

Regular Meeting – P.M.

November 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 Monday, November 15<sup>th</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Kevin Craig, 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, Real Estate & Building Services, Doug Gilchrist\*; Manager, Real Estate Services, Jordan Hettinga\*; Manager, Urban Land Use, Danielle Noble\*; 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.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

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

3. PUBLIC IN ATTENDANCE

3.1 Tracy MacDonald, Health Services Administrator, Interior Health Authority, re: Kelowna Hospital Expansion Projects - Update

Tracy MacDonald, Health Services Administrator, Interior Health Authority:

- Provided an update with respect to the Kelowna Hospital Expansion Projects.

City Clerk:

- Confirmed that institutional developments do not require Council approval.

Staff:

- Advised that there is a Restrictive Covenant registered against the title to the subject lands which requires the Interior Health Authority to seek public input with respect to development on the site.

Moved by Councillor Stack/Seconded by Councillor Hodge

R1085/10/11/15 THAT Council receive, for information, the verbal presentation by Interior Health Authority dated November 15, 2010 with respect to an update regarding the Kelowna Hospital Expansion Projects.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.1 Land Use Management Department, dated October 28, 2010, re: Rezoning Application No. Z10-0082 - Steven Lwowski (Kevin Lwowski) - 350 Moyer Road

(a) Land Use Management Department report dated October 28, 2010.

Regular Meeting – P.M.

November 15, 2010

Staff:

- Advised that the concerns of the Agricultural Advisory Committee have been addressed with respect to the rezoning of the property in order to have a mobile home on the site for the sole use of a family member.

Moved by Councillor Rule/Seconded by Councillor Hobson

**R1086/10/11/15** THAT Rezoning Application No. Z10-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 40, Section 35, Township 26, ODYD Plan 425 except plan 43311, located on Moyer Road, Kelowna, BC from the A1-Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council.

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of 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. 10450 (Z10-0082) - Steven Lwowski (Kevin Lwowski) - 350 Moyer Road

Moved by Councillor James/Seconded by Councillor Craig

**R1087/10/11/15** THAT Bylaw No. 10450 be read a first time.

Carried

4.2 Land Use Management Department, dated October 27, 2010, re: Rezoning Application No. Z10-0075 - Watermark Developments Ltd. - 2960 Appaloosa Road

- (a) Land Use Management Department report dated October 27, 2010.

Staff:

- Confirmed that the area has community and open space provisions that are set out in the City's Official Community Plan.
- Confirmed that, as part of the subdivision process for the Sol Terra Ranch development, the developer was required to designate parkland in the area.

Moved by Councillor James/Seconded by Councillor Stack

**R1088/10/11/15** THAT Rezoning Application No. Z10-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot 5 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP8916, located on 2960 Appaloosa Rd, Kelowna, BC from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone as shown on Map "A" attached to the Report of the Land Use Management Department, dated 27 October 2010, be considered by Council;

Regular Meeting - P.M.

November 15, 2010

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore Ellison Improvement District being completed to their satisfaction.

Carried

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

Bylaw No. 10451 (Z10-0075) - Watermark Developments Ltd. - 2960 Appaloosa Road

Moved by Councillor Craig/Seconded by Councillor James

**R1089/10/11/15** THAT Bylaw No. 10451 be read a first time.

Carried

- 4.3 Land Use Management Department, dated October 29, 2010, re: Rezoning Application No. Z03-0034 - Nicole Bullock (Olive Tree Holdings Ltd.) - 2898 East Kelowna Road

Councillor Reid declared a conflict of interest as her parents own property in the area and left the meeting at 2:08 p.m.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R1090/10/11/15** THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.10125 (Z03-0034 - Nicole Bullock - 2898 East Kelowna Road) be extended from August 10, 2010 to February 10, 2011.

Carried

Councillor Reid rejoined the meeting at 2:08 p.m.

- 4.4 Land Use Management Department, dated November 5, 2010, re: Official Community Plan Bylaw Amendment Application No. OCP07-0032 and Rezoning Application No. Z07-0093 - 0781540 BC Ltd. - 560, 561, 582 & 583 McKay Avenue

Moved by Councillor Hobson/Seconded by Councillor Craig

**R1091/10/11/15** THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw Nos. 10245 and 10246, for OCP07-0032 / Z07-0093, 560, 561, 582, & 583 McKay Avenue, by 0781540 BC LTD. (G-Group), be extended from November 3, 2010 to May 3, 2011.

