

Regular MeetingJune 15, 2010

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 Tuesday, June 15th, 2010.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 11:08 p.m.

2. A Prayer was be offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

Special Committee-of-the-Whole Meeting - May 25, 2010
 Special A.M. Meeting - May 31, 2010
 Special P.M. Meeting - May 31, 2010
 Special Committee-of-the-Whole Meeting - May 31, 2010
 Public Hearing - June 1, 2010
 Regular Meeting - June 1, 2010
 Regular A.M. Meeting - June 7, 2010
 Regular P.M. Meeting - June 7, 2010

Moved by Councillor Blanleil/Seconded by Councillor James

R553/10/06/15 THAT the Minutes of the Special Committee-of-the-Whole Meetings of May 25, 2010 and May 31, 2010 and the Special Meetings of May 31, 2010 and the Regular Meetings of June 1, 2010 and June 7, 2010 and the Public Hearing Meeting of June 1, 2010 be confirmed as circulated.

Carried

4. Councillor Stack was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 10269 (TA09-0006) - City of Kelowna - Text Amendment - Agriculture 1 zone Amendment to Zoning Bylaw No. 8000

Councillor James declared a conflict of interest as he has a direct pecuniary interest in this matter as the owner of an agri-tourism business and left the meeting at 11:09 p.m.

Regular MeetingJune 15, 2010Moved by Councillor Blanleil/Seconded by Councillor Rule

R554/10/06/15 THAT Council defer consideration of Bylaw No. 10269 (TA09-0006) pending receipt of additional information from staff;

AND THAT Council directs staff to forward a supplemental report to the June 21, 2010 P.M. Regular Meeting of Council for further consideration;

AND FURTHER THAT Council directs staff to continue to withhold support for agri-tourist accommodation uses and related licensing and approvals until final adoption of Bylaw No. 10269 with respect to Text Amendment No. TA09-0006.

Carried

5.2 Bylaw No. 10306 (Z09-0077) - Rex Jardine & Jardine Investments Inc. (Rex Jardine) - 4064 Lakeshore Road

Councillor James rejoined the meeting at 11:10 p.m.

Moved by Councillor Hodge/Seconded by Councillor Rule

R555/10/06/15 THAT Bylaw No. 10306 be read a second and third time.

Carried

5.3 Bylaw No. 10343 (Z10-0024) - Larry Plett - 860 Saskatoon Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R556/10/06/15 THAT Bylaw No. 10343 be read a second and third time.

Carried

5.4 Bylaw No. 10344 (Z09-0067) - Cheryl Meyer (Ken & Cheryl Meyer) - 1738 Joe Riche Road

Moved by Councillor James/Seconded by Councillor Hodge

R557/10/06/15 THAT Bylaw No. 10344 be read a second and third time.

Carried

5.5 Bylaw No. 10345 (Z10-0012) - Alfred & Gabriele Geismayr (Fred Geismayr) - 2085 Inkar Road

Moved by Councillor Hodge/Seconded by Councillor James

R558/10/06/15 THAT Bylaw No. 10345 be read a second and third time.

Carried

5.6 Bylaw No. 10346 (Z10-0020) - John & Joan Dreher - 175 Bornais Street

Moved by Councillor James/Seconded by Councillor Hodge

R559/10/06/15 THAT Bylaw No. 10346 be read a second and third time.

Carried

Regular MeetingJune 15, 20106. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Community Sustainability Division, dated May 21, 2010 re: Liquor Licensing Application No. LL10-0001 - Kelowna Elks Lodge #52 - 2040 Springfield Road Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

The Deputy City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Opposition:
 - Desne Hall, Central Okanagan Counselling Services Inc., 207-2040 Springfield Road

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Ronald Gerard, 960 Bernard Avenue, President of the Kelowna Elks Club, Applicant

- Is here to address any concerns Council may have.
- Did review the letter of opposition that was submitted by Ms. Hall and advised that her unit is on the other side of the building from the proposed patio site.
- Advised that there is an agreement with the owner of the property that the owner is to advise any potential buyers or tenants of the building of the types of activities the Kelowna Elks Club hosts.
- Advised that the patio is further to the west than the majority of the units in the building.
- Believes that noise will not be a factor.

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R560/10/06/15 In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #315, be it resolved THAT:

1. Council recommends the amendment of the existing Liquor Primary license to allow the outdoor patio area to be licensed at 2040 Springfield Road (Elks Hall), Kelowna BC, and legally described as Strata Lot 9 District Lot 129 ODYD Strata Plan KAS3728 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, for the following reasons: the proposal is not anticipated to have significant impact on the surrounding area, and is consistent with surrounding land uses, subject to the licensed hours of sale on the patio being limited to 11:00pm. Applying shorter hours of sale on the patio would help to mitigate noise conflicts with above residential uses.
2. The Council's comments on the prescribed considerations are as follows:
 - a) *The potential for noise if the application is approved* may be increased by licensing the patio area, however, could be considered appropriate given the type of establishment, the surrounding land-uses and limiting the hours of sale to 11:00pm.
 - b) *The impact on the community if the application is approved* is considered minimal given the location of the subject property and surrounding land uses. Limiting the hours of sale on the patio to 11:00pm would mitigate conflicts with residential units above.

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3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

Carried

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 11:18 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk