiency was identified:

Water Flows	Response time
During high-water flow	4 hours
≥ 50% reduction in water flow capacity or history of drainage problems	7 days
At all other times	2 months

Notes:

- 1) Re-set or replace drainage appliances when correcting the ditch profile to ensure free flow.
- 2) Install rip-rap in accordance with Section 205 of BC MoTI Standard Specifications for Highway Construction, or other suitable material to fill scour and erosion of foundation material and to prevent future erosion at the inlet and/or outlet of the drainage appliance.

PM2.2-3 Remove any accumulated rock, unconsolidated sediment or organic debris from drainage appliance inlet areas, every 5 years as per the City of West Kelowna drainage appliance inspection zones.



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PM2.2-4 Maintain the effective drainage of all structures including but not limited to bridges, as follows:

Water Flows	Response time
Repair or replace any damaged rusted, separated or missing grates, drain pipes, Flumes or funnels that are unsafe or have the potential to become unsafe.	Immediately
Repair or replace any other damaged rusted, separated or missing grates, drain pipes, Flumes or funnels.	14 days
Clear any plugged grates drain pipes, flumes or funnels that cause ponding on travelled lanes.	1 hour
Clear any plugged grates drain pipes, flumes or funnels that do not cause ponding on travelled lanes.	14 days

Materials and/or Procedures:

- Actively monitor and evaluate all drainage appliances and structures using regular safety patrols to ensure proper drainage and detect any deficiencies.
- Increase the frequency of monitoring and evaluating of drainage appliances and structures during anticipated times of high-water flow.
- Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.
- Notify local stakeholders of any obstructions to water flow which threaten the integrity of the roadway.
- Perform inspection of drainage appliances annually, following the five City of West Kelowna inspection zones on a 5-year rotating cycle.
- Refer to Appendix for City of West Kelowna Inspection Zone map.
- Where applicable, ensure bridge structure flumes carry water from drain pipes down fill slopes and away from bridge abutment fills and wing walls.



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Drainage Maintenance

Storm Retention Ponds

P2.3

Outcome:

To proactively monitor the functionality of the existing storm retention ponds and anticipate seasonal changes.

Maintenance Services:

PM2.3-1 Inspect elements of storm water retention ponds once annually as follows:

Inspection Criteria
a) Submerged inlet and outlet structures
b) Culverts
c) Control manholes, sluice gates, orifices or weirs
d) Isolation chambers
e) Outfall structures, energy reducing walls, erosion control rip rap, gabion mats
f) Pond banks to identify visual deterioration

PM2.3-2 Perform the following maintenance activities once annually as per inspection:

Maintenance Criteria
a) Remove sediment and emergent plants growing in the sediment from inlets, outlets and culverts.
b) Remove debris from control manholes, sluice gates, orifices or weirs
c) Remove debris and/or sediment from outfall structure grating
d) Replace any loose rip-rap at the outfall structure or spillway

PM2.3-3 Perform any additional deficiency work as defined by the City following the inspection of the ponds.



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Surface Maintenance

Pot Hole and Minor Patching

P3.1

Outcome:

To provide a smooth, stable, sealed surface on asphalt roadways and bicycle/pedestrian paths.

Maintenance Services:

PM3.1-1 Construct patches consistent with the profile and crossfall of the adjacent surface as follows:

Defect	Response time by road priority (days)		
	P1 Roads	P2 Roads	P3 Roads (asphalt)
Pothole with an area greater than 0.04m ² and depth greater than 50mm,	2	3	3
Minor patches as identified by the City	As required		

Materials and/or Procedures:

- Actively monitor and evaluate all roadways and bicycle/pedestrian paths using regular safety patrols to identify pot holes.
- Materials to be in accordance with Section 502 of the Standard Specifications for Highway Construction, or materials as approved in writing by the City.
- For patching occurring when asphalt plants are closed, temporary cold-mix or synthetic mix is acceptable.
- All temporary patching to be replaced with hot-mix when asphalt plants are open.
- Construct patches to the same thickness as the adjacent pavement structure with a minimum compacted depth of 100mm on P1 roads, and 50mm on P2 and P3 roads.
- The assessment of the condition of pavement surfaces shall conform to the most current version of the BCMoTI Pavement Surface Condition Rating Manual.

**DRAFT****Surface Maintenance****Roadway and Shoulder Grading and Reshaping****P3.2****Outcome:**

To provide safe, smooth, stable, compacted and free draining dirt and gravel roadways and shoulders.

Maintenance Services:

PM3.2-1 Perform annual grading and shoulder pulling of all dirt and gravel roadways by June 1st.

PM3.2-2 Grading or re-shaping of dirt and gravel roadways as follows:

Performance Criteria	Response time
a) Average of 1 or more pot-holes per 25 metres of roadway	7 days
b) Rutting, ponding or wash-boarding exceeding 3 cm in depth	7 days
c) Rocks greater than 100mm shall be removed	As detected
d) Soft areas due to apparent drainage block, remove blockage	14 days

Note: if no apparent cause of soft area, record and make note of the area.

PM3.2-3 Grading or re-shaping of shoulders as follows:

Performance Criteria	Response time
a) Washout measuring greater than or equal to 1.0m ² and 30cm deep	12 hours
b) Washout within 0.5 metre of pavement and greater than or equal to 0.5m ² and 30cm deep	12 hours
c) Washout less than 1.0m ² and greater than 1.0m from pavement	7 days
d) Drop-off greater than or equal to 75mm	12 hours
e) Drop-off with depth greater than 50mm for a length of at least 100m	7 days
f) Rocks greater than 100mm shall be removed	As detected
g) Rutting greater than 100mm in depth	14 days
h) Loss of crossfall	60 days
i) Gravel windrows/berms	Annually
j) Soft areas due to apparent drainage block, remove blockage	14 days

Note: if no apparent cause of soft area, record and make note of the area.



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Materials and/or Procedures:

- a) Actively monitor and evaluate all roadways using regular safety patrols and inspections to identify surface roadway and shoulder defects.
- b) Conduct a detailed inspection in late summer or early fall and compile a list of defects by November 1st for the next year's work plan.
- c) Conduct early spring inspections to identify additional defects not included in the November 1st list of defects.
- d) Record date, location and description of all repairs undertaken, with apparent causes noted.
- e) Ensure compaction following roadway and shoulder re-shaping or grading.
- f) Remove vegetation from the shoulder top, unless it is effective and necessary to prevent erosion and provide stability to the shoulder.



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Surface Maintenance

Roadway and Shoulder Gravelling

P3.3

Outcome:

To provide strengthened, uniform, smooth, compacted and free draining dirt and gravel roadways and shoulders.

Maintenance Services:

PM3.3-1 Place gravel on deteriorated dirt and gravel highways within 2 days following surface preparation.

PM3.3-2 Place gravel on deficient shoulders as follows:

Performance Criteria	Response time
a) Pavement edge drop-off exceeding 5 cm in depth on inside curve	7 days
b) Pavement edge drop-off exceeding 5 cm in depth on all other shoulders	14 days
c) Settled and eroded localized areas exceeding 10 cm in depth	14 days
d) Loss of profile or crossfall affecting vehicle control	14 days
e) Loss of profile or crossfall not affecting vehicle control	1 year

Materials and/or Procedures:

- Actively monitor and evaluate all roadways using regular safety patrols and inspections to identify surface roadway and shoulder defects.
- City to provide advice on the application rate of gravel based on the condition of the gravel road.
- Base surface gravelling/repair shall be in accordance with Section 503 of the BC Standard Specifications for Highway Construction.
- Conduct a detailed inspection in late summer or early fall and compile a list of defects by November 1st for the next year's work plan.
- Conduct early spring inspections to identify additional defects not included in the November 1st list of defects.



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- f) Record date, location and description of all repairs undertaken, with apparent causes noted.
- g) Ensure compaction following roadway and shoulder gravelling.
- h) Remove vegetation from the shoulder top, unless it is effective and necessary to prevent erosion and provide stability to the shoulder.



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Surface Maintenance

Dust Control

P3.4

Outcome:

To minimize the impact of dust for roadway users, adjacent properties, and watercourses on dirt and gravel roadways.

Maintenance Services:

PM3.4-1 Apply dust control on all dirt and gravel roadways and shoulders by June 1st every year.

Materials and/or Procedures:

- a) Actively monitor and evaluate all roadways and shoulders using regular safety patrols and inspections to identify dusty conditions.
- b) Dust control material and application rates as follows:

	35% Calcium Chloride Liquid (L/m ²)	30% Magnesium Chloride Liquid (L/m ²)
Application Rate	1.5	1.5

- c) Pre-water in advance of dust control or base stabilization if insufficient moisture is present in the road base to allow the material to combine chemically with the fines.
- d) Apply additional dust control services at the direction of the City of West Kelowna.



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Surface Maintenance

Roadway Surface Cleaning

P3.5

Outcome:

To provide safe, clean surface conditions, and facilitate free drainage. This includes sweeping as an example.

Maintenance Services:

PM3.5-1 Remove accumulations on paved roadway surfaces as follows:

Performance Criteria	Response time
a) Unsafe conditions or has the potential to become unsafe to users	immediately
b) Impaired free drainage adjacent to the curb or barrier	immediately
c) Obscures pavement marking visibility	7 days
d) Potential to obscure visibility of roadway users	7 days
e) Creates an air quality problem in accordance with local by-laws	7 days

PM3.5-2 Perform annual springtime sweep and wash of all paved roadways, removing all accumulations, commencing no later than March 15, weather permitting.

Note: Roadways shall be cleared of all accumulations from gutter line to gutter line or edge of pavement to edge of pavement, including median, quadrant islands and transit and RapidBus station pull-outs.

Materials and/or Procedures:

- a) Actively monitor and evaluate paved roadway surfaces using regular safety patrols for any accumulations.
- b) Surface sweeping and washing must be coordinated with pavement marking activities.

**DRAFT****Surface Maintenance****Debris Removal****P3.6****Outcome:**

To provide roadways free of debris.

Maintenance Services:

PM3.6-1 Remove debris, from roadway dedications as follows:

Performance Criteria	Response time (hours)
a) Debris exceeding 1000cm ³ on travelled lanes and sidewalks	2
b) Debris equal to or less than 1000cm ³ on travelled lanes and sidewalks	2
c) Debris exceeding 1000cm ³ on shoulders	10
d) Debris equal to or less than 1000cm ³ on shoulders	24
e) Dead animals on travelled lanes, shoulders and sidewalks	2
f) Dead animals on the roadway dedication excluding travelled lanes, shoulders and sidewalks	6

Note: If the debris is too large for immediate removal, secure the area in accordance with appropriate roadway traffic controls.

Materials and/or Procedures:

- a) Actively monitor and evaluate roadways using regular safety patrols for any debris or dead animals on travelled lanes, shoulders and roadsides.
- b) Increase patrols at a roadway area where debris over 1000 cm³ is detected more than once in a 24 hour period; and discontinue the patrols when the frequency of 1000 cm³ debris detection is less than 2 times in a 24 hour period.
- c) Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.
- d) Dispose of dead animals in a manner acceptable to local regulatory agencies.



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Surface Maintenance

Bridge Decks

P3.7

Outcome:

To provide safe, uniform, smooth, stable, free draining and durable surfaces on bridge decks.

Maintenance Services:

PM3.7-1 Complete the repair of a deficiency after detection as follows:

Performance Criteria	Response time by road priority
a) Pot-holes in deck travel lane	4 hours
b) Pot-holes in remainder of deck	2 days
c) Loose, broken or rotted timber planks in deck travel lane	4 hours
d) Loose, broken or rotted timber planks in remainder of deck	2 days

Materials and/or Procedures:

- a) Actively monitor and evaluate bridge structures using regular safety patrols for any defects.
- b) Asphalt materials to be in accordance with Section 502 of the Standard Specifications for Highway Construction, or materials as approved in writing by the City.
- c) Use Timber Deck materials in accordance with the following:
 - a. Cross-ties must be number 1 or better grade, S2S Douglas Fir, cross-ties must be a minimum of 150 mm X 150 mm (6 inch by 6 inch) by the full width the bridge deck. Size tolerance is plus or minus 3 mm and maximum Wane allowed must be 10 mm on any surface and cross-ties must be preservative-treated;
 - b. Laminated decking material must be preservative-treated;
 - c. Re-decking planks must be of number 1 grade and Wane free, SIS2E, heart-side surfaced, 100 mm X 250 mm (4 inch by 10 inch) Douglas Fir, in minimum 4.9 metre (16 foot) lengths laid heart-side down;
 - d. All fasteners must be hot-dip galvanized;
 - e. Timber end posts must be rough cut and 250 mm x 250 mm (10 inch x 10 inch), intermediate posts must be S2E 150 mm x 150 mm (6 inch x 6 inch);
 - f. Timber railing must be S4S 75 mm x 200 mm (3 inch x 8 inch x 16 feet) or as approved in writing by the City, fastened with 200 mm Galvanized nails;

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- g. Timber Wheelguards must be untreated, rough cut to and 200 mm x 200 mm x 4.9 metres (8 inch x 8 inch x 16 feet) or as otherwise approved by the City, and maximum Wane allowed on any surface must be 10 mm;
- h. Ekki Wood, where specified for use by the City, is normally ordered by actual dimensions and must be in accordance with the following requirements:
 - i. Minimum modulus of rupture in static bending must be 150 MPa;
 - ii. Minimum crushing strength will be 70 MPa;
 - iii. Timbers must be free of Heartwood, Sapwood, and Wane except members larger than 350 mm by 350 mm which may contain Boxed Heartwood;
 - iv. Sound, tight and well-spaced knots not larger than 50 mm are permitted at a maximum of one knot per linear metre of board length;
 - v. Maximum crook must be 25 mm. Surface checks and splits must have a maximum length of 150 mm. Slope of grain will be 1:10 maximum;
 - vi. Size tolerance must be plus or minus 3 mm; and
 - vii. Galvanized lag bolts must be used on Ekki wood decking.



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Surface Maintenance

Structures Cleaning

P3.8

Outcome:

To provide safe and clean structures. This includes for example bridges and retaining walls.

Maintenance Services:

PM3.8-1 Remove accumulations on structure surfaces and adjacent sidewalks as follows:

Performance Criteria	Response time
a) Unsafe conditions or has the potential to become unsafe to users on all roadways	24 hours
b) Impaired free drainage of the surface or moisture retention	7 days
c) Urgent conditions such as accidents or storm events	Immediately

PM3.8-2 Perform annual wash of bridges, structures and associated components, removing all accumulations by no later than June 30.

Materials and/or Procedures:

- a) Actively monitor and evaluate bridge structures using regular safety patrols for any accumulations.
- b) Clean all surfaces (horizontal and vertical) on bridge, structures, and associated components.
- c) Clean railings and truss members to a minimum height of 3 metres above the deck surface.
- d) Cleaning must not be performed when temperatures are 0° C or less, or when such temperatures are forecasted.
- e) Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.



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Surface Maintenance

Crack Sealing or Crack Filling

P3.9

Outcome:

To provide a stable and sealed asphalt surface.

Maintenance Services:

PM3.9-1 Perform crack sealing or crack filling of roadways on annual prioritized list, as follows:

Performance Criteria
a) Crack sealing and filling program shall last a maximum of 4 weeks beginning June 1 st
b) All work must conform to MMCD Platinum Edition Sealing Pavement Cracks For Maintenance Purposes Section 32 01 17 6.
c) Cracks will not be routed
d) Replace MMCD Performance Standard sub section 3.2.1.3 with: <i>"Apply rubberized and elasticized asphalt sealants to cracks that have been cleaned of debris via hot air lancing. Ensure sealant overband uniform in width and not so thick that it will suffer snow plow damage or produce a noticeable bump when driven across."</i>
e) Remove MMCD Performance Standard sub section 3.2.1.6 in its entirety
f) Remove MMCD Method sub section 3.3.1.1 in its entirety
g) Remove MMCD Method sub section 3.3.1.2 in its entirety

Materials and/or Procedures:

- a) Actively monitor and evaluate roadways for any pavement cracking.
- b) Asphalt materials to be in accordance with Section 32 01 17 6 of the MMCD Platinum Edition, or materials as approved in writing by the City.
- c) Evaluate severity and density in accordance with the most current version of the BCMoTI Pavement Surface Condition Rating Manual
- d) Traffic control shall be managed in accordance with the most current version of the BCMoTI Traffic Management Manual for Work on Roadways.



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Surface Maintenance

Pedestrian Sidewalks and Walkways

P3.10

Outcome:

To provide and maintain accessibility for the pedestrian and roadway users.

Maintenance Services:

PM3.10-1 Remove accumulations on sidewalk and walkway surfaces, including transit stops and RapidBus stations as follows:

Performance Criteria	Response time
a) Unsafe conditions or has the potential to become unsafe to users	immediately
b) Impaired free drainage from the sidewalk or walkway surface	7 days

PM3.10-2 Perform annual springtime sweep and clean of all paved sidewalks and walkways, including transit stops and RapidBus stations, removing all accumulations, commencing no later than March 31, weather permitting.

Note: This activity to be coordinated with PM3.5-2.

PM3.10-3 Repair or address defects on sidewalk and walkway surfaces, including transit stops as follows:

Performance Criteria	Response
a) Major defect that causes sidewalk or walkway surface to be unserviceable	Repair immediately
b) Moderate defect that does not cause the sidewalk or walkway surface to be unserviceable	Monitor frequently
c) Minor defect that does not affect serviceability of sidewalk or walkway surface	Monitor

Materials and/or Procedures:

- a) Actively monitor and evaluate sidewalk and walkway surfaces using regular safety patrols for any accumulations.



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- b) Perform sidewalk and walkway inspections annually, following the City of West Kelowna Pedestrian Infrastructure Inspection and Maintenance Policy, and the five City of West Kelowna inspection zones on a 5-year rotating cycle.
- c) Refer to Appendix for City of West Kelowna Inspection Zone map.



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Roadside Maintenance

Litter Collection and Graffiti Removal

P4.1

Outcome:

To keep roadways clean and tidy.

Maintenance Services:

PM4.1-1 Collect and dispose of litter from roadways, including transit stops and RapidBus stations, with a response or frequency time no longer than 3 days.

Note: During times of high transit usage, response times can increase at City's discretion.

PM4.1-2 Remove or cover graffiti on roadway infrastructure, including transit stops and RapidBus stations, and natural features within the roadway dedication within 7 days from when the graffiti was identified.

Note: Remove graffiti to return the marked surface to the original condition if possible. If not possible, graffiti is to be painted with an appropriate, matching colour to minimize the effect of the repair.

Materials and/or Procedures:

- a) Actively monitor and evaluate roadways using regular safety patrols to ensure no litter, debris or dead animals are present.
- b) Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.
- c) Any large debris affecting the normal flow of traffic is to be made secure in accordance with the most current version of the BCMoTI Traffic Management Manual for Work on Roadways until it can be effectively removed.
- d) Report abandoned vehicles or equipment on the roadway dedication to the City and RCMP.



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Roadside Maintenance	
Vegetation Control	P4.2

Outcome:

To improve visibility, safety and facilitate drainage.

Maintenance Services:

PM4.2-1 Cut vegetation from the side slope to a width of 1.8 metres from the shoulder edge, back of curb, or back of sidewalk twice annually as per the City's grass-cutting routes.

PM4.2-2 Cut vegetation that exceeds 10 centimetres in height on hard surfaced roadway infrastructure.

PM4.2-3 Partially or completely remove brush/trees within road dedication that cause sight distance obstructions, impede drainage or create shaded areas that are known to repeatedly cause black ice to form on the road surface.

Materials and/or Procedures:

- a) Actively monitor and evaluate roadway shoulders for vegetation and danger trees or brush.
- b) The 1.8m cutting swath for gravel roadways is to be measured from the outside edge of the travelled lane.
- c) During times of high wildfire risk, vegetation control activities may be suspended.
- d) Remove brush/trees to the lowest possible height considering uneven terrain.
- e) Refer to Schedule D of City of West Kelowna Traffic Bylaw No. 0092 for sightline obstruction specifications.
- f) Refer to Appendix for City of West Kelowna grass-cutting map.



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Roadside Maintenance	
Transit stop maintenance	P4.3

Outcome:

To improve visibility, safety and facilitate drainage.

Maintenance Services:

PM4.3-1 Perform monthly wash and clean of transit stops including RapidBus stations.

Note: Wash and clean duties include but are not limited to: wash of shelter and platform to remove accumulations, pressure washing stained areas, and removing adhered stickers, labels or substances from shelter, benches, or platform.

PM4.3-2 Complete repairs to damage on shelters, benches, screens, flag posts and rub strips within 7 days of identification of defect, unless specialized repair labour or long lead time parts are required.

Materials and/or Procedures:

- a) Actively monitor and evaluate transit stops for cleanliness and defects.

**DRAFT****Traffic Maintenance****Sign Systems****P5.1****Outcome:**

To regulate and facilitate the safe and orderly flow of traffic.

Maintenance Services:

PM5.1-1 Maintain sign systems so they are clean, repaired, legible, visible, erect, and properly placed within the following times after the defect is identified:

Sign Classification	Response time (days)
Regulatory and Warning	1
Pedestrian and School	1
Guide / Street blade	7
Information	7
Service and Attraction	7

PM5.1-2 Maintain sign systems within the following times after the defect is identified:

Requirement	Response
a) Temporarily repair regulatory and warning signs that are not flat (planar) or properly oriented or either 10 cm ² or 1% (whichever is greater) of the sign face area is defective, dented or vandalized	immediately
b) Place temporary signage for missing regulatory and warning signs	immediately
c) Install, remove and reinstall signs due to seasonal requirements	Annually
d) Remove illegal or unauthorized signs	In contradiction to the manual and as directed by the City

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PM5.1-3 Replace sign systems within the following times after the defect is identified:

Requirement	Response time by sign type	
	Regulatory, Warning, Pedestrian, School	Guide, Street blade, Service, Attraction and Other
a) Damaged signs beyond repair	1 day	8 weeks
b) The reduced retro-reflectivity overrides the ability of the sign text, colour or legend to be effectively presented to roadway users	1 day	8 weeks

PM5.1-4 Install or replace barrier and shoulder-mounted delineators within 10 days that are missing or no longer effective.

