

Regular Meeting – P.M.

February 2, 2009

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, February 2<sup>nd</sup>, 2009.

Council members in attendance: Deputy Mayor Angela Reid, Councillors Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Michele Rule and Luke Stack.

Council members absent: Mayor Sharon Shepherd and Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; Manager, Integrated Systems, Mark Watt\*; Parks Services Manager, Ian Wilson\*; Director, Infrastructure Operations, Joe Creron\*; Director, Active Communities, Jim Gabriel\*; Grants Manager, Lorna Gunn\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Deputy Mayor Reid called the meeting to order at 1:32 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Peter Rotheisler, Waste Reduction Supervisor, Regional Waste Reduction Office, Regional District of Central Okanagan, re: Automated Collection

Peter Rotheisler, Waste Reduction Supervisor:

- Showed a DVD from a CHBC report on automated collection.
- Gave a presentation to Council regarding the Automated Waste Collection Program.
- Advised that the program will be rolled out to West Kelowna/Peachland in February, Lake Country/Regional District in March and Kelowna in April to June.

4. UNFINISHED BUSINESS

4.1 Urban Forestry Supervisor, dated January 27, 2009, re: Feral Rabbit Update

Staff:

- Advised that approximately 67 animals have been trapped in the past 2 weeks. Approximately 654 rabbits have been removed since the contract commenced.
- Advised that EBB Environmental Consulting Inc. advised that the cost to extend the contract, based on the numbers of rabbits able to be trapped, is as follows:
  - 150 rabbits = \$5,780.38;
  - 100 rabbits = \$11,560.76; and
  - 150 rabbits = \$17,341.15.
- This Provincial Government has advised that there are certain permits that are required should the Farmer John's Petting Zoo be used. As well, a concern was expressed regarding the relocation of rabbits to a petting zoo and the fact that the rabbits would not be spayed or neutered.

Council:

- There is a great deal of concern in the agricultural community regarding the rabbit issue.
- A maintenance program needs to be established in order to deal with the ongoing issue.

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Moved by Councillor James/Seconded by Councillor Stack

**R087/09/02/02** THAT EBB Environmental Consulting Inc. be instructed to restart the shooting of the rabbits as the preferred way of reducing the rabbit population in addition to continuing the live trapping.

DEFEATED

Deputy Mayor Reid and Councillors Given, Hobson, Hodge and Rule – Opposed.

Moved by Councillor Hobson/Seconded by Councillor Rule

**R088/09/02/02** THAT Council receive, for information, the update on the feral rabbit situation as outlined in the Report of the Urban Forestry Supervisor dated January 27, 2009.

Carried

## 5. DEVELOPMENT APPLICATION REPORTS

5.1 Community Sustainability Division, dated January 6, 2009, re: Official Community Plan Bylaw Amendment No. OCP08-0007 and Rezoning Application No. Z08-0037 – Tim Valeriote – 2569 Benvoulin Road

Staff:

- The area is currently serviced by well water and at this point in time, there are not any immediate plans to service this area.

Moved by Councillor Hobson/Seconded by Councillor Hodge

**R089/09/02/02** THAT Council hear from the applicant with respect to Official Community Plan Bylaw Amendment Application No. OCP08-0007 and Rezoning Application No. Z08-0037.

Carried

Tim Valeriote, Applicant:

- Bought the property in 2006 on the basis that the business operated on the site conforms to the City's regulations.
- The adjoining neighbours are supportive of the rezoning and have indicated that the crime in the area has actually decreased since he moved into the property.
- A Petition of support is currently in the process and can be submitted to Council once it has been completed.
- If the rezoning is not approved, he would have to find another location to run his business from which could be very costly as he prefers to own the property that his business is located at.
- Would be agreeable to placing a Restrictive Covenant on the property in order to limit the scope of the commercial operation on the site.

Staff:

- Confirmed that it is difficult to achieve proper fire flows on the site when well water is being used.
- Advised that the applicant would be responsible for the cost of connecting any servicing in the area.
- Advised that the Covenant would only address the "land use" issue and not the "servicing" issue. The "servicing" issue is the issue staff are most concerned with.

City Manager:

- Believes that a landscape business would not be considered an "agricultural" use by the Agricultural Land Commission.

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Moved by Councillor Stack/Seconded by Councillor James

**R089/09/02/02** THAT OCP Bylaw Amendment No. OCP08-0007 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot B, District Lot 130, O.D.Y.D., Plan 20646, located on Benvoulin Road, Kelowna, B.C., from the Rural/Agricultural designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated January 6, 2009, NOT be considered by Council;

AND THAT Rezoning Application No. Z08-0037 to rezone Lot B, District Lot 130, O.D.Y.D., Plan 20646, located on Benvoulin Road, from A1 – Agriculture 1 to C3 – Community Commercial NOT be considered by Council.

Carried

Councillor Rule – Opposed.

Council:

- Would like staff to give the applicant ample time to relocate the business.

5.2 Community Sustainability Division, dated January 9, 2009, re: Rezoning Application No. Z08-0112 – Karen Dilullo (Rick & Karen Dilullo) – 2315 Brentwood Road (B/L 10151)

(a) Community Sustainability Division report dated January 9, 2009.

Moved by Councillor Given/Seconded by Councillor Hobson

**R090/09/02/02** THAT Rezoning Application No. Z08-0112 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 25, Section 18, Township 27, O.D.Y.D., Plan 24161, located on Brentwood Road, Kelowna, B.C. from the A1 Agriculture zone to the A1(s) Agriculture with a Secondary Suite 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 subsequent to the requirements of the Works & Utilities Department, Black Mountain Irrigation District and Ministry of Highways, being completed to their satisfaction.

Carried

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

Bylaw No. 10151 (Z08-0112) – Karen Dilullo (Rick & Karen Dilullo) – 2315 Brentwood Road

Moved by Councillor Given/Seconded by Councillor James

**R091/09/02/02** THAT Bylaw No. 10151 be read a first time.

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- 5.3 Community Sustainability Division, dated January 23, 2009, re: Rezoning Application No. Z08-0115 – Coraleen Priebe (Flywheel Building Solutions) – 1619 Oswell Road (B/L 10150)

(a) Community Sustainability Division report dated January 23, 2009.

Moved by Councillor Given/Seconded by Councillor Hodge

**R092/09/02/02** THAT Rezoning Application No. Z08-0115 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 18, Township 27, ODYD, Plan 24361 located on 1619 Oswell Drive, Kelowna, BC from the A1- Agricultural 1 zone to the A1- Agricultural 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 THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

Carried

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

Bylaw No. 10150 (Z08-0115) – Coraleen Priebe (Flywheel Building Solutions) – 1619 Oswell Drive

Moved by Councillor James/Seconded by Councillor Given

**R093/09/02/02** THAT Bylaw No. 10150 be read a first time.

Carried

- 5.4 Community Sustainability Division, dated January 19, 2009, re: Rezoning Application No. Z07-0064 – Eckhard & Doris Krenz (Lynn Welder Consulting Ltd.) – 932-934 Borden Avenue

Moved by Councillor Given/Seconded by Councillor Hodge

**R094/09/02/02** THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9908, Strata Lots 1 & 2, D.L. 138, ODYD, KAS2435, together with an interest in the Common Property in proportion to the unit entitlement of the strata lot as shown on Form V, located on Borden Avenue, Kelowna, B.C. be extended from January 22, 2009 to July 22, 2009.

Carried

## 6. BYLAWS (ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Bylaw No. 10042 (Z08-0027) – Shaun Klotz & Darcy Jordan (Bob Guy) – 725 Quigley Road

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Moved by Councillor Rule/Seconded by Councillor Hodge

**R095/09/02/02** THAT Bylaw No. 10042 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Director, Infrastructure Operations, dated January 20, 2009, re: New Off-Leash Dog Parks

Staff:

- Advised that the Duggan Park, Rutland Recreation Park and Knox Mountain Park trials were very successful.
- Based on survey information gathered, the Kinsmen club and the Naturalist club are opposed to the Kinsmen dog park.
- Will continue to investigate the possibility of an off-leash park somewhere along the waterfront.
- Advised that Interior Health has cautioned staff on locations of dog parks in proximity to swimmers due to potential health concerns.

Moved by Councillor Given/Seconded by Councillor Hobson

**R096/09/02/02** THAT Council approve an off-leash dog park within the designated area of Duggan Park (Map 15) for small dogs;

AND THAT Council approve on a temporary basis an off-leash dog park within the designated area of Rutland Recreation Park (Map 16) until such time the land is needed to accommodate other park needs;

AND THAT Council approve an off-leash dog park on Knox Mountain Park (Map 17) on a one year trial basis;

AND THAT Council not approve an off-leash dog area on a trial basis within Kinsmen Park (Map 14);

AND THAT the grassed field area within the former Kelowna Secondary School site (Map 18) be used on a trial basis between April 15, 2009 and October 15, 2009 as an off-leash dog park and that staff report back to Council on the results of the trial;

AND THAT Council Policy 258 Dog Walking and Dog Off-Leash Parks be amended to reflect the additional off-leash dog parks identified in the report of the Director, Infrastructure Operations dated January 20, 2009.

Carried

Moved by Councillor Hodge/Seconded by Councillor Rule

**R097/09/02/02** THAT Council direct staff to refer the potential for future water parks be forwarded to the Dog Advisory Committee for further consideration and comment.

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- 7.2 Director, Active Communities, re: Professional Arts Grant Recommendations

Staff:

- Believes that the Okanagan Symphony also receives funding the amount of \$13,000 for other area municipalities.

Moved by Councillor Stack/Seconded by Councillor Hobson

**R098/09/02/02** THAT City Council approves grants of \$20,000 to the Alternator Centre for Contemporary Art, \$25,000 to Ballet Kelowna and \$50,000 to the Okanagan Symphony funded from the 2009 Cultural Services budget for Professional Arts organizations.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAW PRESENTED FOR FIRST THREE READINGS)**

- 8.1 Bylaw No. 10149 – Road Closure Bylaw – Portion of Frost Road

Moved by Councillor Hodge/Seconded by Councillor Rule

**R099/09/02/02** THAT Bylaw No. 10149 be read a first, second and third time.

Carried

**(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING)**

- 8.2 Bylaw No. 10144 – Amendment No. 21 to Electricity Regulation Bylaw No. 7639

Moved by Councillor Hobson/Seconded by Councillor Stack

**R100/09/02/02** THAT Bylaw No. 10144 be amended at third reading to reflect additional changes to Schedules “B”, “C” and “D”.

Carried

**(BYLAWS PRESENTED FOR ADOPTION)**

- 8.3 Bylaw No. 10117 – Amendment No. 5 to Development Cost Charge Bylaw No. 9095

Moved by Councillor Hobson/Seconded by Councillor Stack

**R101/09/02/02** THAT Bylaw No. 10117 be adopted.

Carried

- 8.4 Bylaw No. 10134 – Road Closure Bylaw – Portion of Clifton Road near Highpointe Drive – **Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward**

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Deputy Mayor Reid invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R102/09/02/02** THAT Bylaw No. 10134 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

Councillor Rule:

- Thanked everyone who volunteered during the recent “Wendy’s Dream Lift Day”.

Councillor Hobson:

- Advised that he received an email from a member of the public prior to Christmas inquiring why there are not additional drop off locations within the City of Kelowna for the Greyhound Bus service.

City Clerk:

- Advised that Mayor Shepherd’s Notice of Motion with respect to The Canadian Real Estate Association’s initiative was addressed during the recent Federal budget and therefore will not be placed on a future Agenda.

10. TERMINATION

The meeting was declared terminated at 4:00 p.m.

Certified Correct:

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Deputy Mayor Reid

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City Clerk

SLH/dld/slh