

Regular Meeting – P.M.

October 19, 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, October 19<sup>th</sup>, 2009.

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

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Services, John Vos\*; General Manager, Community Sustainability, Jim Paterson\*; Director, Land Use Management, Shelley Gambacort\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Manager, Sport & Facility Programs, Don Backmeyer\*; Director, Infrastructure Planning, Randy Cleveland\*; Director, Airport, Sam Samaddar\*; Director, Human Resources, Charlene Covington\*; Manager, Park Services, Ian Wilson\*; Revenue Manager, George King\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:37 p.m.

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

Mayor Shepherd advised that Agenda Items 7.2 & 7.4 will not be dealt with by Council as there are some issues that need to be addressed prior to adopting the Bylaws.

3. COMMITTEE REPORTS

3.1 Director, Recreation & Cultural Services, dated October 19, 2009, re: International Children's Games

Staff:

- Introduced the Steering Committee members in attendance.

Moved by Councillor Hodge/Seconded by Councillor Rule

**R978/09/10/19** THAT City Council authorize the formation of the International Children's Games Steering Committee with the following members, directors and officials;

Sharon Shepherd - Honorary Chairperson  
 Bob Sugden  
 Heather Schneider  
 Heather Farris  
 Michael Ballingall  
 Ross Rebagliati  
 Alexandra Rebagliati  
 Meaghan McKenzie  
 Don Backmeyer

THAT City Council authorize the International Children's Games Steering Committee to make any future changes or appointments to the Steering Committee as they deem necessary.

Regular Meeting – P.M.

October 19, 2009

THAT the Steering Committee be authorized to prepare the Host Agreement in preparation for the ceremonial signing by the Mayor and the ICG President in Kelowna on January 25, 2010.

AND THAT That the Steering Committee be authorized to take the necessary steps to secure resources, facilities and funding (Government, Agencies and Private Sector support) to host the games.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated October 8, 2009, re: Rezoning Application No. Z09-0040 – T 231 Enterprises Ltd. (Olive Tree Holdings Ltd.) – 2598, 2620 & 2636 Highway 97 North Mayor to invite the Applicant or the Applicant’s Representative to come forward.

Staff:

- Displayed a map of the existing C3 zones within the City.

The Mayor invited the Applicant or the Applicant’s Representative to come forward.

Andrew Bruce, Olive Tree Holdings Ltd., Applicant’s Representative

- Displayed a copy of the Plan of Subdivision for the site which details the road dedications that are required by the City.
- Advised that the site is between the Rutland Town Centre and the Highway 97 Town Centre.
- Advised that the applicant feels that the C3 zoning would be appropriate for this site given that most of the area is relatively new development.
- Confirmed that an OCP amendment is not required in order to bring this rezoning forward.

Council:

- Supportive of staff’s recommendation given that the entire area has been designated as C9/C10 in the current OCP.
- Concerned that the requested rezoning could potentially set a precedent in the area.

Moved by Councillor Stack/Seconded by Councillor Hobson

R979/09/10/19 THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 3522, located at 2636 Highway 97 North, Kelowna, B.C. from A1 - Agriculture 1 to the C3 - Community Commercial Zone not be considered by Council;

AND THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 125, ODYD, Plan 35785 Except Plan KAP83939, located at 2598 Highway 97 North, Kelowna, B.C. from C9 - Tourist Commercial to the C3 - Community Commercial Zone not be considered by Council;

Regular Meeting – P.M.

October 19, 2009

FURTHER THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 35785 Except Plan KAP83940 located at 2620 Highway 97 North, Kelowna, B.C. from C10 - Service Commercial to the C3 - Community Commercial Zone not be considered by Council.

Carried

4.2 Community Sustainability Division, dated October 5, 2009, re: Rezoning Application No. Z07-0070 - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place

(a) Community Sustainability Division report dated October 5, 2009.

Staff:

- Advised that the access to the subdivision is to occur off the east property line and that only a couple of properties will have access off of Cavell Place.
- Confirmed that "cluster" housing may be appropriate on the site; however, the applicant has advised that they are not willing, at this time, to consider staff's recommendation.
- The Subdivision Approving Officer will have the final say on the number of lots that can be created through the proposed subdivision.
- Advised that the applicant wishes to go forward with the application in the form presented to Council.

Moved by Councillor Hobson/Seconded by Councillor Rule

**R980/09/10/19** THAT Council defer consideration of Rezoning Application No. Z07-0070 pending receipt of the following information from staff:

- a concept of the visual impact of the proposed zoning as presented; and
- a concept, from staff's perspective, of what cluster housing would look like on the site.

Carried

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

Bylaw No. 10238 (Z07-0070) - Sundowner Holdings Ltd. & Woodlawn Projects Inc. (Protech Consultants Ltd.) - 455 Cavell Place

As Agenda Item 4.2(a) above was deferred by Council, Bylaw No. 10238 did not receive first reading.

4.3 Community Sustainability Division, dated October 8, 2009, re: Rezoning Application No. Z09-0049 - Michael Gaspari - 685 Old Meadows Road

(a) Community Sustainability Division report dated October 8, 2009.

Staff:

- The property was subdivided within the last 5 years.

Regular Meeting – P.M.

October 19, 2009

**Council:**

- Cannot support this rezoning application, given the fact that the subject property was only subdivided, and rezoned, 5 years ago.
- Believes that the site is too small to accommodate a secondary suite and that there is insufficient parking.

Moved by Councillor James/Seconded by Councillor Rule

**R981/09/10/19** THAT Rezoning Application No. Z09-0049 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, District Lot 358, ODYD, Plan KAP85260, located at Old Meadows Road, Kelowna, BC, from the RU2- Medium Lot Housing to the RU2(s)- Medium Lot Housing with a secondary suite zone **not** be considered by Council;

AND THAT the file be closed.

Carried

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

Bylaw No. 10252 (Z09-0049) – Michael Gaspari – 685 Old Meadows Road

As Council did not support Agenda Item 4.3(a) above, Bylaw No. 10252 was not considered by Council.

- 4.4 Community Sustainability Division, dated October 7, 2009, re: Heritage Alteration Permit Application No. HAP09-0002 – City of Kelowna – 1304 Ellis Street

Moved by Councillor Rule/Seconded by Councillor Hodge

**R982/09/10/19** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP09-0002; for Lot 1, District Lot 139, ODYD, Plan 42511, located at 1304 Ellis Street, Kelowna, B.C., 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".

Carried

- 4.5 Community Sustainability Division, dated October 14, 2009, re: Development Permit Application No. DP09-0090 – The Governing Council of the Salvation Army in Canada (Meiklejohn Architects) – 200 Rutland Road South

**Staff:**

- Confirmed that the concrete planters will be situated on private property. Advised that the design of the concrete planters can be dealt with by staff prior to the Development Permit being issued.

Regular Meeting – P.M.October 19, 2009Moved by Councillor Rule/Seconded by Councillor Hodge

**R983/09/10/19** THAT Council authorize the issuance of Development Permit No. DP09-0090 for Lots 11 and 12, Section 23, Township 26, ODYD, Plan 12078; Lot 22, Section 23, Township 26 ODYD, Plan 12830; Lot 1, Section 23, Township 26, ODYD, Plan 13886; located at 200 Rutland Rd Road, Kelowna, BC subject to the following:

1. THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. AND THAT registration of the lot consolidation be completed prior to issuance of final occupancy permit.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR FIRST READING)

- 5.1 Bylaw No. 10250 (Z09-0027) - JQ Developments Inc. (QB Habitat Resources Inc.) - 248 Leon Avenue

Moved by Councillor James/Seconded by Councillor Hodge

**R984/09/10/19** THAT Bylaw No. 10250 be read a first time.

Carried

Councillor James - Opposed.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 General Manager, Community Sustainability; General Manager, Community Services and General Manager, Corporate Sustainability, dated October 14, 2009, re: Quarterly Report Update

Staff:

- Presented the Third Quarter Report.
- Advised that the pedestrian overpass on Highway 97 will be tendered as a design/build RFP with a construction completion timeline of the spring of 2010.

Moved by Councillor Hodge/Seconded by Councillor Reid

**R985/09/10/19** THAT Council receives, for information, the Report from the General Manager, Community Sustainability, General Manager, Community Services and General Manager, Community Sustainability dated October 14, 2009.

Carried

Regular Meeting – P.M.

October 19, 2009

- 6.2 Airport Director, dated October 14, 2009, re: Air Carrier Airport Use Agreement for CanJet Airlines, a Division of IMP Group Limited - Kelowna International Airport

Staff:

- Advised that CanJet Airlines is based out of Halifax and has a contract with Air Transat Tours to fly from Kelowna to Mexico.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R986/09/10/19** THAT Council consent to and approve the Air Carrier Airport Use Agreement allowing CanJet Airlines, a Division of IMP Group Limited to operate at the Kelowna International Airport;

AND THAT the Mayor and City Clerk be authorized to execute the Air Carrier Airport Use Agreement allowing CanJet Airlines to operate at the Kelowna International Airport.

Carried

- 6.3 Airport Director, dated October 14, 2009, re: Air Carrier Airport Use Agreement for Bradley Air Service Limited dba First Air - Kelowna International Airport

Staff:

- Advised that First Air is based out of Quebec and operates charter services for the Federal Government's Armed Forces.

Moved by Councillor James/Seconded by Councillor Reid

**R987/09/10/19** THAT Council consent to and approve the Air Carrier Airport Use Agreement allowing Bradley Air Service Limited dba as First Air to operate at the Kelowna International Airport.

AND THAT the Mayor and City Clerk be authorized to execute the Air Carrier Airport Use Agreement allowing First Air to operate at the Kelowna International Airport.

Carried

- 6.4 Director, Strategic Initiatives, dated September 30, 2009, re: Corporate Priority Plan - Phase One

Staff:

- Advised that the last City-wide corporate plan was conducted in 2004.

Moved by Councillor Hodge/Seconded by Councillor James

**R988/09/10/19** THAT City Council approve the use of up to \$45,000 from the Strategic Planning Reserve to cover the costs of a consultant to assist in the preparation of a Corporate Priority Plan-Phase One;

AND THAT the 2009 Financial Plan be amended accordingly;

Regular Meeting – P.M.October 19, 2009

AND FURTHER THAT staff report back to Council regarding the Terms of Reference for the consultant prior to it being posted.

Carried

6.5 Revenue Manager, dated October 14, 2009, re: 2010 Tax Exemption Bylaw No. 10247

Councillor Stack declared a conflict of interest as the organization he is affiliated with is applying for a tax exemption from the City and left the meeting at 3:26 p.m.

Staff:

- Gave a presentation regarding the 2010 Permissive Tax Exemptions.
- Confirmed that a review was just conducted in 2006, and staff do not anticipate conducting another review until after 2011.

Moved by Councillor James/Seconded by Councillor Hobson

R989/09/10/19 THAT Council receive the report from the Revenue Manager dated October 14, 2009;

AND THAT Council give the appropriate reading consideration to Bylaw No. 10247 being the 2010 Tax Exemption Bylaw.

Carried

Agenda Item No. 7.1 was moved forward on the Agenda as per Mayor Shepherd's request.

7.1 Bylaw No. 10247 – 2010 Permissive Tax Exemption Bylaw – Requires a 2/3 majority of Council

Moved by Councillor Reid/Seconded by Councillor Hobson

R990/09/10/19 THAT Bylaw No. 10247 be read a first, second and third time.

Carried

Moved by Councillor Rule/Seconded by Councillor Hodge

R991/09/10/19 THAT Council direct staff to re-examine Criteria #8 from Council Policy No. 327, Permissive Tax Exemption Policy, and report back to Council.

Carried

Councillor Stack rejoined the meeting at 3:59 p.m.

6.6 Park Services Manager, dated October 1, 2009, re: Feral Rabbit Update

Staff:

- Gave a presentation regarding the feral rabbit situation within the City of Kelowna.
- Confirmed staff have spoken with TRACS with respect to how the funding can be distributed in order to ensure that all of the rabbits get spade or neutered.

Moved by Councillor Hodge/Seconded by Councillor Rule

Regular Meeting – P.M.October 19, 2009

R992/09/10/19 THAT Council receive for information the report of the Parks Services Manager dated October 1, 2009.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10247 - 2010 Permissive Tax Exemption Bylaw - **Requires a 2/3 majority of Council**

This item was moved forward on the Agenda and dealt with right after Agenda Item 6.5.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.2 Bylaw No. 9612 - A Bylaw to Regulate the Removal or Deposit of Soil within the City of Kelowna

Bylaw No. 9612 could not be adopted as there are some concerns and comments raised by Interior Health that need to be addressed prior to adoption of the Bylaw.

- 7.3 Bylaw No. 10231 - Amendment No. 2 to City of Kelowna Fetal Alcohol Syndrome Warning Sign Bylaw No. 7538

Moved by Councillor Stack/Seconded by Councillor Reid

R993/09/10/19 THAT Bylaw No. 10231 be adopted.

Carried

- 7.4 Bylaw No. 10232 - Amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Bylaw No. 10232 could not be adopted as there are some concerns and comments raised by Interior Health that need to be addressed prior to adoption of the Bylaw.

8. MAYOR & COUNCILLOR ITEMS

- 8.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Advised that the "Kelowna Friends of the Library" is the latest recipient of the "Spirit of Kelowna" Acknowledgment.

Mayor Shepherd:

- Distributed and commented on the October 7, 2009 letter from the Royal Canadian Mounted Police regarding the PRIME-BC User Fee increase from \$500.00 to \$1,000.00 per RCMP Officer effective January 1, 2010.



Regular Meeting – P.M.

October 19, 2009

Moved by Councillor Hodge/Seconded by Rule

**R994/09/10/19** THAT Council authorizes the Mayor, on behalf of Council, to write a letter to the Solicitor-General indicating Council's concern with the PRIME-BC User Fee increase effective January 1, 2010.

Carried

Councillor Reid:

- Advised that Saturday, October 24<sup>th</sup>, is International Day of Planet Action.

Councillor Stack:

- Complimented City staff on the recent upgrade to City Park.

9. TERMINATION

The meeting was declared terminated at 4:25 p.m.

Certified Correct:

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Mayor

SLH/dld

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City Clerk