Materials and/or Procedures:

- a) Actively monitor all roadway signs using regular safety patrols to ensure proper signage.
- b) Store removed illegal or unauthorized signs until they are claimed by the owner or as directed by the City.
- c) Comply with the Manual of Standard Traffic Sign and Pavement Markings, Specifications for Standard Highway Sign Materials, Fabrication and Supply and Sign Blank Dimensions.
- d) Metal posts and battens to be Telespar sign posts or other material as approved by the City.
- e) All hardware is of non-corrosive material to avoid discolouration of sign faces, complete with tamper-resistant fasteners.
- f) The selection of the post type and quantity of posts required for each installation is to be based on the structural wind loading in the area.



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Traffic Maintenance	
Traffic Management	P5.2

Outcome:

To keep roadway users safe, protect roadway workers and minimize traffic delays.

Maintenance Services:

PM5.2-1 Respond immediately to unplanned events or incidents and take appropriate actions at direction of first responders to ensure the safety of roadway users until traffic management control measures can be deployed.

PM5.2-2 Provide traffic management during the delivery of all applicable roadway maintenance services.

PM5.2-3 Position traffic queues clear of areas that are unsafe or have the potential to become unsafe (including but not limited to rockfall/slide areas, blind corners, horizontal and vertical curves).

Materials and/or Procedures:

- a) Comply with the current version of the BC MoTI Traffic Management Manual for Work on Roadways.
- b) Planned lane closures are prohibited on statutory holidays, unless approved by the City.
- c) Calculate and document anticipated traffic delays prior to commencement of work for planned services, which exceeds 10 minutes.
- d) Remain at the site(s) until traffic flow in all lanes has been re-established or the traffic deficiency has been resolved and the site(s) are safe for roadway users.
- e) Automated flagger assistance devices may be used with an approved traffic management plan and prior approval from the City.
- f) Ensure appropriate temporary signage equipment is used, such as concrete bases and sign stands.
- g) Coordinate with BC MoTI as required in the event of an unplanned closure of MoTI roadways/lanes causing detours affecting City of West Kelowna roadways/lanes.

**DRAFT****Traffic Maintenance****Pavement Markings and Eradication****P5.3****Outcome:**

To facilitate the continuous, safe and orderly flow of traffic.

Maintenance Services:

PM5.3-1 Apply long line pavement markings annually as follows:

Criteria
a) Minimum paint application rate of 40L/km for yellow and white paint.
b) Minimum wet thickness of 16mm
c) Minimum width of 100mm and maximum width of 110mm for specified 100mm lines.
d) Minimum width of 200mm and maximum width of 210mm for specified 200mm lines.
e) Yellow paint to have retro reflectivity of 150 millicandela for at least 30 days after application and 70 millicandela at end of season.
f) White paint to have retro reflectivity of 200 millicandela for at least 30 days after application and 150 millicandela at end of season.
g) Glass bead to be applied immediately following paint application
h) Every reasonable step to be taken to prevent aesthetic faults of all painted lines such as tire tracking and splatter.

PM5.3-2 Apply symbol pavement markings as follows, prioritized based on annual City inspection:

Criteria
a) All markings to be thermoplastic
b) Minimum wet thickness of 16mm
c) Yellow markings to have retro reflectivity of 150 millicandela at end of season.
d) White markings to have retro reflectivity of 200 millicandela at end of season.
e) Every reasonable step to be taken to prevent aesthetic faults of all painted markings such as tire tracking and splatter.

Materials and/or Procedures:

- a) Long line paint shall be supplied from traffic paint products listed on the BC MoTI recognized products list.



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- b) Thermosplastic markings shall be Lafrentz-System 300 product or equivalent. Cold plastic markings shall be Lafrentz-System 400 product or equivalent.
- c) Installation of any large pre-form products shall be done with infrared heaters.
- d) Provide appropriate traffic control procedures during all activities in accordance with the BC MoTI Traffic Management Manual for Work on Roadways.
- e) Third party random testing shall be conducted to ensure specifications are met.
- f) Line painting vehicles shall be equipped with:
 - a. Dual pressure tanks
 - b. Pressurized bead system
 - c. Ability to paint two yellow lines at once
 - d. Ability to paint white/yellow lines with flow of traffic
 - e. Electronic stripe timer for dashed line spacing
 - f. Optical or laser guidance system
 - g. Permanent safety and warning devices
 - h. Digital Pavement Marking Measurement Instrument (DPMMI) capable of recording:
 - i. Date
 - ii. Time
 - iii. Location
 - iv. Road temperature
 - v. Air temperature
 - vi. Paint temperature
 - vii. Paint application thickness
 - viii. Glass bead application rate
 - ix. Vehicle speed
 - x. Distance painted
 - i. Audible back-up alarm



DRAFT

Traffic Maintenance	
Roadside Barriers	P5.4

Outcome:

To protect roadway users from roadside hazards.

Maintenance Services:

PM5.4-1 Identify defects in concrete roadside barrier such as cracks, missing concrete, disconnections and misalignment that affect the integrity of the barrier system and document all defects on an inspection report and submit to the City quarterly.

PM5.4-2 Repair concrete surface defects such as spalling, scaling and cracking.

PM5.4-3 Replace concrete roadside barriers that have full length cracking front to back, and/or chipping greater than 1/6th of the surface area, and/or any broken connection hooks or angles.

PM5.4-4 Repair to standard or replace defective W-Beam guardrail barrier.

PM5.4-5 Remove all debris that prevents the natural drainage of water through or along the barrier system.

Materials and/or Procedures:

- a) Actively monitor all roadside barriers using regular safety patrols to ensure proper functionality.
- b) The repair of all roadside barriers shall be in accordance with Section 312 of BC MoTI Standard Specifications for Highway Construction.



DRAFT

Traffic Maintenance

Street Light Illumination

P5.5

Outcome:

To provide safety for pedestrian and vehicle movement on roadways and maintain the existing inventory of City of West Kelowna owned street lights in a functioning manner of operation.

Maintenance Services:

PM5.5-1 Perform streetlight maintenance as follows:

Criteria
a) Conduct routine repairs within 2 weeks of notification
b) Conduct urgent repairs that ensure the safety of the public, such as those caused by motor vehicle accidents, within 4 hours.

Materials and/or Procedures:

- a) Perform annual audit of all City of West Kelowna roadway street lighting to ensure proper function.
- b) Report to the City any non-working BC Hydro Leased streetlights.
- c) Dispose of all hazardous and non-hazardous materials per regulatory agency requirements.
- d) Replacement street lighting materials and equipment to be in accordance with the City of West Kelowna Works and Services Bylaw No. 0249 or to be consistent with materials and equipment being replaced.

**DRAFT****Network Management Maintenance****Roadway Inspection and Safety Patrols P6.1****Outcome:**

To monitor conditions and develop a comprehensive knowledge of roadway conditions to support a work identification and planning program.

Maintenance Services:

PM6.1-1 Respond and inspect immediately any conditions reported to the City by others (including but not limited to the public, regulatory agencies and police authorities) that are considered to be unsafe or have the potential to become unsafe.

PM6.1-2 Increase safety patrols and inspections for any condition that is considered unsafe or has the potential to become unsafe until that condition is removed, to the following frequencies:

Requirement	Patrol / Inspection Frequency		
	P1 Roads	P2 Roads	P3 Roads (incl. Gravel Roads)
a) Any condition that is considered unsafe or has the potential to become unsafe	2 hours	4 hours	8 hours
b) During periods of heavy rainfall or snowfall, high water flow or rapid snowmelt	2 hours	4 hours	8 hours

PM6.1-3 Identify and document immediately to the Roads and Drainage Supervisor, conditions that are unsafe or have the potential to become unsafe and the actions taken.

PM6.1-4 Identify and document immediately to the Roads and Drainage Supervisor, conditions that have a performance criteria response time of 7 days or less.

PM6.1-5 Conduct and document safety patrols of roadways at the continuous frequencies as follows:

Patrol / Inspection Frequency by road priority		
P1 Roads	P2 Roads	P3 Roads (incl. Gravel Roads)
Weekly	Weekly	Monthly



DRAFT

PM6.1-6 Formally inspect and document the condition of roadway infrastructure as follows:

Infrastructure	Frequency of Inspection
a) Retaining walls	Every 5 years
b) Drainage infrastructure (including drainage appliances and ditches)	Every 5 years
c) Rock cuts and slopes	Annually
d) Bridges	Annually

Materials and/or Procedures:

- a) Patrol vehicles are to be appropriately equipped to respond to conditions that are unsafe or have the potential to become unsafe.
- b) Conduct inspections using a qualified inspector as required.
- c) Use inspection results to support the development of annual work plans for roadway maintenance services.
- d) Report condition of infrastructure to other City management support systems, such as a Pavement Management System Inspection report (PMS) or Sidewalk and Walkway Trip Hazard Inspection Report.

**DRAFT****Network Management Maintenance****Communications****P6.2****Outcome:**

To communicate effectively and in a timely manner with the public, stakeholders and the City of West Kelowna.

Maintenance Services:

PM6.2-1 Communicate roadway conditions as follows:

Performance Criteria	Response
a) Engage with the City of West Kelowna Communications department to enhance communications to the public on road maintenance activities	As and when required
b) Report to the City any abandoned vehicles/equipment and provide assistance to RCMP if required	Immediately

PM6.2-2 Communicate with the public and stakeholders as follows:

Performance Criteria	Response
a) Monitor, receive, and address complaints, concerns and requests for service across various communications platforms or in person and document the result of those communications	24 hours
b) Solicit and monitor input regarding the delivery of services and work with the public, stakeholders and City when services are, or may be disruptive/contentious	Immediately

PM6.2-3 Provide a toll-free telephone public service, attended by sufficient personnel 24 hours a day, 7 days a week to process: complaints, comments, concerns, reports of conditions that are unsafe or have the potential to become unsafe; and reports of and requests for roadway conditions.



DRAFT

Notes:

- 1) All calls fielded by the toll-free telephone public service shall be logged, documented, and summarized monthly to the City. Documentation to include:
 - a) Time and date of call
 - b) Caller name and contact information
 - c) Caller complaint, concern or comment
 - d) Brief description of the situation, and asset affected.
 - e) Actions to be taken to resolve complaint, concern or comment
 - f) Follow-up communications to the caller
- 2) Take action on all calls per the appropriate road maintenance Policy.
- 3) Where the complaint, comment or concern is outside the City's obligation, report to appropriate jurisdiction.

Materials and/or Procedures:

- a) Communications with the public and stakeholders are to be clear and concise.
- b) Notify the appropriate City of West Kelowna department of any road disruptions or closures due to a special event or unsafe condition, complete with traffic control plan and estimated time of closure and ensure the City of West Kelowna Communications department is engaged to inform the public as needed.

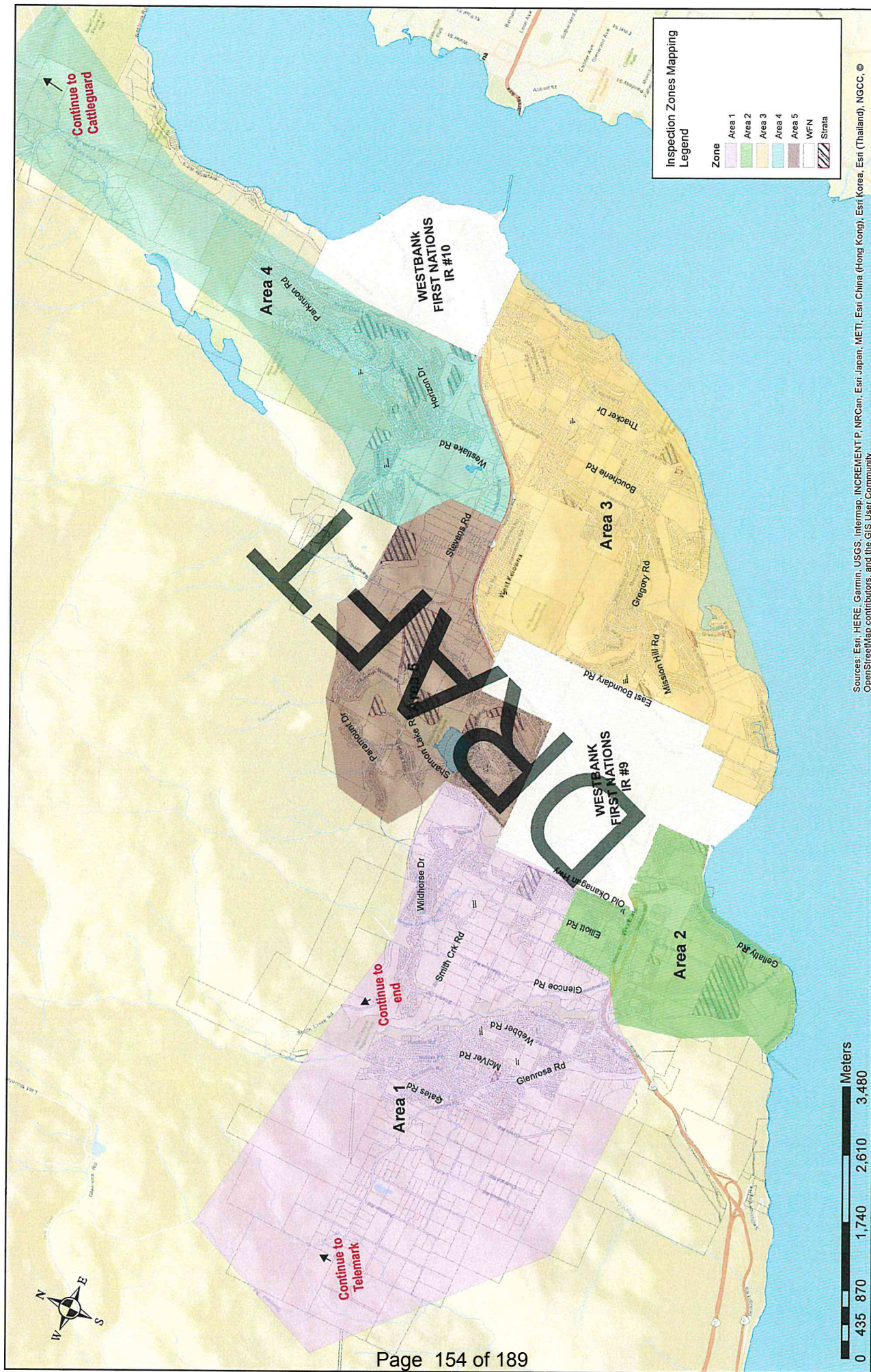
APPENDIX A

Snow Removal Priority Map

Sidewalk and Walkway Zone Map

Grass Cutting Map



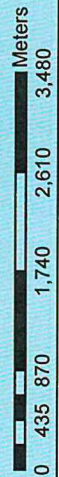




Roadside Mowing Mapping Legend

- Sidewalk-veg cntl
- Roadside Mowing
- WFN
- Strata

Sources: Esri, HERE, Garmin, IFR
OpenStreetMap contributors





COUNCIL REPORT
Engineering and Public Works
For the August 13 2019 Council Meeting

DATE: August 13, 2019
TO: Paul Gipps, CAO
FROM: Kevin Bouchier, Recreation Supervisor
RE: Fees and Charges Bylaw – Multipurpose Sports Dome

RECOMMENDED MOTION:

THAT Council give first, second and third reading to the City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.63

RATIONAL:

With the new Multi Sport Dome scheduled to open in the Fall 2019, the Parks and Recreation Department must establish rental fees for the public to use the facility.

BACKGROUND:

Regional Multi Sport Dome Fees

To establish fees for use of the new West Kelowna Multi Sport Dome, staff consulted with existing field user groups and reviewed sport/soccer dome fees in other communities in the Okanagan Valley. The hourly rental rates for these facilities do not include GST. The rates are as follows:

- Kelowna Mission prime rate: \$175, Non prime rate: \$100.
- Rutland Prime Rate: \$198, Non Prime Rate: \$115
- Capital News Centre (one rate): \$135.00
- Penticton (one rate): \$125
- Kamloops Prime Rate: \$190, Non Prime Rate: \$110
- Vernon Prime Rate: \$175, Non Prime Rate: \$125.

All indoor sports fields listed are similar in size ranging from 61 – 65 meters long and 40 – 45 meters wide.

Regional Multi Purpose Sports Dome use by Youth Soccer Associations

To best establish a rental fee for the Westside Youth Soccer Association a comparison of rates in the Okanagan was also undertaken. Sport Dome facilities in Penticton, Vernon, and Kamloops are operated by Youth Soccer Associations. The Youth Soccer Associations schedule the field time required and the league fees cover the cost of field use. Youth Soccer Associations rent out available field times to other user groups at the established prime and non prime rates.

Sport Dome facilities in Kelowna are operated by Kelowna United Soccer Club. Other Youth Soccer Associations pay the following hourly rates to use the facilities:

- Kelowna Mission Dome: Prime \$140, Non Prime \$80
- Rutland Dome: Prime \$158.40, Non Prime \$92

The Capital News Centre also rents their indoor fields to Youth Soccer Association at a rate of \$45 / hour.

Proposed West Kelowna Multi Purpose Sports Dome Fees

Prime Time usage of the Sport Dome is defined as:

- Weekdays: 3:00 pm – 11:00 pm
- Weekends: 8:00 am – 11:00 pm

Non Prime Time usage of the Sport Dome is defined as:

- Weekdays: 6:00 am – 3:00 pm
- Weekends: 6:00 am – 8:00 am

The recommended hourly fees for use of the West Kelowna Multi Sport Dome are:

- Full Field Prime Rate \$175, Full Field Non Prime Rate \$110
- Half Field Prime Rate \$87.50, Half Field Non Prime Rate \$55
- GST is not included in the fees.

As part of the Contribution Agreement with Westside Youth Soccer Association (WYSA), dated March 2018, the Association is to be given their own rate for use of the Sports Dome. The proposed rate for WYSA for use of the full field is \$55 per hour. WYSA was presented with this rate at a meeting on July 10, 2019 at which time WYSA representatives stated that they support the proposed fee.

Staff recommend that the District of West Kelowna Fees and Charges Bylaw 2009 NO.0028 be amended to include fees for the new Multipurpose Sports Dome for an 18-month term ending March 31, 2021. Sports Dome expenditures and facility rental fees will be reviewed after one year. Necessary adjustments can be implemented for April 1, 2021 which would put the Sport Dome fee schedule in line with other Recreation fees under the Fees and Charges Bylaw.

FINANCIAL IMPLICATIONS:

Staff expectations are to maximize usage of the new Multisport Dome and establish a baseline budget for the facility in its second year of operation.

ALTERNATE RECOMMENDATION:

THAT Council postpone consideration of amendment bylaw No.0028.56 and request staff to return with additional information.

Respectfully submitted,



Kevin Bourchier
Recreation Supervisor



Allen Fillion
GM Engineering and Public Works



Bob Kusch
Parks, Recreation and Culture Manager



Warren Everton
CFO

Approved for Agenda



Paul Gipps, CAO

AUG 8, 2019

Date

Attachments: Fees and Charges Bylaw No. 0028.63

Powerpoint: ___ Yes _X_ No:

CITY OF WEST KELOWNA

BYLAW NO. 0028.63

A BYLAW TO AMEND THE FEES AND CHARGES BYLAW

WHEREAS the Council of the City of West Kelowna wishes to amend "District of West Kelowna Fees and Charges Bylaw 2009 No. 0028" under the provisions of the *Community Charter*,

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the "City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.63, 2019".

2. Amendments

"District of West Kelowna Fees and Charges Bylaw 2009 No. 0028" is hereby amended as follows:

2.1 By adding the following rental fees to Schedule 13 for the use of the Multipurpose Sports Dome:

Multipurpose Sports Dome

(excluding tax)

Rental Rates in Effect Until March 31, 2021

	Per Hour
Full Field – Prime Rate	\$175.00
Full Field – Non Prime Rate	\$110.00
Half Field – Prime Rate	\$87.50
Half Field – Non Prime Rate	\$55.00
Westside Youth Soccer Association Rate	\$55.00

Prime Rate use is defined as:

- Weekdays: 3:00 pm – 11:00 pm
- Weekends: 8:00 am – 11:00 pm

Non Prime Rate is defined as:

- Weekdays: 6:00 am – 3:00 pm
- Weekends: 6:00 am – 8:00 am

READ A FIRST, SECOND AND THIRD TIME THIS
ADOPTED

MAYOR

CITY CLERK



INFORMATION ONLY COUNCIL REPORT
Engineering and Public Works
For the August 13, 2019 Council Meeting

DATE: August 1, 2019
TO: Paul Gipps, CAO
FROM: Allen Fillion, GM of Engineering & PW
RE: Summer 2019 Water Supply Update #2

BACKGROUND:

An update on winter snowpack levels, current water reservoir storage levels and the CWK Drought Plan was provided to Council at the July 9th Council Meeting. The report discussed lower than normal snowpack levels in March and April with the impact on water reservoir levels being further complicated by an earlier than normal melt. Although reservoirs nearly all filled to full capacity, they were drawn upon much earlier than normal and levels dropped significantly throughout the month of June. Figure 1 below was provided in the report comparing current reservoir levels versus previous year's volumes.

FIGURE 1 – Total Reservoir Storage

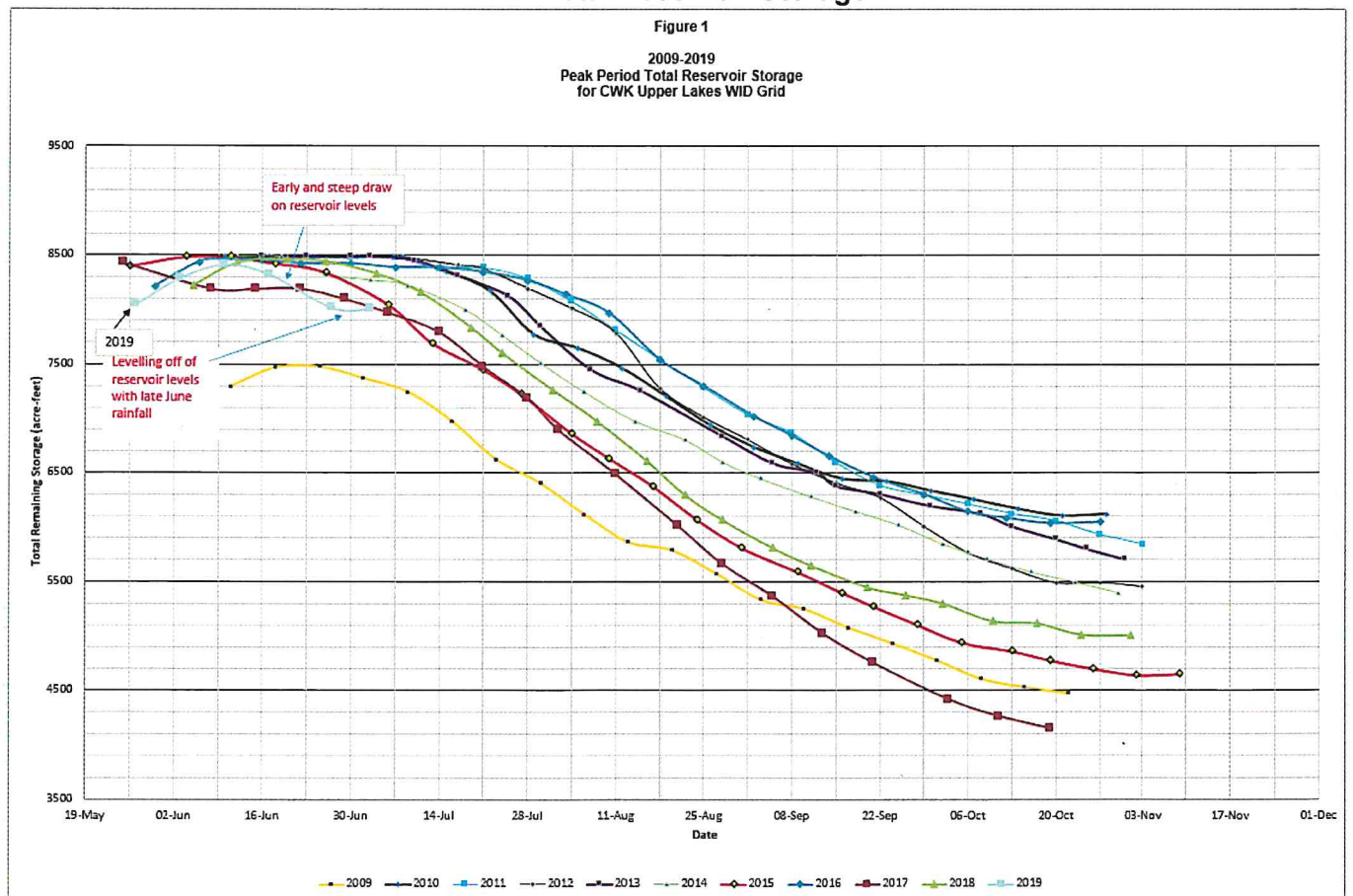
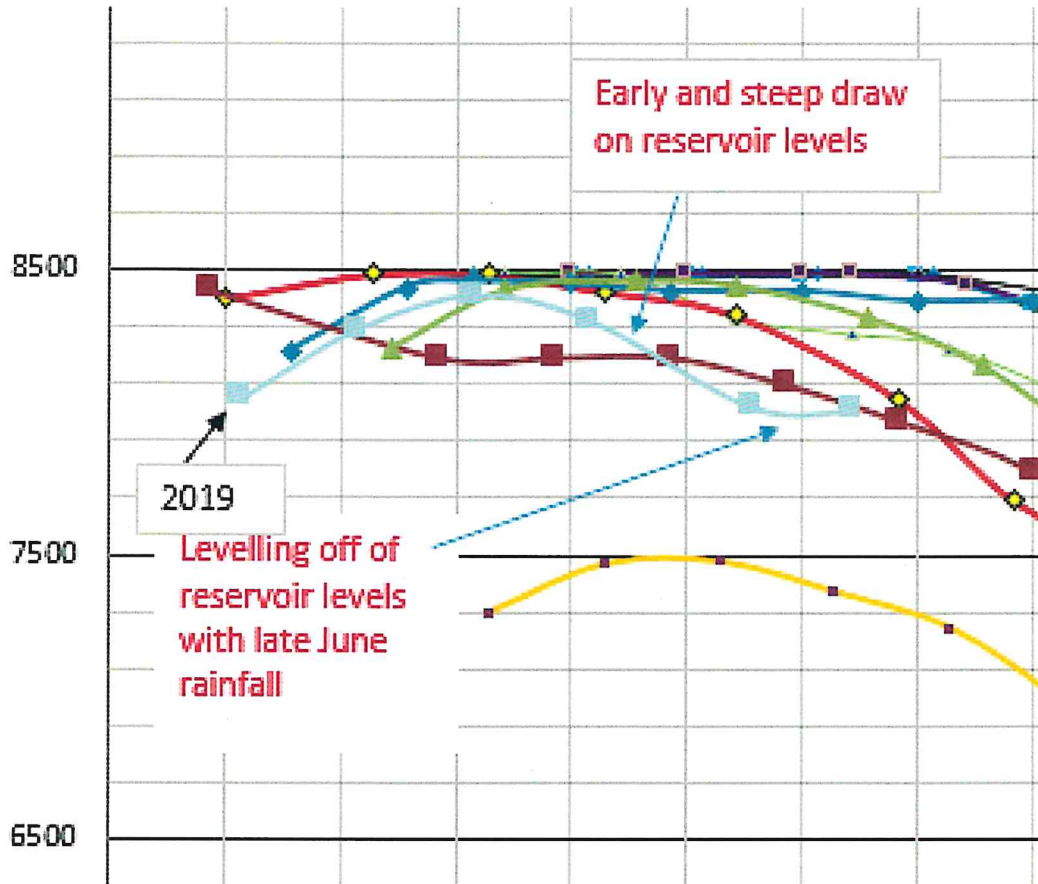


FIGURE 1 Blown Up



The graph highlights the steep drop in reservoir levels in early June resulting in the second lowest recorded storage levels in the last eleven years. The graph also highlights a levelling off of the storage levels associated with rainfall in last week of June.

The report also discussed the CWK Drought Plan and more specifically a Drought Response Decision Tree that was developed to guide decision making related to setting the appropriate level of watering restrictions. The intent is to ensure a science based and consistent approach to this critical decision making. The decision tree considers reservoir levels in the fall, the amount of fall precipitation, snowpack levels over the winter, information provided from the Province's River Forecast Centre, reservoir levels in May and June, and finally the anticipated demand heading into the summer months. Council was advised that the decision tree was leading towards Stage 2 watering restrictions being implemented however the recent rainfall had delayed the necessity and further rainfall in the forecast could further delay the necessity.

The purpose of this report is to provide an update on how reservoir storage levels have performed since July 4th, the time of writing of the previous report.

WATER SUPPLY UPDATE

July weather in the Okanagan was near normal conditions. Although the perception to many was that it was wetter and colder than normal the reality is that the last few years have been extremely dry and this year was a return to close to normal conditions that have not been seen since 2014. Rainfall in July in 2019 was 42.4 mm, slightly higher than the normal rainfall for July of 37.2 mm. 2018 saw only 9.4 mm and 2017 saw no rainfall at all. Hence the perception that this July was much wetter than normal.

Although the rainfall amount for July was near normal conditions, the impact on reservoir storage levels was substantial. The rainfall not only serves to replenish the reservoirs it also decreases the demand on the water system as less irrigation is required. The impact is therefore two fold. An updated graph of reservoir storage levels is provided in Figure 2.

The 2019 graph is unique in comparison to the other graphs dating back to 2009. Typically once July starts the reservoirs decline at a rate proportional to the demand. Never before have we seen the graph actually climb back up once this initial decline has begun. In 2019, not only did the graph begin to climb, reservoirs replenished to near full levels by mid July, thus negating the impact of the early spring melt.

FIGURE 2 – Total Reservoir Storage Updated

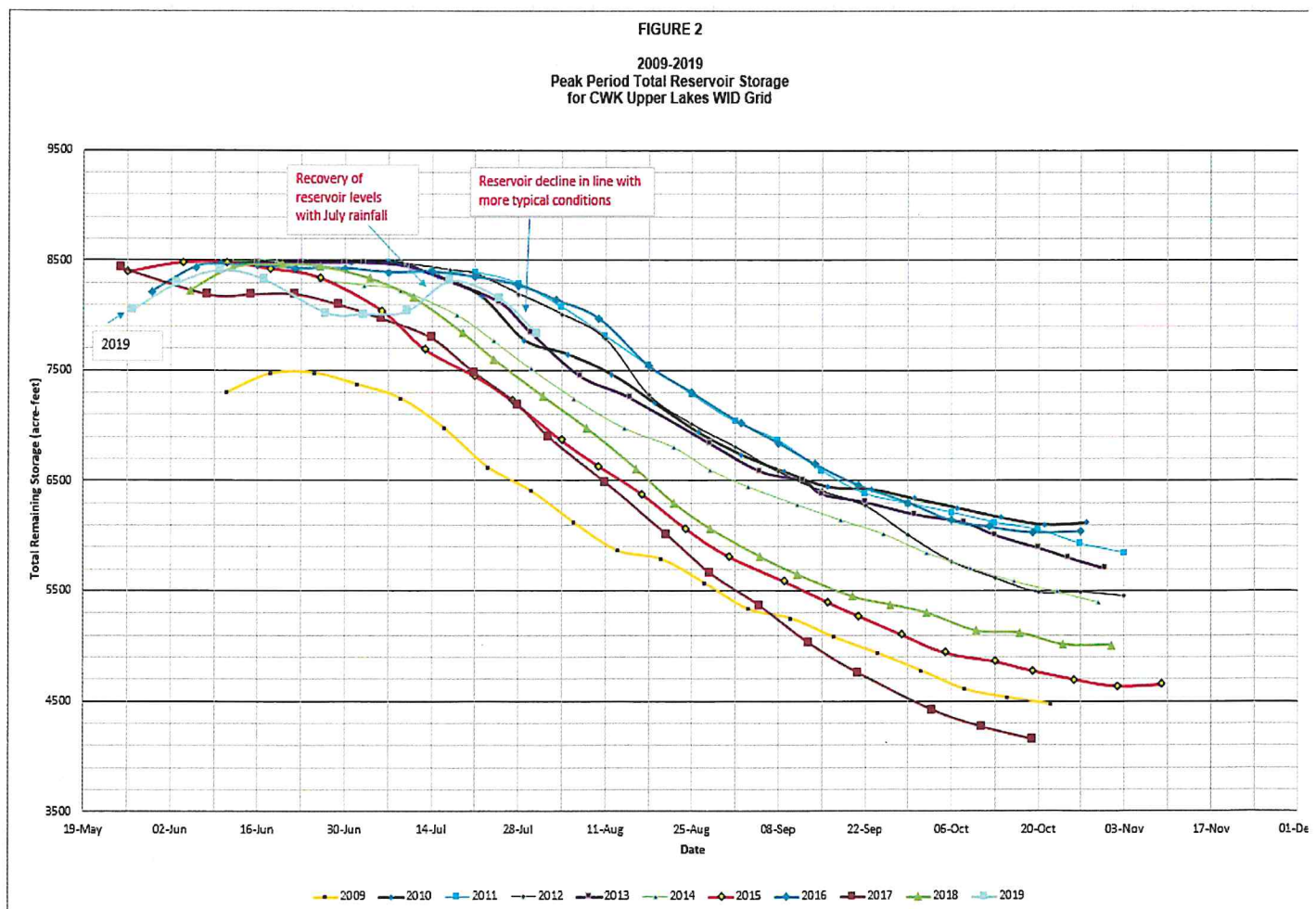
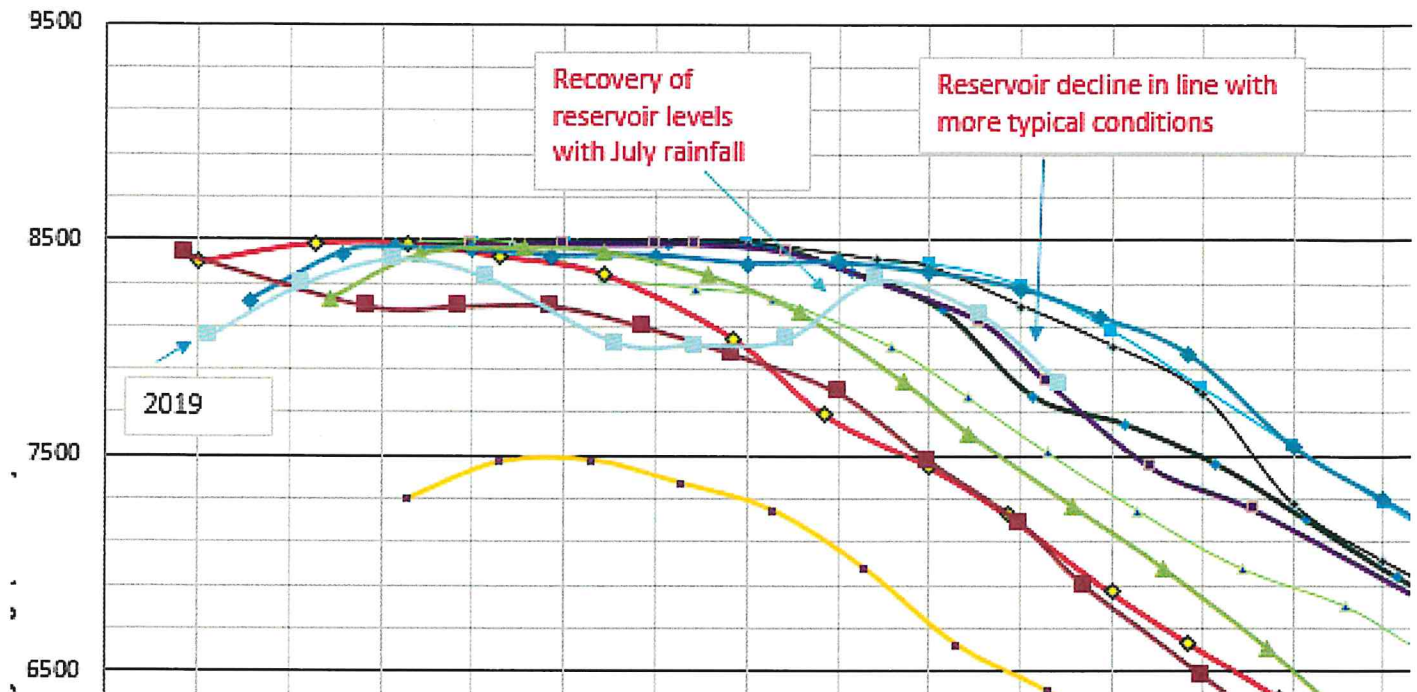


FIGURE 2 Blown Up



Given the significant impact of the rainfall over the month of July there is no need to advance to Stage 2 watering restrictions.

Staff will continue to monitor the water reservoir levels closely and take weekly readings as per standard operating procedures.

Allen Fillion
GM of Engineering & PW

Powerpoint: Yes ☐ No ☒

Approved for Agenda	
	AUG 7, 2019
Paul Gipps, CAO	Date



COUNCIL REPORT
Finance, Administrative & Protective Services
For the August 13, 2019 Council Meeting

DATE: August 2, 2019

TO: Paul Gipps, CAO

FROM: Lisa Siavashi, Revenue, Reporting and Risk Manager
Warren Everton, Chief Financial Officer

RE: Active Living Entreprises Ltd. And Johnson Bentley Memorial 2018 Surplus

RECOMMENDED MOTION:

THAT Council approve sharing 30% (\$5,267.40) of the 2018 surplus of Johnson Bentley Memorial Aquatic Centre with Active Living Entreprises Ltd.

RATIONALE:

Active Living Entreprises had a surplus in the operating financial statements of Johnson Bentley Aquatic Centre in 2018. While the agreement between Active Living Entreprises and the City of West Kelowna has a clause that allows Council to consider sharing 50% of the surplus, the accumulated deficit that has been funded by the City has grown over the years. However, in the spirit of encouraging annual fiscal responsibility, staff has recommended a reduced amount to share with Active Living Entreprises.

BACKGROUND:

Active Living Entreprises (ALE) first took over the operation of Johnson Bentley Memorial Aquatic Centre (JMBAC) in January 1997. ALE provides management of the daily operations of the pool and recreation centre at JMBAC. The City of West Kelowna took over this agreement from the Regional District of Central Okanagan in 2008, and the last agreement was signed in 2016 and expires in 2021. ALE has successfully managed JMBAC over the years and have saved the organization substantial operating expenses when compared to the cost of running the facility under the municipality's cost structure.

In 2018, JMBAC's financial statements show an operating surplus of \$17,558. Clause 9 of the agreement (attached) discusses surpluses and shortfalls. In the event of a shortfall (deficit), the City is responsible for funding the shortfall. In the event of a surplus, the surplus is paid to the City and then clause 16 applies. Clause 16 stipulates the process for ALE to request sharing in the annual surplus. The clause allows the City to conduct a review of the service provided during the fiscal period to which the surplus relates to ensure that the level and quality of the service has not diminished or decreased from previous years. Staff recommendations are then made for council to deliberate on.

Based on reviews by the Parks, Recreation and Culture Manager, the level of service from ALE continues to be very good. ALE indicated in their letter requesting to share in the surplus indicates that the surplus in 2018 is due to a reduction in staff expense in 2018 (i.e. not providing them with any cost of living increases) plus an unexpected increase in revenues due to the fires and smoke in the Okanagan in 2018.

Staff met with ALE who indicated that they felt “the spirit and intent of the clause was to insert a vehicle into the contract that would provide a legitimate incentive to the contractor, to do their best to both enhance services and exceed budget expectations by producing an annual operating surplus, and further that the incentive be confined to the current fiscal period as indicated in clause 16.2 of the contract”. However, this is not indicated in the contract.

FINANCIAL IMPLICATIONS:

The annual budget for Johnson Bentley is set each year. While a surplus is not budgeted for, neither were the deficits that have occurred. The table below details the year’s surplus or deficit over the last eleven years:

		Surplus (Deficit)
	2008	12,269.00
	2009	(21,346.00)
	2010	(3,484.00)
	2011	(4,637.00)
	2012	(38,056.00)
	2013	(38,339.00)
	2014	(1,774.00)
	2015	457.00
	2016	(6,252.00)
	2017	(579.00)
	2018	17,558.00
	Accumulated Deficit	(84,183.00)

This accumulated deficit includes the offset from the 2018 surplus. According to ALE, losses in 2012 and 2013 are due to opening of H2O in Kelowna in 2011; the opening of 8 new fitness facilities in West Kelowna over this time frame; and the re-furbishing of the Parkinson Recreation Centre in Kelowna. The annual surplus or deficit from JBMAC becomes part of the annual surplus or deficit of the City’s. These amounts do not include the operating costs of the facility (building maintenance, utilities, facility operator wages, contract expenses) that are funded by annual property taxes.

ALTERNATE MOTIONS(S):

- THAT Council not share the 2018 surplus from JBMAC with ALE;
- THAT Council agree to share 50% of the 2018 surplus from JBMAC with ALE; or
- THAT Council share another determined amount of the 2018 JBMAC surplus with ALE.

REVIEWED AND APPROVED BY:

Bob Kusch, Parks, Recreation and Culture Manager
Warren Everton, CFO
Shelley Schnitzler, Legislative Services Manager
Paul Gipps, CAO

Powerpoint: Yes ☐ No ☒

Attachments: Letter from ALE including 2018 Financial Statements for Johnson Bentley Aquatic Centre
Agreement between Activie Living Entreprises and the City of West Kelowna pgs 5 and 8-10



Active Living Entreprises Ltd.

~~1198 Gregory Road~~
~~Kelowna, B.C. V1A 3A6~~

Feb. 6, 2019

Bob Kusch
Recreation and Culture Manager
City of West Kelowna

I am writing today in order to provide you with the JBMAC Pool financial year-end statements for 2018.

The monthly bookkeeping and financial reports are initially prepared each month by WK Group Chartered Accounts, here on the Westside.

WK Group's work is then sent to Joe Maciel Chartered Accountants each January for their review and final statement preparation for the City of West Kelowna.

Attached are the year-end financial statements as prepared by Joe Maciel Accounting, for your records.

JBMAC Pool financial reports indicate a favourable operating surplus of **(\$17,558)** for year-end 2018.

The surplus was somewhat anticipated as Active Living did not apply any staff COLA increase in 2018, as the City had rejected our second attempt budget revision in which we requested a 1.5% COLA increase for the year.

In all fairness, our original budget submission included no COLA increase based on our anticipated strong performance in 2017, which ended-up being much closer to budget than originally projected.

Therefore, the reduction in staff expenses in 2018 plus the extra lift we received this past summer in revenues due to the fire and smoke situation in the Valley, have combined for a stronger revenue year than previously anticipated. Which is a good thing, of course.

However, we do have some ground now to make-up with staffing wages going into 2019, hence the request for a 2% COLA increase included in this year's budget submission.

Lastly, I would like to officially request that Active Living be considered for a 50% share of the operating surplus for 2018, as per contract Section 16.0 – 16.4.

In the meantime, Active Living is including a cheque in the amount of \$17,558.00 payable to the City of West Kelowna.

Respectfully submitted,

Violette Stedham
President

JOHNSON BENTLEY MEMORIAL AQUATIC CENTRE

FINANCIAL STATEMENTS

(Unaudited - See Notice to Reader)

DECEMBER 31, 2018

JOHNSON BENTLEY MEMORIAL AQUATIC CENTRE

December 31, 2018

Contents

	<u>Page</u>
Notice To Reader	1
Financial Statements	
Statement of Revenue and Expenditures for Johnson Bentley Memorial Aquatic Centre	2



217-3011 LOUIE DRIVE
WEST KELOWNA, BC V4T3E3
TEL: 250.768.0644
FAX: 250.768.0634

Notice to Reader

On the basis of information provided by management, I have compiled the statement of revenue and expenditures for Johnson Bentley Memorial Aquatic Centre (a division of Active Living Enterprises Ltd.) for the year ended December 31, 2018. This statement is a schedule within the company's financial statements for the year ended December 31, 2018, on which I issued a notice to reader dated February 4, 2019.

I have not performed an audit or a review engagement in respect of these financial statements and, accordingly, I express no assurance thereon.

Readers are cautioned that these statements may not be appropriate for their purposes.

West Kelowna, B.C.
February 4, 2019

A handwritten signature in cursive script that reads "Maciel & Co.".

CHARTERED PROFESSIONAL ACCOUNTANT

ACTIVE LIVING ENTREPRISES LTD.

STATEMENT OF REVENUE AND EXPENDITURES FOR JOHNSON BENTLEY MEMORIAL AQUATIC CENTRE (Unaudited - See Notice to Reader)

FOR THE YEAR ENDED DECEMBER 31, 2018

	2018	2017
REVENUE		
Administration Fees	\$ 605,643	\$ 601,995
Program Fees	781,406	\$ 739,649
Total Revenue	1,387,049	1,341,644
EXPENSES		
Program Expenses		
Affiliation fees	2,277	1,737
Program supplies	25,308	29,640
Rent	1,553	1,693
Salaries, benefits and subcontractors	781,403	756,764
Training	3,590	3,767
Total Program Expenses	814,131	793,601
Marketing and Customer Service		
Advertising	15,801	13,433
Merchandise	3,053	3,825
Miscellaneous	1,135	2,582
Salaries, benefits and subcontractors	128,593	124,675
Training	-	13
Total Marketing and Customer Service	148,582	144,528
Administration Expenses		
Accounting and payroll fees	12,575	12,106
Bank charges	23,405	17,800
Cash (over) short	(40)	(1,266)
Communication	6,407	8,103
Liability and other insurance	22,894	23,269
Office	14,729	10,301
Salaries, benefits and subcontractors	65,123	66,611
Training	-	126
Total Administration Expenses	145,093	137,050
Facility and Building Expenses		
Maintenance and repairs	25,136	22,244
Management fees	110,175	110,175
Salaries, benefits and subcontractors	75,719	80,871
Supplies	50,655	53,754
Total Facility and Building Expenses	261,685	267,044
Total Expenditures	1,369,491	1,342,223
Surplus (Deficit)	17,558	(579)
Repayment to (recovery from) City of West Kelowna	\$ 17,558	\$ (579)

- 4.11 Comply with all Federal, Provincial and local government regulations respecting the operation of public aquatic and recreation facilities and the provision of the Service.
- 4.12 Employ and provide the services of staff and personnel necessary to provide the Service promptly and efficiently.
- 4.13 Work with and report to the CITY, who shall provide general input and advice to ALE for the management of the Centre and the provision of the Service.
- 4.14 With the exception of costs associated with the provision of natural gas, electricity and water to the Centre, or as otherwise stated in this Agreement, ALE shall pay all costs arising from the operation of the Centre and the provision of the Service in accordance with ALE's operating budget approved by the CITY. ALE shall submit requests to the CITY for all capital expenditures. Should an extraordinary event occur at any time which results in an unanticipated large expense, ALE and the CITY will discuss the possibility of sharing such expense.
- 4.15 Collect and receive all monies arising from the operation of the Centre and keep books of accounts, records, vouchers, cheques, papers and documents within generally accepted accounting principles as they apply to the operation of such a facility and the provision of the Service.
- 4.16 As aquatic admission, fitness admission and circuit admission rates are set by CITY bylaw, ALE shall work with the CITY to determine such fees as required. All other programs and services shall be offered to the public at fair market value.
- 4.17 Prepare financial operating statements for the operations of the Centre and submit financial operating statements monthly to the CITY.
- 4.18 Have an independent accountant prepare a complete financial statement for the operation of the Centre for the calendar year ending December 31 of each year of the Term, within two (2) months of the calendar year end, and provide such financial statements to the CITY upon request.-
- 4.19 Prepare and submit an annual budget to the CITY for the operation of the Centre no later than October 31 for the next year. The subsidy amounts- shall not exceed \$469,536 for 2017 (subject to the CITY approval of a 2017 fees and charges increase of not less than 2%), and will be adjusted annually for the duration of this Agreement by a negotiated amount mutually agreed upon but not less than the CPI (the "Annual Contribution").
- 4.20 Operate the Centre and provide the Service in a fiscally sound manner and advise the CITY promptly of any anticipated deficit or participation problems.
- 4.21 Prepare a schedule and programs for the use of the Centre appropriate to the needs of the public and ensure that such meets the approval of the CITY.
- 4.22 Make every attempt to prevent any builder's liens for work, labour, services or materials ordered by ALE or for the cost of which ALE may be in any way obligated during the Term of this Agreement, from attaching to title to the land on which the Centre is located.
 - 4.22.1 Whenever such lien shall attach or any claim therefore be filed, ALE shall promptly discharge such lien.

Insurance and Revenue Canada concerning Federal or Provincial Employee Tax Remittances and General Services and Sales Taxes in connection with the operation of the Centre.

- 4.27 ALE shall make every reasonable effort to screen all existing and new staff/volunteers that are, or may be, working with children and youth to safeguard against any abuse. ALE shall require all staff and volunteers working with or near children and vulnerable adults to submit to a Criminal Records Check.

5. CONDITIONS OF PREMISES

ALE agrees that, upon termination of this Agreement pursuant to clauses 2 and 22, ALE shall leave the Centre in the same or like condition as it was on December 31, 2016, following inspection, subject to normal wear and usage.

6. LICENSES/PERMITS

ALE agrees that any licenses/permits obtained for the operation of the Centre shall be in the name of the CITY, unless otherwise required by law to be in the name of ALE.

7. DISCRIMINATION AND RESPECTFUL WORKPLACE

ALE acknowledges that the Centre shall be for all members of the community regardless of race, creed, gender, spiritual belief, or physical ability and ALE shall not discriminate against any members of the community on any of these grounds with the exception of those members of the community whose use of the Centre may pose a legitimate health or safety risk to themselves or others.

ALE also acknowledges that the CITY expects that the Centre operation will fulfil requirements and policies for a Respectful Workplace and Anti Bullying.

8. FUNDING

The CITY agrees that in consideration for the Service, the CITY shall pay by equal monthly installments, on the first day of each month, commencing January 1st, 2017 one-twelfth (1/12) of the total of the Annual Contribution and the Annual Management Fee.

9. SURPLUS/SHORTFALL

- 9.1 If, at the end of any Fiscal Period, the total revenue of the Centre, including any amounts paid by the CITY to ALE other than the Annual Management Fee, exceeds ALE's total expenses of providing the Service during the Fiscal Period, then the excess revenue (the "Surplus") shall be paid by ALE to the CITY, in which case Clause 16.0 shall apply.

9.2 If, at the end of any Fiscal Period, the total revenue of the Centre, including any amounts paid by the City to ALE other than the Annual Management Fee, -does not exceed ALE's total expenses of providing the Service during the Fiscal Period, then any shortfall shall be the responsibility of the CITY.

10. EXPENSES

It will be the responsibility of ALE to control expenses within those budgeted and submitted to the CITY annually.

If it becomes apparent to ALE at any time that there may be a substantial discrepancy, due to unforeseen circumstances, between the actual financial performance of the Centre and the budget, ALE shall promptly notify the CITY and shall be available to meet with the CITY to review the discrepancy and the parties agree that in such case, they may make such further agreements as may be required.

11. DISPLAY LOGO

The CITY agrees that ALE may display its logo and other materials to identify ALE at the Centre and in publications.

12. INDEPENDENT CONTRACTOR

The relationship between the CITY and ALE shall be that of an independent contractor. The parties agree that nothing contained herein shall be construed to deem ALE to be the agent of the CITY and that ALE has no authority to bind the CITY nor incur any expense or liability on the CITY's behalf.

13. EXTERIOR GROUNDS MAINTENANCE

Unless otherwise specifically stated herein, the CITY is responsible for the exterior grounds maintenance of the property, including parking lot repairs, snow removal, and playground and skatepark repairs.

14. BANKING

ALE shall maintain a separate bank account for the operation of the Centre. All monies from time to time received on account of the operation of the Centre and the provision of the Service shall be deposited immediately in such account in the same drafts, cheques, bills or cash in which the same are received and all disbursements on account of the operation of the Centre shall be made by cheque drawn on such account.

15. USE OF CITY MONIES

All monies received by ALE from the CITY under this Agreement other than under clause 17 shall be used only for the purpose of providing the Service.

16. SHARING THE SURPLUS

The CITY may share the Surplus, if any, with ALE in accordance with the following procedure:

- 16.1 ALE must submit in writing a request to share in the Surplus of a Fiscal Period by the last business day of February of the year following the Fiscal Period to which the Surplus relates.
- 16.2 CITY staff shall conduct a complete review of the Service provided during the Fiscal Period to which the Surplus relates to ensure that the level and quality of the Service has not diminished or decreased from previous years, but has continued to be enhanced. CITY staff shall utilize the Performance Measures and any other material or records to aid in their decision.
- 16.3 Based on the review conducted under clause 16.2, CITY staff may recommend, or may not recommend, that ALE share in 50% of the Surplus. CITY staff shall provide the recommendation with supporting rationale in a report to Council for the CITY within six months of receipt of a request under clause 16.1.
- 16.4 Upon receipt and consideration of a report under clause 16.3, Council for the CITY may decide to share the Surplus with ALE. Council for the CITY's decision shall be final.

17. MANAGEMENT FEE

ALE shall receive a direct management fee of \$110,175 in 2017 and in subsequent years of the Term a direct management fee equal to that of the previous year's with an annual increase equal to the CPI or as otherwise mutually agreed upon (the "Annual Management Fee").

18. STRUCTURAL CHANGES

ALE shall not undertake any structural changes or additions to the Centre without prior approval from the CITY. Replacement or repairs of building structures, facilities or equipment, which are unbudgeted shall be undertaken only with prior approval of the CITY.

19. TECHNOLOGY

All computer hardware, software, telephone systems and other technology systems shall be provided at the expense of the CITY. Upgrades or additions to these systems shall be at the discretion of the CITY when funds are made available through the annual budget approval process. All fees (other than debit and credit card fees) related to the Recreation Registration



COUNCIL REPORT
Finance, Administrative and Protective Services
For the August 13, 2019 Council Meeting

DATE: July 31, 2019
TO: Paul Gipps, CAO
FROM: Warren Everton, Chief Financial Officer
RE: BC Transit Annual Operating Agreement

RECOMMENDED MOTION:

THAT Council authorize the Mayor and Corporate Officer to execute the 2019-2020 Annual Operating Agreement (AOA) between British Columbia Transit and the City of West Kelowna.

BACKGROUND:

Each year BC Transit provides an Annual Operating Agreement (AOA), which outlines the provisions of the Public Passenger Transportation System. The partners in this agreement are the City of West Kelowna (*the Municipality*), and the British Columbia Transit Authority (*the Authority*). The agreement covers the conventional and community transit systems. Once approved and executed the AOA is deemed incorporated into the 2019 Transit Service Agreement (TSA). The TSA is the principal overarching agreement for providing public transportation to the City of West Kelowna.

