

Regular Meeting – P.M.

October 30, 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, October 30, 2006.

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

Council members absent: Councillors B.D. Given and C.M. Gran.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Director of Planning & Development Services, M. Pynenburg\*; Acting Manager of Development Services, S. Gambacort\*; Manager of Policy Research & Strategic Planning, S.K. Bagh\*; Planner Specialist, G.L. Stephen\*; Director of Recreation Parks & Culture, D.L. Graham\*; Development Manager Recreation Parks & Cultural Services, R. Oddleifson\*; Director of Works & Utilities, J. Vos\*; Environment & Solid Waste Manager, M. Watt\*; Licensing & Bylaw Enforcement Supervisor, A. Dixon\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:35 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Supt. Bill McKinnon, OIC Kelowna RCMP Detachment re: Monthly Policing Activity Report – September 2006

Supt. McKinnon, O/IC Kelowna RCMP Detachment:

- Presented plaques of recognition to Mayor Shepherd and to Councillor Hobson as Chair of RDCO and thanked them on behalf of Dare BC for donations to DARE programs. The programs provide children with the knowledge and skills to lead healthy lives.
- Highlighted some of the crime statistics for the month of September and brought Council up to date on staffing and police activities.

Moved by Councillor Hobson/Seconded by Councillor Day

R997/06/10/30 THAT the monthly policing activity report for the month of September 2006 be received for information.

Carried

3.2 Jennifer Warawa re: Progress Report – Rutland Town Centre Strategy Task Force

Jennifer Warawa, Rutland Town Centre Strategy Task Force:

- The purpose of the Task Force is to help Rutland grow.
- The Task Force has short-listed key strategies to help fulfil the potential in Rutland and is now seeking input and feedback from the rest of Kelowna via a survey that will be available on the internet until November 30, 2006. The results of the survey will be a key tool to help guide future decisions regarding the Rutland area. The Task Force will define its objectives and recommendations to Council based on the feedback received.

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3.3 Ian Pilkington, Ministry of Transportation re: Update – 6-Laning of Highway 97 – Gordon Drive to Highway 33

Ian Pilkington, Regional Project Manager, Ministry of Transportation (MOT):

- The Ministry's intent is to have three lanes for southbound traffic all the way from Highway 33 to across the new W.R. Bennett bridge and up the hill. Hope to commence construction for completion in early 2009.
- Referred to drawings showing cross-sections of the highway between Highway 33 and Gordon Drive and explained what is proposed to achieve the third lane for southbound traffic.
- The City will be doing the road improvements between Gordon Drive and the new W.R. Bennett bridge.
- Responded to questions of Council explaining how decisions are made for allowing advance left turns off the highway.

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R998/06/10/30** THAT the report from the Ministry of Transportation's regional project manager regarding the 6-laning of Highway 97 from Gordon Drive to Highway 33 be received for information.

Carried

3.4 Peggy Athans, Executive Director British Columbia Wine Institute re: Strategic Plan for Wine Tourism in BC 2006-2015

Peggy Athans, Executive Director BC Wine Institute:

- Spoke about the success and continued growth of the wine industry in the Province and how the Wine Institute's Strategic Plan will aid in promoting wine tourism in the Province.
- Asked that Council keep in mind what the wine tourists want when considering Kelowna's positioning to promote tourism and encouraged Council to develop a strategic plan for promoting wine tourism in Kelowna.

3.5 City Manager re: UBCM Community Excellence Award for Leadership and Innovation

Mayor Shepherd:

- Staff submitted three projects for the UBCM Community Excellence award: Transit Priority System, Kickstart Kelowna and the Biosolids Composting Facility. The other two projects were recognized but it was the Biosolids submission that won the Leadership and Innovation Award for large communities.
- Mayor Shepherd presented the award to Kelowna's Environment & Solid Waste Manager noting the City of Vernon also received the award because of the project being a partnership between the two cities.

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- (a) Planning & Development Services report dated October 18, 2006.

Moved by Councillor Day/Seconded by Councillor Hobson

**R999/06/10/30** THAT Rezoning Application No. Z06-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Sec. 13, Twp. 26, ODYD Plan KAP75167, located on Kloppenbug Road, Kelowna, B.C. from the RU1h – Large Lot Housing (Hillside) zone to the RU1hs – Large Lot Housing (Hillside) 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. 9685 (Z06-0055) – Vernon Arumugam – 1572 Kloppenbug Road

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1000/06/10/30** THAT Bylaw No. 9685 be read a first time.

Carried4.2 Rezoning Application No. Z06-0053 – Karen Wells and Ruby Gale – 1240 Gaggin Road (BL9686)

- (a) Planning & Development Services report dated October 16, 2006.

Moved by Councillor Day/Seconded by Councillor Hobson

**R1001/06/10/30** THAT Rezoning Application No. Z06-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 22, Twp. 26, ODYD Plan 22385, located on Gaggin Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

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

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

Bylaw No. 9686 (Z06-0053) – Karen Wells and Ruby Gale – 1240 Gaggin Road

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1002/06/10/30** THAT Bylaw No. 9686 be read a first time.

Carried

4.3 Rezoning Application No. Z06-0039 – George Hall and Roy Lazic (Kim McKechnie) – 3998 Highway 97 North (BL9684)

(a) Planning & Development Services report dated October 5, 2006.

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R1003/06/10/30** THAT Rezoning Application No. Z06-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 2, Township 23, ODYD Plan 2880 Except Plan H16596, located on Highway 97 North, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development 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 and Ministry of Transportation (MOT) being completed to their satisfaction.

Carried

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

Bylaw No. 9684 (Z06-0039) – George Hall and Roy Lazic (Kim McKechnie) – 3998 Highway 97 North

Moved by Councillor Rule/Seconded by Councillor Day

**R1004/06/10/30** THAT Bylaw No. 9684 be read a first time.

Carried

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4.4 Official Community Plan Amendment No. OCP06-0014 – City of Kelowna (BL9632)

- (a) Planning & Development Services report dated October 11, 2006.

Staff:

- The proposed amendments are to the Commercial Land Use policies in the OCP.

Council:

- Concern that something in the proposed amendments could be at odds with what the Affordable & Special Needs Housing Task Force is proposing. Staff to hold off on scheduling the Public Hearing date for this application pending the outcome of the Task Force recommendations that will be considered by Council on November 20<sup>th</sup>.

Moved by Councillor Hobson/Seconded by Councillor Day

**R1005/06/10/30** THAT Official Community Plan Text Amendment No. OCP06-0014 to amend *Kelowna 2020* – Official Community Plan Bylaw No. 7600 as outlined in Schedule 1 attached to the report of the Planning and Development Services Department dated October 11, 2006 be considered by Council;

AND THAT OCP Text Amending Bylaw No. 9632 be advanced for First Reading and Public Hearing.

Carried

Councillor Blanleil opposed.

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

Bylaw No. 9632 (OCP06-0014) – Official Community Plan Amendments to Commercial Land Use Policies **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Rule

**R1006/06/10/30** THAT Bylaw No. 9632 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's financial plan and waste management plan.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR ADOPTION)**

- 5.1 Bylaw No. 9655 (Z06-0032) – Dennis & Sheryol Husch – 1542 Belgo Road

Moved by Councillor Hobson/Seconded by Councillor Day

**R1007/06/10/30** THAT Bylaw No. 9655 be adopted.

Carried

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5.2 Bylaw No. 9671 (Z06-0035) – Anita D'Angelo – 578 Cawston Avenue

Moved by Councillor Hobson/Seconded by Councillor Day

**R1008/06/10/30** THAT Bylaw No. 9671 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Licence & Bylaw Enforcement Supervisor, dated October 16, 2006 re: Large Animal Pound Services (4000-00)

Moved by Councillor Hobson/Seconded by Councillor Day

**R1009/06/10/30** THAT the Large Animal Pound Services contract be renewed with Norm Dais & Sons Ltd. for the term September 1, 2006 to August 31, 2011.

Carried

Mayor Shepherd altered the order of business and advised that agenda item No. 6.3 would be dealt with next.

6.3 Development Manager Recreation Parks & Cultural Services, dated October 25, 2006 re: Festivals Kelowna Society (1853-20)

Staff:

- The purpose of the Society is to deliver and manage the Life & Arts Festival, Parks Alive! and Canada Day. No new money is being asked for in the 2007 or 2008 budgets and the effect should be neutral on other events in the community.

Council:

- Staff to seek input from the organizers of other events that are held in City parks/facilities (i.e. Wakefest, Dragon Boat Festival, etc.) before Council further considers the role of Festivals Kelowna.

Moved by Councillor Hobson/Seconded by Councillor Day

**R1010/06/10/30** THAT Council receive the *Festivals Kelowna Formation Document Report* as attached to the report from the Development Manager of Recreation Parks & Cultural Services dated October 25, 2006;

AND THAT Council approve the Nomination Committee for Festivals Kelowna membership to be comprised of the Mayor, Councillor Robert Hobson, the Director of Recreation Parks and Cultural Services, and the Development Manager of Recreation Parks and Cultural Services;

AND FURTHER THAT staff report back to Council prior to Festivals Kelowna being delegated responsibility for authorizing expenses and revenues for the Council approved annual operating budget for Festivals Kelowna.

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Mayor Shepherd noted that the required staff are in attendance and advised that agenda item No. 6.2 would be considered next.

- 6.2 Environment & Solid Waste Manager, dated October 24, 2006 re: Solid Waste Management Regulation Bylaw No. 9570 – Amendment to Schedule “E” Sanitary Landfill/Recycling Fees (BL9687)

Moved by Councillor Hobson/Seconded by Councillor Day

**R1011/06/10/30** THAT Bylaw No. 9687, to amend Schedule “E” of Solid Waste Management Regulation Bylaw No. 9570 as outlined in the report of the Environment & Solid Waste Manager dated October 24, 2006, be forwarded for readings consideration.

Carried

- 6.4 Deputy City Clerk, dated October 17, 2006 re: Freedom of Information and Protection of Privacy Bylaw 9682

Moved by Councillor Hobson/Seconded by Councillor Letnick

**R1012/06/10/30** THAT staff be instructed to bring forward for readings consideration Freedom of Information and Protection of Privacy Bylaw No. 9682;

AND THAT Freedom of Information Bylaw No. 7603, together with all amendments to it, be repealed.

Carried

- 6.5 Deputy City Clerk, dated October 20, 2006 re: Electoral Boundaries Commission (0410-01)

Moved by Councillor Clark/Seconded by Councillor Letnick

**R1013/06/10/30** THAT the Mayor send a letter on behalf of Council recommending to the Electoral Boundaries Commission that the under-representation of the citizens of City of Kelowna be addressed by either redrawing the existing electoral boundaries or by adding additional electoral districts.

Carried

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

### (BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 9663 – Okanagan Gymnastic Centre Expansion – Loan Authorization Bylaw

Moved by Councillor Day/Seconded by Councillor Rule

**R1014/06/10/30** THAT Bylaws No. 9663, 9682 and 9687 be read a first, second and third time.

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- 7.2 Bylaw No. 9682 - City of Kelowna Freedom of Information and Protection of Privacy Bylaw

See resolution under item No. 7.1.

- 7.3 Bylaw No. 9687 – Amendment No. 1 to Solid Waste Management Regulation Bylaw No. 9570

See resolution under item No. 7.1.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.4 Bylaw No. 9496 – Amendment No. 11 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91

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

Moved by Councillor Hobson/Seconded by Councillor Day

**R1015/06/10/30** THAT Bylaw No. 9496 be adopted.

Carried

- 7.5 Bylaw No. 9555 – Amendment No. 8 to Traffic Bylaw No. 8120

Moved by Councillor Hobson/Seconded by Councillor Day

**R1016/06/10/30** THAT Bylaw No. 9555 be adopted.

Carried

- 7.6 Bylaw No. 9677 – Road Closure Bylaw – 1205 High Road

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward.

Mike Gladman, 1646 Lambert Avenue:

- The proposed closed road is up for sale to a company for \$16,000. This is an opportunity to, at minimal cost, provide a rest area beside the bike path that is going to be adjacent to the railway tracks. Once the property has been sold that option is lost. Would like a portion of the ¼ acre property set aside as a rest stop for bikers using the bike path.
- Has spoken with staff in the City's Real Estate Division and they say the area cannot be built on because of the utilities in the ground.

Moved by Councillor Rule/Seconded by Councillor Day

**R1017/06/10/30** THAT Bylaw No. 9677 be adopted.

Carried



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Moved by Councillor Hobson/Seconded by Councillor Day

**R1018/06/10/30** THAT the Community Development & Real Estate Division be instructed to **not** proceed with disposition of the portion of closed road at 1205 High Road until after reporting back to Council in response to a suggestion that the property be used for a rest area for users of the adjacent linear pathway.

Carried

7.7 Bylaw No. 9679 – 2007 Permissive Tax Exemption Bylaw **requires 2/3 majority vote of Council (6)**

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1019/06/10/30** THAT Bylaw No. 9679 be adopted.

Carried

7.8 Bylaw No. 9680 – Capital News Centre Partnering Tax Exemption Bylaw **requires 2/3 majority vote of Council (6)**

Moved by Councillor Letnick/Seconded by Councillor Clark

**R1020/06/10/30** THAT Bylaw No. 9680 be adopted.

Carried

## 8. COUNCILLOR ITEMS

### (a) Shelter Assistance Rates

Councillor Hobson commented that a speech by the Premier at the 2006 Union of British Columbia Municipalities convention included among other things a commitment to raise the shelter allowance.

Moved by Councillor Rule/Seconded by Councillor Hobson

**R1021/06/10/30** THAT the Social Planning & Housing Committee report back to Council with a recommendation to forward to the Provincial Minister of Employment and Income Assistance for what the increase should be to the shelter allowance portion of provincial income assistance rates.

Carried

### (b) Affordable and Special Needs Housing Task Force

Councillor Letnick advised that 37,000 flyers have been sent to households in the city for public feedback on the recommendations being considered by the Task Force. The flyer is also on the City website. Input received in response to the flyer and at the open houses being held on October 30 and November 1, 2<sup>nd</sup> & 3<sup>rd</sup> will then be considered by the Task Force on time for the final recommendations being presented to Council on November 20<sup>th</sup>.

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(c) Passport Office

Mayor Shepherd advised that MP Ron Cannan is advocating for a passport office somewhere in the Okanagan.

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1022/06/10/30** THAT a letter be sent on behalf of the Mayor and Council to The Hon. Peter MacKay, federal Minister of Foreign Affairs with a copy to MP Ron Cannan to reaffirm Council's support for a permanent Passport Office in Kelowna.

Carried

(d) Legal Age for Voting/Term of Office for Municipal Councils

Mayor Shepherd commented that lowering the age for voting and extending the term of Council were two issues from UBCM that she would like to hear about from Council and the community. She added both issues could be included for public input in the next citizen's survey.

9. TERMINATION

The meeting terminated at 5:07 p.m.

Certified Correct:

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Mayor

Deputy City Clerk

BLH/am