

Regular Meeting – P.M.August 21, 2006

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C. on Monday, August 21, 2006.

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

Council members absent: Councillors A.F. Blanleil and B.D. Given.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting Director of Planning & Development Services, S.K. Bagh*; Acting Manager of Development Services, S. Gambacort, Subdivision Approving Officer, R.G. Shaughnessy*; Development Planner, N. Wight*; Director of Corporate Services, D.L. Shipclark*; Community Planning Manager, T. Eichler*; Sport & Recreation Manager, J. Gabriel*; Wastewater Manager, W.J. Berry*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson*; Cultural Services Manager, L. Gunn*; Public Art Coordinator, S. Kochan*; Licensing & Bylaw Enforcement Supervisor, A. Dixon*; and Council Recording Secretary, B.L. Harder.

Guests*: Inspector Cam Forgues, Kelowna RCMP Detachment; Colleen Cornock, Graffiti Coordinator; Nancy Henderson, Social Planning & Research Council of B.C.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Inspector Cam Forgues re: Monthly Policing Activity Report

RCMP Insp. Forgues:

- Reviewed crime stats for the month of July.
- At the request of Council, explained how the RCMP deal with neighbourhood complaints about loud music, noise, etc. on weekends.

3.2 Colleen Cornock, Graffiti Coordinator re: Final Report

Colleen Cornock, Graffiti Coordinator:

- Updated Council on the graffiti eradication & prevention program achievements over the past year.

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4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Planning & Development Services Department, dated August 10, 2006 re: Agricultural Land Reserve Appeal No. A06-0017 – Marion Lakusta (Bryan Lakusta) – 415 Old Vernon Road

Moved by Councillor Hobson/Seconded by Councillor Day

R802/06/08/21 THAT Agricultural Land Reserve Appeal No. A06-0017 for Lot 43, Sec. 35, Twp. 26, ODYD, Plan 425, located on Old Vernon Road, Kelowna, B.C., which is an application for a homesite severance pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

- 4.2 Rezoning Application No. Z06-0049 – 0714422 BC Ltd. (John Hickey/Acorn Communities Ltd.) – 1342 Shaunna Road (BL9666; BL9645)

- (a) Planning & Corporate Services report dated August 11, 2006.

Moved by Councillor Hobson/Seconded by Councillor Gran

R803/06/08/21 THAT Rezoning Application No. Z06-0049 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Parcel Identifier: 003-513-076 Lot C Section 18 Township 27 Osoyoos Division Yale District Plan 32142, located at 1342 Shaunna Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU2 - Medium Lot Housing zone for one 882 square metre Fee Simple lot as shown on Map 'A', be considered by Council;

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

Carried

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

Bylaw No. 9666 (Z06-0049) - 0714422 BC Ltd. (John Hickey/Acorn Communities Ltd.) – 1342 Shaunna Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R804/06/08/21 THAT Bylaw No. 9666 be read a first time.

Carried

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4.3 Rezoning Application No. Z06-0023 – Steve & Lindsay Fenwick – 1366 Kloppenburg Road (BL9667)

- (a) Planning & Corporate Services report dated August 11, 2006.

Moved by Councillor Hobson/Seconded by Councillor Day

R805/06/08/21 THAT Rezoning Application No. Z06-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 13, Township 26, O.D.Y.D. Plan KAP80103, located on Kloppenburg Road, Kelowna, B.C. from the RU1h – Large Lot Housing zone (Hillside Area) to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone be considered by Council;

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

Carried

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

Bylaw No. 9667 (Z06-0023) – Steve & Lindsay Fenwick – 1366 Kloppenburg Road

Moved by Councillor Letnick/Seconded by Councillor Clark

R806/06/08/21 THAT Bylaw No. 9667 be read a first time.

Carried

4.4 Rezoning Application No. Z06-0042 – Darren & Dana Marchant – 4427 Gaspardone Road (BL9659)

- (a) Planning & Corporate Services report dated July 18, 2006.

Moved by Councillor Hobson/Seconded by Councillor Day

R807/06/08/21 THAT Rezoning Application No. Z06-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Sec. 24, Twp. 29, ODYD, Plan KAP74510, located on Gaspardone Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone be considered by Council;

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

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

Carried

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

Bylaw No. 9659 (Z06-0042) - Darren & Dana Marchant – 4427 Gaspardone Road

Moved by Councillor Letnick/Seconded by Councillor Clark

R808/06/08/21 THAT Bylaw No. 9659 be read a first time.

Carried

4.5 Official Community Plan Amendment No. OCP06-0007 and Rezoning Application No. Z06-0028 – 0701849 BC Ltd. (Herman Planning Group Inc.) – 1094 Lawson Avenue (BL9664; BL9665)

(a) Planning & Corporate Services report dated August 2, 2006.

Moved by Councillor Gran/Seconded by Councillor Hobson

R809/06/08/21 THAT OCP Bylaw Amendment No. OCP06-0007 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated August 2, , 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0007 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

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

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

Carried

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

- (i) Bylaw No. 9664 (OCP06-0007) - 0701849 BC Ltd. (Herman Planning Group Inc.) – 1094 Lawson Avenue requires majority vote of Council (5)

Moved by Councillor Gran/Seconded by Councillor Clark

R810/06/08/21 THAT Bylaw No. 9664 be read a first time.

Carried

- (ii) Bylaw No. 9665 (Z06-0028) - 0701849 BC Ltd. (Herman Planning Group Inc.) – 1094 Lawson Avenue

Moved by Councillor Clark/Seconded by Councillor Gran

R811/06/08/21 THAT Bylaw No. 9665 be read a first time.

Carried

- 4.6 Official Community Plan Amendment No. OCP06-0012 and Rezoning Application No. Z06-0034 – Rancar Services Ltd. (Randy Villeneuve) – 644 Lequime Road (BL9660; BL9661)

- (a) Planning & Corporate Services report dated August 2, 2006.

Moved by Councillor Hobson/Seconded by Councillor Day

R812/06/08/21 THAT OCP Bylaw Amendment No. OCP06-0012 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C., from the Multiple Family Residential – Low Density designation to the Multiple Family Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department dated August 2, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 6, Township 26, ODYD Plan 24496, located on Lequime Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0012 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

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

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the registration of Housing Agreement for the provision of 1 unit of “affordable housing” in the Land Titles Office.

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

- (i) Bylaw No. 9660 (OCP06-0012) - Rancar Services Ltd. (Randy Villeneuve) – 644 Lequime Road **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Gran**R813/06/08/21** THAT Bylaw No. 9660 be read a first time.Carried

- (ii) Bylaw No. 9661 (Z06-0034) - Rancar Services Ltd. (Randy Villeneuve) – 644 Lequime Road

Moved by Councillor Day/Seconded by Councillor Hobson**R814/06/08/21** THAT Bylaw No. 9661 be read a first time.Carried

- 4.7 Planning & Development Services Department, dated August 10, 2006 re: Text Amendment No. TA05-0007 and Rezoning Application No. Z03-0009 – 622664 BC Ltd. – 1890 McKinley Road, west of Slater Road, west of Glenmore Rd North, 3650 & 4001 Finch Road, and 3280 Slater Road (BL9467; BL9468)

Moved by Councillor Gran/Seconded by Councillor Day

R815/06/08/21 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of the Text Amendment Bylaw 9467 (TA05-0007) and Zone Amending Bylaw 9468 (Z03-0009) – Site 360 and 622664 BC Ltd. – (Vintage Landing Area Structure Plan) for McKinley Road, Finch Road, Slater Road, and Glenmore Road N. be extended from August 22, 2006 to February 10, 2007.

Carried

Mayor Shepherd and Councillors Clark and Hobson opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 9594 (Z06-0009) - Silvano & Domenica Vizzutti (Harvey Benson) – 1749 KLO Road

Moved by Councillor Rule/Seconded by Councillor Day

R816/06/08/21 THAT Bylaw No. 9594 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Review of Community Planning Function within the Community Development and Real Estate Division of Corporate Services – Consultant Presentation, SPARC BC (5080-01)

Nancy Henderson, Social Planning & Research Council of BC:

- Summarized the report.
- Page 31 of the report, second sentence in paragraph three, should read that accepting new roles should NOT be interpreted as an obligation to solve social issues.

Moved by Councillor Hobson/Seconded by Councillor Gran

R817/06/08/21 THAT the consultant presentation by Nancy Henderson, Social Planning & Research Council of B.C., regarding the City of Kelowna's role in social planning be received and referred to staff for review and report back.

Carried

- 6.2 Sport & Recreation Manager, dated August 15, 2006 re: 2006 Canadian Arm Wrestling Championships (8100-20)

Moved by Councillor Gran/Seconded by Councillor Hobson

R818/06/08/21 THAT City Council approve \$4,000.00 from the Sports Event Development Grant as support towards the 2006 Canadian Arm Wrestling Championships to be held in Kelowna from September 1-4, 2006.

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- 6.3 Licence & Bylaw Enforcement Supervisor, dated August 15, 2006 re: Amendments to Second Hand Dealers & Pawnshop Bylaw No. 9227 and Ticket Information Utilization Bylaw No. 6550-89 (BL9637; BL9638)

Moved by Councillor Hobson/Seconded by Councillor Day

R819/06/08/21 THAT City Council approve the request and recommendations of the Licence and Bylaw Enforcement Supervisor to amend the noted sections of the Second Hand Dealers and Pawnshop Bylaw No. 9227 as outlined in this report,

AND THAT City Council approve the request and recommendations of the Licence and Bylaw Enforcement Supervisor to amend the noted sections of the Ticket Information Utilization Bylaw No. 6550-89 as outlined in this report.

AND FURTHER THAT the required amending bylaws be advanced for reading consideration by Council.

Carried

- 6.4 Public Art Coordinator, dated August 2, 2006 re: New Guidelines for Community Public Art Projects (7800)

Moved by Councillor Hobson/Seconded by Councillor Rule

R820/06/08/21 THAT City Council approve the Guidelines for Community Based Public Art as outlined in the report dated August 2, 2006 from the Public Art Coordinator;

AND THAT the Public Art Committee be authorized to proceed with the application process outlined in the guidelines.

Carried

- 6.5 Wastewater Manager, dated August 15, 2006 re: Award of Construction Contract TE06-07 – Country Rhodes Sewer Extension (5340-09-34)

Moved by Councillor Letnick/Seconded by Councillor Day

R821/06/08/21 THAT the Contract for the construction of Country Rhodes Sewer Extension be awarded to Hayter Construction Ltd. for the amount of \$815,052.39 which includes a \$40,000 contingency amount and GST that will be fully rebated;

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

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- 6.6 Airport General Manager, dated August 16, 2006 re: Supply and Installation of Aircraft Loading Bridges (0550-05; 6640-20)

Moved by Councillor Hobson/Seconded by Councillor Day

R822/06/08/21 THAT Council authorize Administration to complete a purchase agreement with FMC Jetway of Ogden, Utah for the supply and installation of two new aircraft loading bridges and the refurbishment and relocation of an existing bridge on the air terminal building;

AND THAT Council approve an amendment to the 2006 Financial Plan to increase the budget for the Gate 2 Loading Bridge from \$730,000 to \$1,500,000 with funding from the Airport Improvement Fee Reserve.

Carried

- 6.7 City Clerk, dated August 21, 2006 re: Alternative Approval Process – Amendment No. 1 to Mission Recreation Park (Legacy) Aquatic Centre Construction Loan Authorization Bylaw No. 9359 (0155-30)

Moved by Councillor Hobson/Seconded by Councillor Day

R823/06/08/21 THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated;

AND THAT **4:00 p.m. Tuesday, October 10, 2006** be set as the deadline for receipt of elector responses in the form attached to the August 21, 2006 report of the City Clerk in relation to the City of Kelowna proceeding with Bylaw No. 9654, being Amendment No. 1 to Mission Recreation Park (Legacy) Aquatic Centre Construction Loan Authorization Bylaw No. 9359.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED TO RESCIND ADOPTION AND AMEND THE BYLAWS AT THIRD READING)

- 8.1 Bylaw No. 9637 – Amendment No. 1 to Second Hand Dealer and Pawnbrokers Bylaw No. 9227

- Council is being asked to rescind adoption of the subject bylaw and the bylaw under agenda item No. 8.2 in order that some additional amendments that were missed originally can be included, and so that the amendments approved by the bylaw can be advertised as required by the Community Charter.

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Moved by Councillor Hobson/Seconded by Councillor Day

R824/06/08/21 THAT final adoption given Bylaw No. 9637 under Resolution No. R751/06/07/24 on July 24, 2006 be rescinded;

AND THAT Bylaw No. 9637 be amended at third reading as follows:

(a) by inserting a new section 11A. reading:

11A. That the following new subsection 3.2 be added to **SECTION 3 – OFFENCES AND PENALTIES:**

“3.2 A person commits an offence by recording or supplying false or misleading information:

- (a) in the Register; or
- (b) in any transmission to the specified database under subsection 2.3(c).”;

AND THAT the existing subsections 3.2 and 3.3 be renumbered to 3.3 and 3.4 respectively.

Carried

8.2 Bylaw No. 9638 – Amendment No. 68 to Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Hobson/Seconded by Councillor Day

R825/06/08/21 THAT final adoption given Bylaw No. 9638 under Resolution No. R752/06/07/24 on July 24, 2006 be rescinded;

AND THAT Bylaw No. 9638 be amended at third reading as follows:

(a) by inserting the following new section:

1A. City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 is further amended by:

(a) deleting the existing section 3 and replacing it with the following:

“3. The words or expressions set forth in Column 1 of Schedules 2 through 27 to this bylaw designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.”;

(b) deleting the existing section 4 and replacing it with the following:

“4. The amounts appearing in Column 3 of Schedules 2 through 27 of this bylaw are the fines set pursuant to sections 264 and 265 of the Community Charter for the corresponding offences designated in Column 1.”;

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- (c) deleting the existing section 10 of Schedule 1 and replacing it with the following:
- “10. Unsightly Premises and Visual Nuisances Bylaw No. 8217 - Inspection Services Manager
- Bylaw Enforcement Officer
- Members of the R.C.M.P.”;
- (d) deleting the existing section 14 of Schedule 1 and replacing it with the following:
- “14. Solid Waste Management Bylaw No. 9570 - City Engineer
- Bylaw Enforcement Officer
- Inspection Services Manager”;
- (e) amending the title of the bylaw noted on pages 1 and 2 of Schedule 12 to read:
- “PARKS AND PUBLIC SPACES BYLAW NO. 6819-91”;
- (f) deleting the words “Fail to identify or tag property” from Schedule 27 and replacing them with the words “Fail to tag or separate property”;
- (g) adding the following new provisions to Schedule 27 in the appropriate location:
- | | | |
|---|--------|----------|
| “Record or supply false/misleading information | 3.2(a) | \$100.00 |
| Transmit false/misleading information to database”. | 3.2(b) | \$100.00 |

Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.3 Bylaw No. 9656 – Amendment No. 3 to Housing Opportunities Reserve Fund Bylaw No. 8593

Moved by Councillor Rule/Seconded by Councillor Day**R826/06/08/21** THAT Bylaw No. 9656 be adopted.Carried9. COUNCILLOR ITEMS(a) Noise Bylaw

Councillor Hobson referred to a letter of concern members of Council have received about noise being generated from a downtown business and asked what controls are put in place when the City approves outdoor seating. The City Manager advised that under the outdoor patio program, Council can withdraw the approval any time. The Nuisance Bylaw can also be an option. The City Manager advised that an extensive review of the Noise Bylaw would be timely and that the review would be part of the budget process. A report on the outdoor seating program will be coming forward to Council in September.

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(b) Final Survey Report – Affordable & Special Needs Housing Task Force

Councillor Letnick outlined the results of the survey of the housing needs in Kelowna noting the information will be used as a resource at the housing workshop coming up on September 8 & 9, 2006.

(c) Advisory Committee on Women's Issues

Councillor Gran advised that the committee will be meeting in the Council Chamber at 10:30 a.m. on Wednesday, August 30, 2006. The focus for the first meeting will be on family violence. Councillor Rule added that the committee also hopes to go out to the public to hear concerns around safety and family violence and will accept invitations to meet privately to do that. Mayor Shepherd suggested the committee consider providing child care for people wanting to attend the August 30th meeting.

(d) Ministry of Transportation – Highway 97 Improvements

Mayor Shepherd noted that the Ministry of Transportation (MOT) recently held an open house to discuss their plans for upgrading Highway 97 between Gordon Drive and Highway 33. Since no members of Council were able to attend the open house, Council agreed that MOT be invited to present their plans at an open meeting of Council.

10. TERMINATION

The meeting was declared terminated at 4:42 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk