

Regular Meeting – P.M.

October 15, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, October 15th, 2007.

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

Council member absent: Councillor Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Corporate Services/Acting Director of Planning and Development Services, David Shipclark; Current Planning Supervisor, Shelley Gambacort*; Planner, Alec Warrender*; Financial Planning Manager, Keith Grayston*; Assistant Airport General Manager, Sam Samaddar*; Park Design & Construction Supervisor, Andrew Gibbs*; Civic Properties Manager, Randy Cleveland*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

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

2. Councillor Given to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 Student Exchange with Canada World Youth
- Exchange students from Beijing in Gallery.

3.1 The Communities in Bloom Committee re: 2007 Activities and Events

Mayor Shepherd and Councillor Rule presented with plaque for the Communities in Bloom Committee winning the Award for "Best Blooming Community" 2007.

3.2 Tracie Ward, Executive Director, Rotary Centre for the Arts, re: Annual Report to the City

Annual report presented to City.

3.3 Ian Graham, Poverty and Homelessness Action Team of the Central Okanagan re: Homelessness Action Week

Report presented to Council.

Councillor Day joined the meeting at 2:12 p.m.

4. COMMITTEE REPORTS

4.1 Advisory Committee on Community and Women's Issues, Staff Liaison, dated October 1, 2007, re: Domestic Violence Recommendations

Presenters: Dave Rosenberry, Lisa Brown (Women's Shelter), Micki Smith (Womens Resource Centre) and Sgt. Terry McLaughlin from the Advisory Committee on Community and Women's Issues.

Regular Meeting – P.M.October 15, 2007Moved by Councillor Gran/Seconded by Councillor Hobson

R956/07/10/15 THAT Council receive the report “Building A Safe Community” from the Advisory Committee on Community and Women’s Issues as attached to this October 1, 2007 report to Council;

AND THAT Council forward Recommendation #1 of the Committee’s report to Bill McKinnon, Superintendent of the RCMP, Kelowna Detachment, to be included in the 2008 budget discussions;

AND THAT Council forward Recommendation #2 of the Committee’s report to the Social Planning and Housing Committee for consideration;

AND THAT Council endorse the work of the Committee in pursuing a coordinated centralization of services, as outlined in Recommendation #3 of the Committee’s report;

AND THAT Council appoint Councillor Carol Gran as a representative on the Kelowna Violence Against Women in Relationships Committee;

AND THAT Council forward the matter of providing \$7,500 to the Committee for the facilitation of a community workshop to the 2008 budget discussions.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.1 Planning & Development Services Department, dated June 26, 2007 re: Agriculture Land Reserve Application No. ALR07-0012 – Danco Developments Ltd. (Gary Feeny) – 1650 KLO Road
*To consider a staff recommendation **NOT** to support an application for the exclusion of the subject property.*

Staff:

- AAC not supportive of this application.

Moved by Councillor Letnick/Seconded by Councillor Rule

R957/07/10/15 THAT Council hear from the applicant.

Carried

Applicant – Gary Feeny

- Long standing resident of Kelowna and have an interest in how our land is developed. Should we not consider this as an affordable housing area if it’s not suitable for farming.
- Applicant distributed his own report.
- Drainage poor to very poor. Excess water from poor drainage and high water tables.
- Professional study completed and the summary states that draining property is not feasible. No where to drain excess water too.
- Jim Wood, farmer, leased this property and tried to farm this property but the growth of fruit and vegetables was a complete failure. The reason the crops failed was high water table problems and poor soil. Gave up trying to farm this land after 3 years.
- What would be suitable is affordable housing.

Council:

- Confirmed the owner has owned this property for 2 years. It was bought knowing the existing problems.
- OCP opposes development of ALR land in this location.

Regular Meeting – P.M.

October 15, 2007

- Without agriologist report cannot determine whether the land cannot be used as agriculture.
- ALR Application before Council today – not a development proposal.

Moved by Councillor Day/Seconded by Councillor Clark

R958/07/10/15 THAT Agricultural Land Reserve Application No. ALR07-0012 for Lot 3, District Lot 131, ODYD, Plan KAP77109, located at 1650 KLO Road, Kelowna, B.C. be forwarded to the Agricultural Land Commission with no recommendation from Council.

Carried

Opposed – Mayor Shepherd and Councillor Hobson

- 5.2 Planning & Development Services Department, dated October 5, 2007 re: Official Community Plan Amendment Application No. OCP07-0021 and Rezoning Application No. Z07-0069 – Bhushan Singla, Radha and Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road
*To consider a staff recommendation to **NOT** support an application to change the future land use designation and the zoning of the subject property.*

Staff:

- Concerned that there was no provisions for an affordable housing component to the report.
- AAC supportive of this project.

Moved by Councillor Letnick/Seconded by Councillor Rule

R959/07/10/15 THAT Council hear from the applicant.

Carried

Applicant, Lavina Gauchier

- Gerstmar Road looking for higher density. Greatly improving this property.
- This will allow affordable housing for the first time buyer. This project is created with young families in mind. The neighbourhood is very supportive of this application.
- Requires a bond and levy and landscaping. This is a big addition to the Community of Rutland.
- Noted the issue was raised October 5th. The application was started on July 5th and affordable housing was never an issue. Staff were aware that I was creating a four plex.

Council:

- Questioned when the issue of affordable housing was discussed with the Applicant.
 - Need to look into another way for smaller developments to deal with affordable housing component.
 - Concern over assurance that the price stated by Applicant will not change or increase.
- Staff:
- OCP future land use component is the issue.
 - APC report was done August 17th, which included comments on the Affordable Housing issues.
 - Only mechanism to ensure affordable housing component is through a Housing Agreement.

Regular Meeting – P.M.October 15, 2007Moved by Councillor Given/Seconded by Councillor Gran

R960/07/10/15 THAT Council advance the alternate recommendation to Public Hearing.

THAT OCP Bylaw Amendment No. OCP07-0021 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 5, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 22, Twp. 26, ODYD, Plan 26069, located at 360 Gertsmar Road, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP07-0021 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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 in conjunction with Council's consideration of a Development Permit on the subject property.

Moved by Councillor Rule/Seconded by Councillor Hobson

R961/07/10/15 THAT Council defer this application to give applicant time to discuss with staff options regarding affordable housing component.

Carried

Opposed Councillors Clark, Given and Gran

5.3 Planning & Development Services Department, dated September 26, 2007 re: Rezoning Application No. Z07-0064 – Eckhard and Doris Krenz (Lynn Welder Consulting Ltd.) – 932-934 Borden Avenue

Item withdrawn at request of applicant.

5.4 Planning & Development Services Department, dated October 4, 2007 re: Rezoning Application No. Z07-0057 – Ursula Jakubeit (BC Life Builders Rehabilitation Society) – 2473 Ethel Street

(a) Planning & Development Services report dated October 4, 2007.

Moved by Councillor Rule/Seconded by Councillor Letnick

R962/07/10/15 THAT Rezoning Application No. Z07-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B,

Regular Meeting – P.M.October 15, 2007

District Lot 136, Plan 30919, located at 2473 Ethel Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6b – Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

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

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.

Carried

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

Bylaw No. 9882 (Z07-0057) - Ursula Jakubeit (BC Life Builders Rehabilitation Society) – 2473 Ethel Street
To rezone the subject property from RU1 – Large Lot Housing zone to RU6B – Two Dwelling Housing zone with Boarding or Lodging in order to allow for Boarding or Lodging within the existing house.

Moved by Councillor Clark/Seconded by Councillor Rule

R963/07/10/15 THAT Bylaw No. 9882 be read a first time.

Carried

5.5 Planning & Development Services Department, dated September 19, 2007 re: Rezoning Application No. Z07-0071 – John and Terri Pratch – 644 Bonjou Road

(a) Planning & Development Services report dated September 19, 2007.

Moved by Councillor Letnick/Seconded by Councillor Gran

R964/07/10/15 THAT Rezoning Application No. Z05-0071 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 357 and 358 S.D.Y.D. Plan 19937, located on Bonjou Road, Kelowna, B.C. from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing, 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Carried

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

Bylaw No. 9877 (Z07-0071) - John and Terri Pratch – 644 Bonjou Road

Regular Meeting – P.M.October 15, 2007Moved by Councillor Rule/Seconded by Councillor Letnick**R965/07/10/15** THAT Bylaw No. 9877 be read a first time.Carried

5.6 Planning & Development Services Department, dated October 4, 2007 re: Heritage Revitalization Agreement Application No. HRA07-0001 – Country Cottage and Décor Ltd. (Peter J. Chataway) – 763 Bernard Avenue

(a) Planning & Development Services report dated October 4, 2007.

Moved by Councillor Letnick/Seconded by Councillor Hobson

Applicant to bring forward the site plan.

R966/07/10/15 THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 15, Block 15, District Lot 138, ODYD, Plan 262, located at 763 Bernard Avenue, Kelowna, B.C., in the form of such agreement attached to the report from the Planning & Development Services Department dated October 4, 2007 as "Schedule A";

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 9883 (HRA07-0001) – Country Gifts and Décor Ltd. – 763 Bernard Avenue

To designate the Heritage House at 763 Bernard Avenue as a Municipal Heritage Building under Section 967 of the Local Government Act to allow (1) the restoration/relocation of the Heritage House (2) to allow the adaptive re-use of the Heritage House as a Gift, Craft and Décor retail store (3) and to allow the construction of an accessory building at the rear of the subject property.

Moved by Councillor Clark/Seconded by Councillor Rule**R967/07/10/15** THAT Bylaw No. 9883 be read a first time.Carried

5.7 **BYLAWS PRESENTED FOR FIRST READING**

(a) Bylaw No. 9875 (OCP07-0016) – Katherine Schramm, Gurdev Kaur Bains, Kulbir Kaur Shahi, Theodore Rippel, Davie and Loleta Gallis, Susan Lund, Sabrina and Eric Schramm, Raymond Schramm, Danny and Mary Cresswell, Barry and Patricia Radley (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262-1264, 1274, 1284, 1290 Pheasant Street

Regular Meeting – P.M.October 15, 2007Moved by Councillor Clark/Seconded by Councillor Rule**R968/07/10/15** THAT Bylaw No. 9875 be read a first time.Carried

- (b) Bylaw No. 9876 (Z07-0050) - Catherine Schramm, Gurdev Kaur Bains, Kulbir Kaur Shahi, Theodore Rippel, Davie and Loleta Gallis, Susan Lund, Sabrina and Eric Schramm, Raymond Schramm, Danny and Mary Cresswell, Barry and Patricia Radley (Canadian Adult Communities) – 1255, 1265-1269, 1275, 1285, 1295 Gordon Drive and 1254, 1262-1264, 1274, 1284, 1290 Pheasant Street

Moved by Councillor Clark/Seconded by Councillor Rule**R969/07/10/15** THAT Bylaw No. 9876 be read a first time.Carried6. BYLAWS (ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Bylaw No. 9860 (TA07-0004) – Langley Development (Jim Langley) – 601 Burne Avenue

Moved by Councillor Letnick/Seconded by Councillor Given**R970/07/10/15** THAT Bylaw No. 9860 be adopted.Carried7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Assistant General Manager, dated September 26, 2007 re: Common Use Equipment Railway Crossing Mile 110.64 – Kelowna International Airport

Moved by Councillor Hobson/Seconded by Councillor Given

R971/07/10/15 THAT Council approve the City entering into a long term crossing agreement with Kelowna Pacific Railway Ltd. and CN for an equipment and pedestrian crossing at mile 110.64 for the sum of \$9,811.00 plus an annual rental of \$424.00.

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the railway crossing agreement.

AND THAT Council approve an amendment to the 2007 Financial Plan adding \$45,000.00 to construct the railway crossing funded from the Groundside Reserve.

Carried

Regular Meeting – P.M.

October 15, 2007

- 7.2 Financial Planning Manager, dated October 9, 2007 re: 2007 Borrowing Requirements

Moved by Councillor Hobson/Seconded by Councillor Given

R972/07/10/15 THAT Council receive the October 9th, 2007 Borrowing Requirements report from the Financial Planning Manager;

AND THAT Loan Authorization Bylaw No.'s 9878, 9879, and 9880 be advanced for Council consideration.

Carried

- 7.3 Civic Properties Manager, dated October 10, 2007 re: RCMP – Transfer Operational Surplus to Capital

Moved by Councillor Day/Seconded by Councillor Letnick

R973/07/10/15 THAT Council approve the transfer of \$300,000 from the RCMP contract service operating budget to Civic Properties capital budget;

AND THAT the 2007 Financial Plan be amended accordingly.

Carried

- 7.4 Parks and Landscape Planner, dated October 10, 2007 re: Rutland Town Centre Parks and Open Space Plan

Moved by Councillor Given/Seconded by Councillor Day

R974/07/10/15 THAT staff be directed to follow the consultation process outlined in the October 10, 2007 report from the Parks and Landscape Planner and present for public input the Rutland Town Centre Parks & Open Space Plan prior to formal Council consideration of the related OCP amendment.

Carried

- 7.5 City Clerk, dated October 2, 2007 re: Proposed Changes to Council Committees and Council Representation on External Boards of Directors

Moved by Councillor Hobson/Seconded by Councillor Gran

R975/07/10/15 THAT Council approve the changes to the respective terms of reference for the Social Planning & Housing Committee and the Advisory Committee on Community & Women's Issues, as outlined in the report from the City Clerk dated September 25, 2007;

AND THAT the appointments of Councillor Letnick and Councillor Gran, to the Kelowna Art Gallery Board of Directors and the Kelowna Museums Board of Directors be rescinded.

