

Regular Meeting – P.M.

April 6, 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, April 6<sup>th</sup>, 2009.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; Supervisor, Urban Land Use, Danielle Noble; Manager, Transportation Services, Dale Beaudry\*; Subdivision Approving Officer, Ryan Smith\*; Manager, Park Services, Ian Wilson\*; Cemetery Manager, Norm Ryder\*; Manager, Property Management, Ron Forbes\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:34 p.m.

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

3. PUBLIC IN ATTENDANCE

3.1 Civic Operations Department, Transportation Services Branch, re: Snow Busters Award Presentation

Staff:

- Gave background information regarding the Snow Busters Award.
- Announced that Brian Parker of 235 Homer Road is the 2008/2009 recipient of the Snow Busters Award.

Mayor Shepherd:

- Presented the Snow Busters Award to Brian Parker.

3.2 Councillor Kevin Flynn, President, and Mayor Wayne Lippert, Director at Large, re: Southern Interior Local Government Association

Councillor, Kevin Flynn, President, SILGA:

- Gave a presentation to Council regarding SILGA.

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated March 24, 2009, re: Rezoning Application No. Z08-0106 – Douglas Lane – 1848 & 1854 Riverside Avenue (BL 10175)

(a) Community Sustainability Division report dated March 24, 2009.

Moved by Councillor Rule/Seconded by Councillor Stack

**R324/09/04/06** THAT Rezoning Application No. Z08-0106 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 5 & 6 Block 3 District Lot 14 ODYD Plan 1395 Except Plan B3849, located at 1848 & 1854 Riverside Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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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 lot consolidation taking place and the requirements of the Development Engineering Department being completed to their satisfaction.

Carried

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

Bylaw No. 10175 (Z08-0106) – Douglas Lane – 1845 & 1854 Riverside Avenue

Moved by Councillor Given/Seconded by Councillor James

**R325/09/04/06** THAT Bylaw No. 10175 be read a first time.

Carried

- 4.2 Community Sustainability Division, dated February 2, 2009, re: Rezoning Application No. Z08-0103 – Quentin & Terra Cyre (HIS Designs Ltd.) – 1145 Steele Court (BL 10176)

- (a) Community Sustainability Division report dated February 2, 2009.

Moved by Councillor Stack/Seconded by Councillor Blanleil

**R326/09/04/06** THAT Rezoning Application No. Z08-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 43 District Lot 579 SDYD Plan KAP74689, located at 1145 Steele Court, 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.

Carried

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

Bylaw No. 10176 (Z08-0103) – Quentin & Terra Cyre (HIS Designs Ltd.) – 1145 Steele Court

Moved by Councillor James/Seconded by Councillor Given

**R327/09/04/06** THAT Bylaw No. 10176 be read a first time.

Carried

- 4.3 Community Sustainability Division, dated March 24, 2009, re: Zoning Bylaw Text Amendment Application No. TA09-0001 – City of Kelowna (BL 10169)

- (a) Community Sustainability Division report dated March 24, 2009.

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Moved by Councillor Given/Seconded by Councillor Hodge

**R328/09/04/06** THAT Zoning Bylaw Text Amendment No. TA09-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” of the report of the Land Use Management Department dated March 24, 2009 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0001 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10169 (TA09-0001) – City of Kelowna – Miscellaneous Housekeeping Amendments

Moved by Councillor Given/Seconded by Councillor James

**R329/09/04/06** THAT Bylaw No. 10169 be read a first time.

Carried

4.4 Community Sustainability Division, dated March 27, 2009, re: Heritage Revitalization Agreement Application No. HRA09-0001 – Lois McCloskey – 770 Bernard Avenue (BL 10177)

(a) Community Sustainability Division report dated March 27, 2009.

Moved by Councillor Rule/Seconded by Councillor Hodge

**R330/09/04/06** THAT Bylaw No. 9274 for HRA04-0002 be rescinded;

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 9, Block 12, District Lot 138, ODYD, Plan 202, located at 770 Bernard Avenue, Kelowna, B.C., in the form of such agreement attached to the report from the Land Use Management Department dated March 27, 2009 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. 10177 – Heritage Revitalization Agreement Authorization Bylaw – HRA09-0001 – 770 Bernard Avenue

Moved by Councillor Rule/Seconded by Councillor Hodge

**R331/09/04/06** THAT Bylaw No. 10177 be read a first time.

Carried

4.5 Community Sustainability Division, dated March 27, 2009, re: Rezoning Application No. Z09-0011 – Bulley Built Corp. (Michael Craddock & Greg Dusik) - #1 – 2410 Abbott Street (BL 10170)

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- (a) Community Sustainability Division report dated March 27, 2009.

Moved by Councillor Stack/Seconded by Councillor Rule

**R332/09/04/06** THAT Rezoning Application No. Z09-0011 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Strata Lot 3, District Lot 14, ODYD, Strata Plan KAS3395, located at #1-2410 Abbott Street, Kelowna, BC 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.

Carried

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

Bylaw No. 10170 (Z09-0011) – Bulley Built Corp. (Michael Craddock & Greg Dusik) - #1 – 2410 Abbott Street

Moved by Councillor Reid/Seconded by Councillor Blangleil

**R333/09/04/06** THAT Bylaw No. 10170 be read a first time.

Carried

- 4.6 Community Sustainability Division, dated April 1, 2009, re: Development Permit Application No. DP09-0004 – City of Kelowna (Meiklejohn Architects) – 195 Rutland Road North

Moved by Councillor Stack/Seconded by Councillor Hodge

**R334/09/04/06** THAT Council authorize the issuance of Development Permit No. DP09-0004 for Parcel A (being a consolidation of Lots A and B, see LB185919) Section 26, Township 26, ODYD, Plan 35077, located at 195 Rutland Road North, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule “A”;
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule “B”;
3. Landscaping to be provided on the land be in general accordance with Schedule “C”;
4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a “Letter of Credit” in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT issuance of the Development Permit be contingent upon the requirements of the Development Engineering Branch being completed to their satisfaction.

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AND FURTHER THAT the applicant be required to complete the above noted conditions within 180 days of Council approval of the Development Permit Application, in order for the permit to be issued.

Carried

## 5. BYLAWS (ZONING & DEVELOPMENT)

### (BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10024 (Z08-0110) – John & Louanne Ranney – 885 Wardlaw Avenue

Moved by Councillor James/Seconded by Councillor Given

**R335/09/04/06** THAT Bylaw No. 10024 be adopted.

Carried

- 5.2 Bylaw No. 10150 (Z08-0115) – Coraleen Priebe – 1619 Oswell Drive

Moved by Councillor Hodge/Seconded by Councillor Rule

**R336/09/04/06** THAT Bylaw No. 10150 be adopted.

Carried

## 6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Development Services Division, dated March 19, 2009, re: Proposed Renaming of Sections of Glenmore Road to Snowsell Street

Staff:

- Canada Post will be providing a six (6) month, free service with respect to forwarding mail for the affected residences.
- Any home-based businesses will be compensated by the City with respect to business card and letterhead changes that are required as a result of this road name change.

Moved by Councillor James/Seconded by Councillor Hodge

**R337/09/04/06** THAT Council consider renaming of the section of Glenmore Road shown in Map “A” attached to this report to “Snowsell Street”;

AND THAT staff be directed to prepare the necessary Road Name Change By-law.

Carried

- 6.2 Development Services Division, dated March 19, 2009, re: Proposed Renaming of Sections of Paret Road and Stoneybrook Road to Gordon Drive

Moved by Councillor Reid/Seconded by Councillor Stack

**R338/09/04/06** THAT Council consider renaming and numbering those properties located on Paret Road and Stoneybrook Road to Gordon Drive as shown in red on Map “A” attached to this report;

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AND THAT staff be directed to prepare the necessary Road Name Change By-law.

Carried

6.3 Cemetery Manager, dated March 31, 2009, re: Kelowna Memorial Park Cemetery Operation and Maintenance Contract

Moved by Councillor Given/Seconded by Councillor James

**R339/09/04/06** THAT Council receive, for information, the report of the Cemetery Manager dated March 31, 2009 with respect to awarding the contract for the Kelowna Memorial Park operation and maintenance.

AND THAT the contract for the operation and maintenance of the Kelowna Memorial Park Cemetery be awarded to Valley Maintenance and Operations at a cost of \$658,500 (excluding GST) for a period of three years, with the option for an additional two one-year extensions.

Carried

6.4 Director, Real Estate & Building Services, dated March 31, 2009, re: Non-Market Rent Council Policy

Council:

- Requested that Item #2 under "Guidelines to Assist with Determining Nominal rent for Non-Profit Societies be amended to read "Participation or membership is available to a broad demographic in the community *or the non-profit society services an identified need to a broad demographic in the community.*"
- Requested that Item #6 under "Guidelines to Assist with Determining Nominal rent for Non-Profit Societies be amended to read "Service will be provided primarily to Kelowna residents as proven by a membership list *or other suitable records.*"

Moved by Councillor Stack/Seconded by Councillor Hodge

**R440/09/04/06** THAT Council approve the attached policy, as amended, on Non Market Rents for Civic Facilities;

AND FURTHER THAT Council direct staff to advise all groups with current leases that are paying non-market rent for the use of a Civic Facility that at the time of renewal this policy will be applied.

Carried

## 7. RESOLUTIONS

7.1 Councillor Rule, re: Backyard Chicken Coop Bylaw

Councillor Rule:

- Presented a Motion for Council's consideration with respect to urban chickens and outlined her reasons for bringing this motion forward.

Council:

- Expressed a concern regarding enforcement of the proposed bylaw and neighbourhood impact.

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Moved by Councillor Rule/Seconded by Councillor Hodge

**R441/09/04/06** THAT Council directs staff to bring forward a report on the benefits and challenges of allowing up to four (4) urban hens on lots smaller than one-half acre in the City of Kelowna.

Carried

7.2 Mayor Shepherd, Draft Resolution, re: Letter of Support to the BC Medical Association

Moved by Councillor Hodge/Seconded by Councillor Rule

**R442/09/04/06** THAT Council authorizes the Mayor to write a letter of support to the British Columbia Medical Association and the Premier, in respect of the need for more addiction services in British Columbia.

Carried

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

### **(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

8.1 Bylaw No. 10174 – Road Name Change Bylaw – Renaming Sections of Glenmore Road to Snowsell Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R443/09/04/06** THAT Bylaw No. 10174 be read a first, second and third time.

Carried

8.2 Bylaw No. 10175 – Road Name Change Bylaw – Renaming Sections of Paret Road and Stoneybrook Road to Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R444/09/04/06** THAT Bylaw No. 10175 be read a first, second and third time.

Carried

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

8.3 Bylaw No. 10136 – Amendment No. 1 to Board of Variance Bylaw No. 9817

Moved by Councillor Stack/Seconded by Councillor Reid

**R445/09/04/06** THAT Bylaw No. 10136 be adopted.

Carried

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Mayor Shepherd:

- Acknowledged the Kelowna Kiwanis Music Festival, together with the Kelowna Kiwanis Club, as the latest recipient of the Spirit of Kelowna Acknowledgment.

Mayor Shepherd:

- Advised that she is exercising her discretion as Mayor and has directed staff to place Agricultural Land Reserve Appeal Application No. A08-0012 (2045 Summit Drive) on the April 20, 2009 afternoon Council Agenda for reconsideration by Council.

Moved by Councillor Hodge/Seconded by Councillor James

**R446/09/04/06** THAT Council hear from the applicant with respect to Agricultural Land Reserve Appeal Application No. A08-0012 (2045 Summit Drive) at the April 20, 2009 Council meeting.

Carried

Councillor Stack:

- Would like a report back from staff regarding the Provincial governments review of left-hand turn signals along Highway 97

Moved by Councillor Stack/Seconded by Councillor James

**R447/09/04/06** THAT Council directs staff to report back to Council at a future Council meeting regarding the current study by Ministry of Transportation & Infrastructure with respect to left-hand turn lanes on Highway 97.

Carried10. TERMINATION

The meeting was declared terminated at 3:10 p.m.

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

SLH/dld