Carried

Regular Meeting – P.M.November 15, 20105. BYLAWS (ZONING & DEVELOPMENT)

- 5.1 (a) Manager, Real Estate Services, dated November 9, 2010, re: Letter of Understanding - City of Kelowna and School District No. 23

Staff:

- Gave a brief presentation regarding the Letter of Understanding with School District No. 23.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R1092/10/11/15** THAT Council endorses the Letter of Understanding attached to the report dated November 9, 2010, between the City of Kelowna and School District #23 pertaining to the joint use of lands located on a portion of Lot 3, Plan KAP66779 and a portion of the property described as Part N 1/2, Except Plans 5648, 9458, 9459, KAP 74689, KAP 75766, KAP 77604, KAP 88577;

AND THAT Council direct staff to negotiate and bring forward, at the appropriate time, a comprehensive Joint Use Agreement for the future use of the lands;

AND THAT the Managers of Real Estate Services and Parks & Public Places be authorized to execute the Letter of Understanding on behalf of the City.

Carried(b) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 10350 (OCP10-0005) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road - Requires a majority of all Members of Council (5)

Moved by Councillor Rule/Seconded by Councillor Hodge

**R1093/10/11/15** THAT Bylaw No. 10350 be adopted.

Carried

- (ii) Bylaw No. 10351 (Z10-0023) - No. 21 Great Projects Ltd. - 5000 Gordon Drive and 1290 Ivens Road

Moved by Councillor Blanleil/Seconded by Councillor Reid

**R1094/10/11/15** THAT Bylaw No. 10351 be adopted.

Carried5.2 (BYLAW PRESENTED FOR ADOPTION)

Bylaw No. 10419 (Z10-0073) - Sharla Marie Visscher (Richard Visscher) - 726 Denali Drive

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R1095/10/11/15** THAT Bylaw No. 10419 be adopted.

Carried

Regular Meeting – P.M.

November 15, 2010

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Manager, Property Management, dated November 8, 2010, re: Free Downtown Parking on Saturdays in December

Moved by Councillor Rule/Seconded by Councillor Hodge

R1096/10/11/15 THAT Council approves free on-street parking in the Downtown area for the following Saturdays in 2010:

- November 27<sup>th</sup>;
- December 4<sup>th</sup>;
- December 11<sup>th</sup>; and
- December 18<sup>th</sup>.

Carried

7. RESOLUTIONS

- 7.1 City Clerk, Draft Resolution, re: Helicopter Landing – Santa Claus – Northern Air Support Ltd.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R1097/10/11/15 THAT Council grant approval to Northern Air Support Ltd. to fly Santa Claus from the Kelowna International Airport to the Kelowna Golf & Country Club and back on December 5<sup>th</sup> and 12<sup>th</sup>, 2010, subject to the approval of Transport Canada and compliance with all related flight requirements.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 8.1 Bylaw No. 10448 – Amendment No. 3 to Recreation, Parks and Cultural Services Fees and Charges Bylaw No. 9609

Moved by Councillor Stack/Seconded by Councillor Hobson

R1098/10/11/15 THAT Bylaw No. 10448 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Yvette Delcourt as the latest recipient of the “Spirit of Kelowna” Acknowledgement for her work as Executive Director/Administrator with the Kelowna Skating Club.

Regular Meeting – P.M.

November 15, 2010

9.2 Mayor Shepherd, re: Flag from Afghanistan

Mayor Shepherd:

- Advised that she was presented with the Flag from Afghanistan during the recent Remembrance Day ceremonies and requested that staff make arrangements for the presentation of the flag during an open Council Meeting.

9.3 Mayor Shepherd, re: New Fire Chief

Mayor Shepherd:

- Announced that the new Fire Chief will be joining the City effective January 4, 2011.

9.4 Councillor Hodge, re: Liquor Control & Licensing Branch - Update

Councillor Hodge:

- Inquired if staff has heard back from the Liquor Control & Licensing Branch regarding Council's concerns with respect to the Liquor License Suspension Process.

Mayor Shepherd:

- Advised that a letter has been received from the Liquor Control & Licensing Branch and requested that staff schedule this matter to an upcoming Council Meeting Agenda for further discussion.

9.5 Councillor Hodge, re: 2015 Canada Winter Games - Update

Councillor Hodge:

- Inquired if staff has received the information regarding the details of the unsuccessful bid by the City of Kelowna to host the 2015 Canada Winter Games.

9.6 Councillor Blanleil, re: Passenger Transportation Board - Taxi Licenses - Update

Councillor Blanleil:

- Inquired if staff has heard back from the Passenger Transportation Board regarding Council concerns with the lack of taxi licenses within the City of Kelowna.

City Clerk:

- Confirmed that staff has invited representatives from the Passenger Transportation Board to attend a Council in order to address Council's concerns as part of the May 2010 Liquor Control Policy Review meetings. The invitation has not been accepted, however a response was provided in writing.

Council:

- Requested that staff schedule this matter to an upcoming Council Meeting Agenda for further discussion.

Regular Meeting - P.M.

November 15, 2010

10. TERMINATION

The meeting was declared terminated at 2:43 p.m.

Certified Correct:

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Mayor

City Clerk

SLH/dld