

Regular Meeting – P.M.

October 26, 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 26th, 2009.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Director, Corporate Services, Rob Mayne*; Community Planning Manager, Theresa Eichler*; 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.

Councillor Hobson joined the meeting at 1:35 p.m.

3. PUBLIC IN ATTENDANCE

3.1 Nancy Cameron, Executive Director, and Bill Eager, Chairman of the Board of Directors, Tourism Kelowna, re: Annual Update

Nancy Cameron, Executive Director, and Bill Eager, Chairman, Tourism Kelowna:

- Presented the annual update to Council.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1004/09/10/26 THAT Council receive, for information, the verbal report from Tourism Kelowna dated October 26, 2009.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Community Sustainability Division, dated October 14, 2009, re: Rezoning Application No. Z09-0018 - R 547 Enterprises Ltd. - 1292 Findlay Road

(a) Community Sustainability Division report dated October 14, 2009.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1005/09/10/26 THAT Rezoning Application No. Z09-0018 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 34, Township 26, O.D.Y.D., Plan 11084, located on Findlay Road, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the I1 - Business Industrial zone be considered by Council; AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Department and Black Mountain Irrigation District, being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10253 (Z09-0018) - R 547 Enterprises Ltd. - 1292 Findlay Road

Moved by Councillor James/Seconded by Councillor Hodge

R1006/09/10/26 THAT Bylaw No. 10253 be read a first time.

Carried

4.2 Community Sustainability Division, dated October 15, 2009, re: Rezoning Application No. Z09-0050 - Bryan & Ellen St. George - 647 Royal Pine Drive

(a) Community Sustainability Division report dated October 15, 2009.

Moved by Councillor James/Seconded by Councillor Stack

R1007/09/10/26 THAT Rezoning Application No. Z09-0050 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 32, Section 31, Township 26, ODYD, Plan 43005, located at Royal Pine Drive, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1(s) - Large Lot Housing 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 subject to registration of a no-disturb covenant to preserve the steep slopes area.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10254 (Z09-0050) - Bryan & Ellen St. George - 647 Royal Pine Drive

Moved by Councillor Hodge/Seconded by Councillor James

R1008/09/10/26 THAT Bylaw No. 10254 be read a first time.

Carried

4.3 Community Sustainability Division, dated October 14, 2009, re: Rezoning Application No. Z09-0046 - Giovanni & Sandra Gasparetto - 1050 Graham Road

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- (a) Community Sustainability Division report dated October 14, 2009.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R1009/09/10/26 THAT Rezoning Application No. Z09-0046 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 22, Township 26, ODYD, Plan KAP55044, located at Graham Road, Kelowna, BC, from the RU2 – Medium Lot Housing zone to the RU2(s)- Medium Lot Housing with a 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. 10255 (Z09-0046) – Giovanni & Sandra Gasparetto – 1050 Graham Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R1010/09/10/26 THAT Bylaw No. 10255 be read a first time.

Carried

- 4.4 Community Sustainability Division, dated October 21, 2009, re: Official Community Plan Bylaw Amendment Application No. OCP08-0016, Rezoning Application No. Z08-0044 and Text Amendment Application No. TA08-0004 – City of Kelowna – The Area Bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue

Staff:

- Ministry of Transportation staff have reviewed the Bylaw and are prepared to sign off on the Bylaw subject to certain conditions being met. The Bylaw conditions are currently with the Ministry's legal counsel for review; however staff believe that the conditions will not require amendments of the Bylaw.

Moved by Councillor Stack/Seconded by Councillor Blanleil

R1011/09/10/26 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of the Official Community Plan Amendment Bylaw No. 10019 (OCP08-0016) and Zone Amending and Text Amending Bylaw No. 10020 (Z08-0044 / TA08-0004) for the area bounded by Harvey Avenue, Abbott Street, Water Street, and Queensway be extended from October 27, 2009 to April 27, 2010.

Carried

Councillor Hodge – Opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 5.1 Bylaw No. 10237 (Z09-0033) - Raymond & Malis Seida - 124 Wyndham Crescent

Councillor Rule declared a conflict of interest as she lives within the notification area for Bylaw No. 10237 and left the meeting at 2:42 p.m.

Moved by Councillor Stack/Seconded by Councillor Hobson

R1012/09/10/26 THAT Bylaw No. 10237 be adopted.

Carried

Councillor Rule rejoined the meeting at 2:43 p.m.

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Director, Corporate Services, dated October 16, 2009, re: Policy No. 351 - Senior Government Referrals

Staff:

- Advised that the Province has agreed to the December 31, 2009 extension with respect to the South Bay Landing dock installations.

Moved by Councillor Rule/Seconded by Councillor James

R1013/09/10/26 THAT Council adopt Policy 351 - Senior Government Referrals for the purpose of receiving public input on Senior Government referrals;

AND THAT public input on Senior Government referrals be in accordance with Council Procedure Bylaw No. 9200;

AND FURTHER THAT Council direct staff to proceed with a public input session for the South Bay Dock and Lift referral from the Provincial Integrated Land Management Branch ("ILMB").

Carried

- 6.2 Community Planning Manager, dated October 14, 2009, re: Kelowna Housing Strategy

Staff:

- Provided details regarding the Affordable & Special Needs Housing Task Force recommendations that were brought forward to Council in 2006.
- Confirmed that there are enough funds in the budget for hire a consultant, so no additional funding will be required or requested.
- The Terms of Reference for the Housing Strategy will be approved by Council prior to hiring the consultant.
- It is estimated that it will take approximately 1 year to complete the Housing Strategy.

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Moved by Councillor Stack/Seconded by Councillor Rule

R1014/09/10/26 THAT Council direct staff to proceed with the development of a Housing Strategy, as set out in the staff report dated October 14, 2009;

AND THAT Council direct staff to involve the Housing Committee in the preparation and consultation process for the Housing Strategy.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.1 Bylaw No. 10203 - Amendment No. 2 to City of Kelowna Advisory Planning Commission Bylaw No. 8546

Moved by Councillor Stack/Seconded by Councillor Hobson

R1015/09/10/26 THAT Bylaw No. 10203 be read a first, second and third time.

Carried

7.2 Bylaw No. 10206 - Amendment No. 5 to Heritage Procedures Bylaw No. 7776

Moved by Councillor Stack/Seconded by Councillor Hobson

R1016/09/10/26 THAT Bylaw No. 10206 be read a first, second and third time.

Carried

7.3 Bylaw No. 10251 - Road Closure Bylaw - McKay Avenue

Moved by Councillor Stack/Seconded by Councillor Hobson

R1017/09/10/26 THAT Bylaw No. 10251 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

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

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 3:24 p.m.

Moved by Councillor Reid/Seconded by Councillor Blanleil

R1018/09/10/26 THAT Bylaw No. 10247 be adopted.

Carried

Councillor Stack rejoined the meeting at 3:24 p.m.

8. MAYOR & COUNCILLOR ITEMS

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8.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Mayor Shepherd:

- Advised that Mohini Singh is the latest recipient of the “Spirit of Kelowna” Acknowledgment. Ms. Singh is a huge advocate for the Indo-Canadian community and provides great leadership.

9. TERMINATION

The meeting was declared terminated at 3:38 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld