

Regular Meeting – P.M.

August 22, 2011

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, August 22nd, 2011.

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

Council members absent: Councillor Angela Reid-Nagy.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Sport & Facility Programs, Don Backmeyer*; Manager, Long Range Planning, Gary Stephen*; Planner Specialist, Graham Marsh*; Supervisor, Urban Forestry, Blair Stewart*; Manager, Development Engineering, Steve Muenz*; Deputy Fire Chief, Tom Doherty*; Manager, Cultural Services, Sandra Kochan*; Financial Analyst, Jim Wunderlich*; Manager, Property Management, Ron Forbes*; Property Officer, Tammy Abrahamson*; Planner Specialist, Pat McCormick*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:44 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 and a delayed broadcast is shown on Shaw Cable.

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

Mayor Shepherd asked that Council take a moment of silence in memory of Jack Layton.

Mayor Shepherd advised that, if acceptable to Council, the order of the Public in Attendance items on the Agenda will be revised by moving Agenda Item No. 6.09 forward and dealing with it immediately after Agenda Item No. 3.01. It was noted by Councillor Blanleil that, to his knowledge, there are members of the public who wish to attend today's Council Meeting to hear the Council deliberate the proposed amendments to the City of Kelowna's Noise and Disturbances Control Bylaw and expressed a concern that those members of the public may not be present at the commencement of the Council Meeting given where Agenda Item No. 6.09 is noted on the Agenda. Given Councillor Blanleil's concern, Council agreed not to alter the order of the Agenda Items at this time.

3. PUBLIC IN ATTENDANCE

3.02 Cheryl Miller, Grants Manager, Central Okanagan Foundation, re: City of Kelowna Emergency Grant

Cheryl Miller, Grants Manager, Central Okanagan Foundation:

- Confirmed that the Central Okanagan Foundation is recommending that an emergency grant in the amount of \$5,000.00 to the Kelowna Gospel Mission be approved by Council.

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Moved by Councillor Rule/Seconded by Councillor Hodge

R816/11/08/22 THAT Council approves the emergency grant in the amount of \$5,000.00 to the Kelowna Gospel Mission as recommended by the Central Okanagan Foundation;

AND THAT Council requests that the Kelowna Gospel Mission report back to Council once it has received confirmation of whether or not it has secured sustainable funding for the temporary shelter for vulnerable and at risk women.

Carried

3.03 Heather Schneider, Head of Delegation, Kelowna International Children's Summer Games Team, re: Report on the International Children's Summer Games held in Lanarkshire, Scotland from August 3-8, 2011

Staff:

- Provided background information and introduced the presenter.

Heather Schneider, Head of Delegation, Kelowna International Children's Summer Games Team:

- Provided background information with respect to the International Children's Summer Games in Lanarkshire, Scotland.
- Introduced the athletes in the gallery that participated in the Games.
- Showed a video with respect to the Kelowna Team's participation in the Games.
- Advised that the City of Kelowna has been accepted into the General Assembly of the International Children's Games.

Tia Itterman, Athlete:

- Provided a synopsis of the Games from the athletes' perspective.

Moved by Councillor Hodge/Seconded by Councillor Craig

R817/11/08/22 THAT Council receives, for information, the presentation from the Head of Delegation, Kelowna International Children's Summer Games Team dated August 22, 2011 with respect to the International Children's Summer Games held in Lanarkshire, Scotland from August 3-8, 2011.

Carried

3.01 Superintendent McKinnon, re: Bi-Monthly Policing Report

Inspector Rick Flewelling:

- Presented the Bi-Monthly Policing Report.
- Advised that Luc Fournier, Director of Policy and Government Relations, Motorcycle & Moped Industry Council, is in attendance to address any questions Council may have with respect to the proposed amendments to the City's Noise and Disturbances Control Bylaw as it relates to motorcycle noise.

Moved by Councillor Rule/Seconded by Councillor Craig

R818/11/08/22 THAT Council receives, for information, the Bi-Monthly Policing Report dated August 22, 2011.