Carried

Regular Meeting – P.M.October 15, 20078. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.01 Bylaw No. 9878 – Wastewater Treatment Facility Expansion Loan Authorization Bylaw

Moved by Councillor Given/Seconded by Councillor Letnick**R976/07/10/15** THAT Bylaw No. 9878 be read a first, second and third time.Carried

- 8.02 Bylaw No. 9879 – Cedar Creek Pump Station Loan Authorization Bylaw

Moved by Councillor Given/Seconded by Councillor Letnick**R977/07/10/15** THAT Bylaw No. 9879 be read a first, second and third time.Carried

- 8.03 Bylaw No. 9880 – DCC Road Projects Loan Authorization Bylaw

Moved by Councillor Given/Seconded by Councillor Letnick**R978/07/10/15** THAT Bylaw No. 9880 be read a first, second and third time.Carried

- 8.04 Bylaw No. 9874 – Road Closure Bylaw – Portions of Union Road

Moved by Councillor Given/Seconded by Councillor Letnick**R979/07/10/15** THAT Bylaw No. 9874 be read a first, second and third time.Carried**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.05 Bylaw No. 9843 – Road Closure Bylaw – Portions of Truswell Road and Martin Road

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one stepped forward.

Moved by Councillor Hobson/Seconded by Councillor Gran**R980/07/10/15** THAT Bylaw No. 9843 be adopted.Carried

Regular Meeting – P.M.

October 15, 2007

- 8.06 Bylaw No. 9845 – Road Closure Bylaw – Portion of Lane near Pandosy Street

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one stepped forward.

Moved by Councillor Letnick/Seconded by Councillor Given

R981/07/10/15 THAT Bylaw No. 9845 be adopted.

Carried

- 8.07 Bylaw No. 9866 – Amendment No. 2 to Second – Hand Dealers and Pawnbrokers Bylaw No. 9227

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one stepped forward

Council:

- Is MTI Bylaw accurate?

Staff:

Bylaw Staff to review fine amounts in the MTI Bylaw and make recommendations for any changes.

Moved by Councillor Hobson/Seconded by Councillor Gran

R982/07/10/15 THAT Bylaw No. 9866 be adopted.

Carried

- 8.08 Bylaw No. 9868 – Amendment No. 13 to Fire Prevention Regulation Bylaw No. 6110-88

Moved by Councillor Hobson/Seconded by Councillor Gran

R983/07/10/15 THAT Bylaw No. 9868 be adopted.

Carried

- 8.09 Bylaw No. 9869 – 2008 Permissive Tax Exemption Bylaw

Moved by Councillor Gran/Seconded by Councillor Hobson

R984/07/10/15 THAT Bylaw No. 9869 be adopted.

Carried

Regular Meeting – P.M.October 15, 2007

- 8.10 Bylaw No. 9873 – Amendment No. 71 to Ticket Information Utilization
Bylaw No. 6550-89

Moved by Councillor Gran/Seconded by Councillor Hobson**R985/07/10/15** THAT Bylaw No. 9873 be adopted.Carried9. COUNCILLOR ITEMS

- 9.1 Mayor Shepherd re: Vehicle Engine “Anti-idling” Signage
To seek Council’s support for “Idle Free-Zone Turn Engine Off” signage to voluntarily encourage vehicle operations to turn off their engines while parked.

Moved by Councillor Rule/Seconded by Councillor Hobson**R986/07/10/15** THAT Council support the “Idle Free Zone Turn Engine Off” signage to voluntarily encourage vehicle operators to turn off their engines when parked.Carried

- 9.2 Mayor Shepherd re: Mayors for Peace
To seek Council’s support to sign on to the Mayors for Peace website.

Moved by Councillor Hobson/Seconded by Councillor Gran**R987/07/10/15** THAT Council support signing on to the Mayors for Peace website.Carried

Council:

- Should Ellis Road continue to be used as a truck route.

Staff:

- Transportation Staff to do an evaluation on truck routes and the processes of choosing such routes and report back to Council via the City Manager.

Council:

- Questioned process if potential Westside amalgamation were successful.

Staff:

- City Clerk to provide a synopsis of potential Westside Amalgamation scenarios to Council via the City Manager.

10. TERMINATION

The meeting was declared terminated at 5:16 p.m.

Certified Correct:_____
Mayor_____
Deputy City Clerk

ACM/dd