Each year the AOA confirms the budgeted service levels, revenue projections and cost structure for the City's transit system. The 2019-2020 AOA reflects a drop in the overall cost of transit compared to the Authority's 2018-2019 budget by \$30,467, which does not reflect a drop in costs but a higher Provincial share of the overall budget. Overall costs increased \$129,914 but the Provincial share rose \$160,381.

City of West Kelowna				
Transit Services Operating Agreement				
	2019-2020	2018-2019	YOY Variance	2019 CWK Budget
Direct Operating	2,348,325	2,303,325	45,000	1,900,824
Fixed Operating Costs & Lease Fees	549,413	464,499	84,914	472,443
Total Operating Costs	2,897,738	2,767,824	129,914	2,373,267
Provincial Share	1,206,720	1,046,339	-160,381	
Fare Revenue				-715,000
CWK Share	1,691,018	1,721,485	-30,467	1,658,267

FINANCIAL IMPLICATIONS:


The 2019-2020 transit agreement straddles two financial planning years (2019 and 2020), which creates difficulties with matching budgets. The City's budget for Transit is typically completed before receiving the AOA documents and is therefore based on estimates, and can be amended

during the year if required. The CWK budget for transit is \$1,658,267 including an offset of \$715,000 for revenue, which is not contemplated in the AOA agreement. At this time it is not necessary to amend the City's financial plan as variances naturally occur due to the timing differences in the Transit budget (April to March) vs the CWK Financial Plan (January to December). Actual versus budget results are monitored throughout the year in case it becomes necessary to amend the budget before year-end.

Respectfully submitted,



Warren Everton, Chief Financial Officer


for Tracey Batten, Deputy CAO

Powerpoint: ___ Yes _X_ No

Approved for Agenda


Paul Gipps, CAO

AUG 7, 2019
Date

**KELOWNA REGIONAL
ANNUAL OPERATING AGREEMENT**

between

THE CITY OF WEST KELOWNA

and

BRITISH COLUMBIA TRANSIT

Effective

April 1, 2019

**INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO THE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. CONSULT
WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS
OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.**

ANNUAL OPERATING AGREEMENT

BETWEEN:

THE CITY OF WEST KELOWNA

(the "Municipality")

AND:

BRITISH COLUMBIA TRANSIT

(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

Contents

SECTION 1: DEFINITIONS.....	4
SECTION 2: INCORPORATION OF SCHEDULES.....	4
SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT	4
SECTION 4: TERM AND RENEWAL	4
SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.....	4
SECTION 6: SETTLEMENT OF DISPUTES	5
SECTION 7: MISCELLANEOUS PROVISIONS	5
SECTION 8: GOVERNING LAW.....	6
SECTION 9: COUNTERPARTS.....	6
SECTION 10: NOTICES AND COMMUNICATIONS.....	7
SCHEDULE "A": TARIFF AND FARES	9
SCHEDULE "B": SERVICE SPECIFICATIONS.....	10
SCHEDULE "C": BUDGET	12

SECTION 1: DEFINITIONS

Unless agreed otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

- a) "Annual Operating Agreement" shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;
- b) "Transit Service Agreement" shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

- a) The parties agree that the effective date of this agreement is to be April 1, 2019, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.
- b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2020 except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.
- c) Either party may terminate this agreement as follows:
 - a. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 10.
 - b. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 10.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom Of Information And Protection Of Privacy Act* ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to

the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

- a) Amendment: This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.
- b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.
- c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.
- d) Operating Reserve Fund: In accordance with OIC 594, in fiscal year 2015/16, BC Transit established a Reserve Fund to record, for each local government, the contributions that BC Transit has received but has not yet earned.
 - a. BC Transit will invoice and collect on monthly Municipal invoices based on budgeted Eligible Expenses.
 - b. Any expenditure of monies from the Reserve Fund will only be credited towards Eligible Expenses for the location for which it was collected.
 - c. Eligible Expenses are comprised of the following costs of providing Public Passenger Transportation Systems:
 - i. *For Conventional Transit Service:*
 1. the operating costs incurred in providing Conventional Transit Service excluding interest and amortization;
 2. the amount of any operating lease costs incurred by BC Transit for Conventional Transit Services;
 3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement;
 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
 - ii. *For Custom Transit Service:*
 1. the operating costs incurred in providing Custom Transit Service excluding interest and amortization, but including the amount paid by BC Transit to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
 2. the amount of any operating lease costs incurred by BC Transit for Custom Transit Service;

3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement; and,
 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
- d. Eligible Expenses exclude the costs of providing third-party 100%-funded services; and,
 - e. BC Transit will provide an annual statement of account of the reserves received and utilized, including any interest earned for each local government.
- e) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: GOVERNING LAW

This Agreement is governed by and shall be construed in accordance with the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the government of Canada.

SECTION 9: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 10: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed or if mailed by prepaid registered mail to the Authority at:

BRITISH COLUMBIA TRANSIT
c/o President & CEO
P.O. Box 610
520 Gorge Road East
Victoria, British Columbia V8W 2P3

and to the Municipality at:

CITY OF WEST KELOWNA
c/o Chief Financial Officer
2760 Cameron Road
West Kelowna, BC V1Z 2T6

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____, 2019.

THE CITY OF WEST KELOWNA

BRITISH COLUMBIA TRANSIT

BRIAN ANDERSON – VICE PRESIDENT,
OPERATIONS and CHIEF OPERATING OFFICER

KEVIN SCHUBERT – DIRECTOR, REGIONAL
TRANSIT SYSTEMS

SCHEDULE "A": TARIFF AND FARES**Conventional Transit Fares:***Effective as of
Sept. 1, 2015*

- | | |
|--|----------|
| a) Single Cash Fares: | |
| i) Adult/College Student | \$2.50 |
| ii) Senior | \$2.50 |
| iii) Student | \$2.50 |
| iv) Child 4 or under - Free when accompanied by an adult. | |
| v) Accessible Transit Attendant - Free | |
| b) Tickets (sheet of 10): | |
| i) Adult/College Student | \$22.25 |
| ii) Senior/Student* | \$20.25 |
| c) One Day Pass: | |
| i) Adult/College Student | \$ 6.50 |
| ii) Senior | \$ 6.50 |
| iii) Student | \$ 6.50 |
| d) Monthly Pass: | |
| i) Adult | \$70.00 |
| ii) Senior* | \$45.00 |
| iii) Student* | \$45.00 |
| iv) College Student** | \$55.00 |
| v) College Semester Pass** | \$176.00 |
| e) U-Pass per semester | \$63.00 |
| f) Transfers: allow for unlimited travel for up to 90 minutes from the time of issue. | |
| g) BC Bus Pass valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program. | |
| h) CNIB Identification Card available from the local office of the CNIB. | |
| i) BC Transit Employee Bus Pass. | |
- * Reduced fare with valid ID for seniors aged 65 and over, and students in full-time attendance to grade 12.
- ** Reduced fare for full-time registered college students available only at Okanagan College and Sprott-Shaw Community College.

SCHEDULE "B": SERVICE SPECIFICATIONS**Kelowna Conventional Transit Service:**

Effective April 1, 2018:

The Local Transit Service Area for Kelowna Conventional transit service shall be: shall be the municipal boundaries of the Corporation of the City of Kelowna in effect September 25, 1980, the corporate boundaries of the District of West Kelowna, the District of Peachland of the Regional District of Central Okanagan, the corporate boundaries of the District of Lake Country, and Central Okanagan West Electoral Area IR# 9 and IR# 10 and a portion Central Okanagan East Electoral Area (Ellison) only.

The Annual Service Level for the City of West Kelowna's share of the Kelowna Conventional transit service shall be **14,700** Revenue Service Hours.

The Exception Days recognized annually for the Kelowna Conventional transit service are:

Exception Days	Service Level
Good Friday	Sunday
Easter Monday	Monday
Victoria Day	Sunday
Canada Day	Saturday
BC Day	Sunday
Labour Day	Sunday
Thanksgiving Day	Sunday
Remembrance Day	Sunday
Christmas Day	Sunday
Boxing Day	Saturday
New Years Day	Sunday
Family Day	Sunday

Kelowna Community Transit Service:

Effective June 30, 2018:

The Local Transit Service Area for Kelowna Community transit service shall be: shall be the municipal boundaries of the Corporation of the City of Kelowna in effect September 25, 1980, the corporate boundaries of the District of West Kelowna, the District of Peachland of the Regional District of Central Okanagan, the corporate boundaries of the District of Lake Country, and Central Okanagan West Electoral Area IR# 9 and IR# 10 and a portion Central Okanagan East Electoral Area (Ellison) only.

The Annual Service Level for the City of West Kelowna's share of the Kelowna Community transit service shall be **11,300** Revenue Service Hours.

The Exception Days recognized annually for the Kelowna Community transit service are:

Exception Days	Service Level
Good Friday	Sunday
Easter Monday	Monday
Victoria Day	Sunday
Canada Day	Saturday
BC Day	Sunday
Labour Day	Sunday
Thanksgiving Day	Sunday
Remembrance Day	Sunday
Christmas Day	Sunday
Boxing Day	Saturday
New Years Day	Sunday
Family Day	Sunday

SCHEDULE "C": BUDGET**Kelowna Conventional Transit Service:****KELOWNA CONVENTIONAL**

	OFFICIAL AOA 2019/20	CITY OF KELOWNA	CITY OF WEST KELOWNA	WESTBANK FIRST NATION	DISTRICT OF LAKE COUNTRY	CORD / ELLISON
TOTAL REVENUE	\$7,098,608	\$7,098,608	\$0	\$0	\$0	\$0
TOTAL OPERATING COSTS	\$19,852,355	\$16,442,237	\$1,758,236	\$507,466	\$1,123,725	\$20,691
TOTAL COSTS (including Local Government Share of Lease)	\$22,494,920	\$18,634,032	\$1,988,759	\$574,220	\$1,274,444	\$23,467
NET LOCAL GOVERNMENT SHARE OF COSTS	\$5,482,866	\$3,324,080	\$1,111,626	\$321,006	\$713,024	\$13,129
REVENUE SHARE		100.00%	0.00%	0.00%	0.00%	0.00%
COST SHARE (Not Including BRT)		82.94%	8.72%	2.53%	5.70%	0.11%
BRT SHARE		67.15%	26.34%	6.51%	0.00%	0.00%

Kelowna Community Transit Service:**KELOWNA COMMUNITY BUS**

	OFFICIAL AOA 2019/20	CITY OF KELOWNA	DISTRICT OF WEST KELOWNA	WESTBANK FIRST NATION	DISTRICT OF PEACHLAND	DISTRICT OF LAKE COUNTRY
TOTAL REVENUE	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL OPERATING COSTS	\$2,721,308	\$1,144,664	\$894,906	\$382,386	\$136,176	\$163,176
TOTAL COSTS (including Local Government Share of Lease)	\$3,074,686	\$1,293,305	\$1,011,115	\$432,041	\$153,860	\$184,365
NET LOCAL GOVERNMENT SHARE OF COSTS	\$1,719,327	\$723,201	\$565,403	\$241,592	\$86,036	\$103,095
COST SHARE		42.06%	32.89%	14.05%	5.00%	6.00%