

Regular Meeting – P.M.March 23, 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, March 23<sup>rd</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Robert Hobson\*, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack\*.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos\*; Urban Land Use Supervisor, Danielle Noble\*; Planner Specialist, Gary Stephen\*; Parks Planning Manager, Terry Barton\*; Director, Financial Services, Keith Grayston\*; Director, Civic Operations, Joe Creron\*; Director, Design & Construction, Bill Berry\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

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

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

3. PUBLIC IN ATTENDANCE

3.1 Beryl Itani, Chair, Nomination Committee, re: 34<sup>th</sup> Annual Civic & Community Awards Finalists

Beryl Itani, Chair, Nomination Committee:

- Gave a presentation to Council regarding the 34<sup>th</sup> Annual Civic & Community Awards Finalists.

3.2 John Perrott and Robert Fine, Business Recruitment Team, re: Breakfast with Business – Report to Council

Robert Fine, John Perrott and Corry Griffiths:

- Gave feedback to Council with respect to the March 13<sup>th</sup> Breakfast with Business Council meeting.

Moved by Councillor Hodge/Seconded by Councillor Given

**R279/09/03/23** THAT Council receive, for information, the report from the Business Recruitment Team with respect to the Breakfast with Business meeting held on March 13, 2009;

AND THAT Council refer this matter to staff for further comment.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated March 13, 2009, re: Rezoning Application No. Z09-0006 – City of Kelowna – 1960 Hollywood Road South (BL10171)

(a) Community Sustainability Division report dated March 13, 2009.

Staff:

- At this time, public washroom facilities have not been contemplated on this site.

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**R280/09/03/23** THAT Rezoning Application No. Z09-0006 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Plan 82009, Section 14, Township 26, ODYD, located 1960 Hollywood Road South, Kelowna, BC from the RU1 – large Lot Housing zone to the P3 – Parks & Open Space 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 Development Engineering Branch being completed to their satisfaction.

Carried

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

Bylaw No. 10171 (Z09-0006) – City of Kelowna – 1960 Hollywood Road South

Moved by Councillor Given/Seconded by Councillor James

**R281/09/03/23** THAT Bylaw No. 10171 be read a first time.

Carried

4.2 Community Sustainability Division, dated March 13, 2009 re: Agricultural Land Reserve Appeal Application No. A08-0012 – Al Stober Construction Ltd., Ermar Estates Ltd., E & I Developments Ltd. & Jabs Developments Ltd. (Al Stober Construction Ltd.) – 2045 Summit Drive

Councillor Stack declared a conflict of interest as he has an indirect relationship with the applicant and left the meeting at 2:05 p.m.

Councillor Hobson declared a conflict of interest as has acted as an agent for the property owners and left the meeting at 2:05 p.m.

Staff:

- Gave background information regarding how this application transpired and the previous dealings with the Agricultural Land Commission.
- There are supporting documents in the City's records to indicate support for this application; however the Agricultural Land Commission did not support exclusion from the ALR.
- The agricultural plan today still provides for exclusion of this land and that document has never been amended.

Moved by Councillor Blanleil/Seconded by Councillor Hodge

**R282/09/03/23** THAT Council hear from the applicant with respect to Agricultural Land Reserve Appeal No. A08-0012.

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Al Stober, Applicant:

- Believes that the staff report is very comprehensive.
- Confirmed that he agreed to assist the City in providing a secondary access to Dilworth Mountain and did this on the condition that the City would support Lot C being removed from the ALR.
- Gave background information regarding the present alignment of Summit Drive.
- Believes that the Agricultural Land Commission is actually in agreement with excluding a portion of the lands from the ALR.
- Has owned the land for the past 40 years; however, he has not personally farmed the land.

Jerry Tonn, Applicant's Representative:

- The application that was made in 1994 was done by the City for the road alignment.
- This is the first time this applicant has made this type of application on behalf of the landowners.
- Showed Council the alternatives that were proposed for the alignment of Summit Drive.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R283/09/03/23** THAT Agricultural Land Reserve Appeal No. A08-0012 for Lot C, Section 28, Township 26, O.D.Y.D., KAP 62558, located on Summit Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 30(1) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

DEFEATED

Mayor Shepherd and Councillors Hodge, Reid and Rule - Opposed

Councillors Hobson and Stack rejoined the meeting at 2:43 p.m.

5. NON-DEVELOPMENT APPLICATION REPORTS

5.1 City Manager, dated March 13, 2009, re: Volume 2 – 2009 Financial Plan

Staff:

- Provided information to Council regarding the updated 2009 Financial Plan.

Moved by Councillor Hobson/Seconded by Councillor Given

**R284/09/03/23** THAT the 2009 Financial Plan be increased by \$2,592,230 to provide for operating carry-over projects and \$114,141,360 for capital carry-over projects as summarized in Financial Plan Volume 2.

Carried

5.2 Director, Financial Services, dated March 3, 2009, re: Council Travel and Training Expenses

Moved by Councillor Reid/Seconded by Councillor Hobson

**R285/09/03/23** THAT Council receive the report dated March 3, 2009 from the Director, Financial Services;

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AND THAT Bylaw No. 10165 being Amendment No. 8 to Council Remuneration and Expense Bylaw No. 7547 be forwarded for Council consideration;

AND FURTHER THAT Council Policy No. 287 being Council Reimbursement of Out-of-Pocket Expenses for Attending Functions or Special Training within the Region be amended as outlined and attached to the report dated March 3, 2009 from the Director of Financial Services.

Carried

5.3 Director, Civic Operations, dated March 3, 2009, re: Graffiti Vandalism

Staff:

- The most recent graffiti program was managed by the RCMP; however that position has been vacant since 2007.
- Advised that Council cannot restrict the selling or buying of graffiti implements.
- Education is a key component in eradicating graffiti, especially amongst the youth.
- The City needs to be more proactive rather than reactive to graffiti.
- The graffiti coordinator is already in the City's budget and will be hired very shortly;
- Are investigating ways to amend the current policy so that the City can somehow assist the residential property owner with graffiti clean up.

Moved by Councillor Hobson/Seconded by Councillor Given

**R286/09/03/23** THAT a Final Budget submission of \$49,500 for the Graffiti Eradication and Prevention Program be considered by Council.

Carried

5.4 Parks Planning Manager, Infrastructure Planning, dated March 18, 2009, re: Linear Park Master Plan

Moved by Councillor Stack/Seconded by Councillor Hodge

**R287/09/03/23** THAT Council receive an information report regarding progress on the Linear Park Master Plan from the Parks Planning Manager dated March 18, 2009.

THAT Council approve further public consultation for the project as outlined in the report.

AND THAT Staff report back to Council with a final Linear Park Master Plan for approval in Spring 2009.

Carried

5.5 Director, Design & Construction Services, dated March 13, 2009, re: Brandt's Creek Tradewaste Treatment Plant Improvements

Staff:

- Gave background information regarding these improvements.
- Advised that the previous Operating Agreement expired in 1998.

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Moved by Councillor Given/Seconded by Councillor Rule

**R288/09/03/23** THAT Council hear from representatives from Sun-Rype and Canrim Packaging Ltd. with respect to the Brandt's Creek Tradewaste Treatment Plant Improvements.

Carried

Doug Gallagher, Director of Operations, Kelowna Wines:

- Gave background information to Council and thanked City staff for their cooperation.

John Madsen, Sun-Rype:

- Thanked City staff for their cooperation.
- Believes that this is the best solution for the City of Kelowna and the industries in the area.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R289/09/03/23** THAT the City of Kelowna initiate Local Area Service Project No. 40 (BCTTP Improvements) to include those properties identified on MAP 'A' as attached to the report of the Director, Design & Construction Services dated March 13, 2009;

AND THAT Council direct staff to take the necessary steps to advise and involve the affected property owners as required by the *Community Charter*;

AND THAT Bylaw No. 10026, Establishment of Local Area Service Project 40 and Bylaw No. 10135, Loan Authorization - Brandt's Creek Tradewaste Treatment Plant, be advanced for reading consideration;

AND THAT the 2009 Financial Plan be amended to include \$4,012,000 for this project in the Wastewater budget, with the understanding that all costs incurred will be recovered from the benefiting Industries;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Restrictive Covenant and the Operations Agreement with respect to this transaction.

Carried

5.6 City Clerk, dated February 24, 2009, re: Local Area Service No. 40 for Plant Improvement Program for Brandt's Creek Tradewaste Treatment Plant (BCTTP)

Moved by Councillor Hobson/Seconded by Councillor Stack

**R290/09/03/23** THAT the petition received February 24, 2009 from the owners of Sun-Rype and Canrim Packaging Ltd for the Plant Improvement Program for Brandt's Creek Tradewaste Treatment Plant be received;

AND THAT Council receive the Certificate of Sufficiency dated February 24, 2009 pertaining to the proposed Local Service Area for the Plant Improvement Program for Brandt's Creek Tradewaste Treatment Plant to provide upgrading in order to provide continued operation.

Carried

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Staff:

- Provided information regarding the spring street sweeping program.
- The street sweeping has been pushed back a couple of weeks due to the current winter conditions as there are areas of the City in the upper elevations that still have snow and ice in the gutters.
- Various public information will be posted on the City's website.

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

*NOTE: Agenda items No. 6.1 to 6.4 **may** be dealt with in one resolution. Mayor shall confirm with Council whether they wish to do so, or to remove one or more of the bylaws to be read individually.*

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**6.1 Bylaw No. 10026 – Local Service Area No. 40 – Brandt's Creek Tradewaste Treatment PlantMoved by Councillor Rule/Seconded by Councillor Hodge**R291/09/03/23** THAT Bylaw No. 10026 be read a first, second and third time.Carried6.2 Bylaw No. 10088 – Road Closure Bylaw – Portion of Boyce Crescent and Water StreetMoved by Councillor Rule/Seconded by Councillor Hodge**R292/09/03/23** THAT Bylaw No. 10088 be read a first, second and third time.Carried6.3 Bylaw no. 10135 – Loan Authorization Bylaw – Brandt's Creek Tradewaste Treatment PlantMoved by Councillor Rule/Seconded by Councillor Hodge**R293/09/03/23** THAT Bylaw No. 10135 be read a first, second and third time.Carried6.4 Bylaw No. 10165 – Amendment No. 8 to Council Remuneration and Expense Bylaw No. 7547Moved by Councillor Rule/Seconded by Councillor Hodge**R294/09/03/23** THAT Bylaw No. 10165 be read a first, second and third time.Carried

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- 6.5 Bylaw No. 10122 – Amendment No. 1 to Solid Waste Management Regulation Bylaw No. 10106

Moved by Councillor Reid/Seconded by Councillor Blanleil**R295/09/03/23** THAT Bylaw No. 10122 be adopted.Carried

- 6.6 Bylaw No. 10166 – Amendment No. 20 to Airport Fees Bylaw No. 7982

Moved by Councillor Blanleil/Seconded by Councillor Reid**R296/09/03/23** THAT Bylaw No. 10166 be adopted.Carried

- 6.7 Bylaw No. 10167 – Amendment No. 21 to Airport Fees Bylaw No. 7982

Moved by Councillor Hobson/Seconded by Councillor Stack**R297/09/03/23** THAT Bylaw No. 10167 be adopted.Carried7. MAYOR & COUNCILLOR ITEMS

- 7.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Acknowledged Anne-Marie Hamilton as the latest recipient of the “Spirit of Kelowna” Acknowledgement. Mrs. Hamilton is the Director of Marketing for the Kelowna Rockets.

Moved by Councillor Hobson/Seconded by Councillor Reid**R298/09/03/23** THAT Council supports staff participating with FortisBC with respect to their Net Metering initiative.Carried8. TERMINATION

The meeting was declared terminated at 4:23 p.m.

Certified Correct:\_\_\_\_\_  
Mayor\_\_\_\_\_  
City Clerk

SLH/dld