Carried

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4. DEVELOPMENT APPLICATION REPORTS

- 4.01 Land Use Management Department, dated August 16, 2011, re: Agricultural Land Reserve Appeal Application No. A11-0003 – Paul Hackert (Dan Desbiens) – 4112 Lemcky Road Mayor to invite the Applicant, or Applicant’s Representative to come forward.

Staff:

- Advised that should Council wish to support this application, then staff is suggesting that Location B be the preferred location for the secondary dwelling.

Mayor Shepherd invited the Applicant, or the Applicant’s Representative, to come forward. No one came forward.

Moved by Councillor James/Seconded by Councillor Hodge

R819/11/08/22 THAT Agricultural Land Reserve Appeal Application No. A11-0003 for Lot 64, Section 3, Township 26, Osoyoos Division Yale District Plan 1247, located at 4112 Lemcky Road, Kelowna, B.C. for a non-farm use within the Agricultural Land Reserve, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council with location “B” being the preferred location for the additional dwelling;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

Carried

Mayor Shepherd and Councillors Hobson and Rule – Opposed.

- 4.02 Land Use Management Department, dated August 12, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0004 and Rezoning Application No. Z11-0034 – Simple Pursuits Inc. (Worman Commercial) – 565, 591, 615, 641, 657 & 683 Osprey Avenue, 564 594, 616, 636 & 656 Raymer Avenue and 2764 Richter Street Mayor to invite the Applicant, or the Applicant’s Representative, to come forward.

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

Shane Worman, Worman Commercial, Applicant’s Representative

- Gave a presentation with respect to the proposed Official Community Plan amendment and rezoning.
- Believes that there are more than enough residential units already in the South Pandosy area and that there is not enough commercial development.
- Believes that the lack of office space in the South Pandosy area is hurting the redevelopment of the area.
- Believes that office space is critical to a well-balanced neighbourhood.
- Believes that the businesses in the area are hurting during the day as a result of the lack of commercial space available.

Moved by Councillor Rule/Seconded by Councillor Blanleil

R820/11/08/22 THAT Official Community Plan Bylaw Amendment Application No. OCP11-0004 to amend Map 4.1 of the *Kelowna 2030 – Official Community Plan Bylaw No. 10500* by changing the Future Land Use designation of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located

at 636 Raymer Avenue, Lot 31, D.L. 14, ODYD, Plan 3769, located at 656 Raymer Avenue, Lot 30, D.L. 14, ODYD, Plan 3769, located at 2764 Richter Street, Lot 29, D.L. 14, ODYD, Plan 3769, located at 683 Osprey Avenue, Lot 28, D.L. 14, ODYD, Plan 3769, located at 657 Osprey Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from the Multiple Unit Residential - Medium Density designation to the Commercial designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2011, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated July 29, 2011;

AND THAT Rezoning Application No. Z11-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 31, D.L. 14, ODYD, Plan 3769, located at 656 Raymer Avenue, Lot 30, D.L. 14, ODYD, Plan 3769, located at 2764 Richter Street, Lot 29, D.L. 14, ODYD, Plan 3769, located at 683 Osprey Avenue, Lot 28, D.L. 14, ODYD, Plan 3769, located at 657 Osprey Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial Zone be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Application No. OCP11-0004 Bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Fire Department, Development Engineering Branch and Fortis BC being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties as proposed;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure and the registration of Statutory Right of Ways for Public Utilities and Public Access;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to a 15m road dedication for the Tutt Street link between Osprey and Raymer Avenues.

Carried
Councillor Stack - Opposed.

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Mayor Shepherd advised that Agenda Item 6.09 will now be moved forward and dealt with immediately.

6. NON-DEVELOPMENT APPLICATION REPORTS

6.09 City Clerk, dated July 4, 2011, re: Amendments to Noise and Disturbances Control Bylaw No. 6647-90

City Clerk:

- Provided background information regarding the proposed amendments to the City of Kelowna's Noise and Disturbances Bylaw.
- Advised that the Bylaw will be held at third reading and will not be adopted until such time as the RCMP has confirmed their operational readiness to enforce the amendments.

Moved by Councillor James/Seconded by Councillor Hodge

R821/11/08/22 THAT Council hears from Luc Fournier, Director of Policy and Government Relations, Motorcycle & Moped Industry Council.

Carried

Luc Fournier, Director of Policy and Government Relations, Motorcycle & Moped Industry Council:

- Gave a presentation regarding the regulations for motorcycle noise.
- Advised that any motorcycle that is brought into Canada should respect the regulations in place in Canada with respect to noise control.
- Confirmed that straight pipes on a motorcycle are illegal.
- Advised that the motorcycle industry is supportive of the noise controls as set out in the City of Edmonton's Bylaw.
- Explained how the Federal and Provincial Guidelines are used in best practices for motorcycle noise.

Inspector Rick Flewelling:

- Explained how the amendments to the Bylaw will be enforced by the RCMP as they relate to motorcycles.
- Explained how the RCMP will enforce the amendments as they relate to car stereo/audio noise.

City Clerk:

- Advised that there is a Provincial statute (*Motor Vehicle Act*) that also deals with excessive motorcycle noise and the City's amendments are reflective of the statute.
- Advised as to the approach that will be taken by the RCMP regarding the implementation of the amendments as well as educating the industry and the public.

Moved by Councillor Rule/Seconded by Councillor Stack

R822/11/08/22 THAT Council receives, for information, the Report from the City Clerk dated July 4, 2011 recommending Council adopt amendments to the Noise and Disturbances Control Bylaw;

AND THAT Bylaw No. 10573, being Amendment No. 9 to the Noise and Disturbances Control Bylaw No. 6647, be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to work with the RCMP with respect to conducting pro-active public education clinics with the motorcycle industry and

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motorcycle users regarding the amendments to the City of Kelowna Noise and Disturbances Control Bylaw.

Carried
Councillor Blanleil – Opposed.

Moved by Councillor Blanleil/Seconded by Councillor Craig

R823/11/08/22 THAT staff report back to Council regarding the RCMP's implementation policy with respect to the amendments to the City of Kelowna Noise and Disturbances Control Bylaw as they relate to noisy motorcycles, boats and car stereos.

Carried

4. DEVELOPMENT APPLICATION REPORTS

4.03 Land Use Management Department, dated August 4, 2011, re: Text Amendment Application No. TA11-0005 – City of Kelowna – Housekeeping Text Amendments to Zoning Bylaw No. 8000

(a) Land Use Management Department report dated August 4, 2011.

Moved by Councillor Hodge/Seconded by Councillor Rule

R824/11/08/22 THAT Zoning Bylaw Text Amendment No. TA11-0005 to amend City of Kelowna Zoning Bylaw No. 8000, by adding text as per Schedule "A" as outlined in the report of the Land Use Management Department dated August 4, 2011 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA11-0005 be forwarded to a Public Hearing for further consideration.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10590 (TA11-0005) – City of Kelowna – Miscellaneous Text Amendments to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Stack/Seconded by Councillor Hobson

R825/11/08/22 THAT Bylaw No. 10590 be read a first time.

Carried

4.04 Land Use Management Department, dated August 10, 2011, re: Text Amendment Application No. TA11-0007 – New Town Architectural Services Inc. – CD2 – Kettle Valley Comprehensive Residential Development

(a) Land Use Management Department report dated August 10, 2011.

Moved by Councillor Hobson/Seconded by Councillor Stack

R826/11/08/22 THAT Zoning Bylaw Text Amendment No. TA11-0007 to amend City of Kelowna Zoning Bylaw No. 8000, by amending the signage regulations of the CD2 (Kettle Valley) zone for signage to refer to C3- Community Commercial regulations of the Sign Bylaw instead of C2-Neighbourhood Commercial as

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outlined in the report of the Land Use Management Department dated August 10, 2011 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA11-0007 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10591 (TA11-0007) - City of Kelowna - CD2 - Kettle Valley Comprehensive Residential Development - Amendment to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Rule/Seconded by Councillor Hodge

R827/11/08/22 THAT Bylaw No. 10591 be read a first time.

Carried

4.05 Land Use Management Department, dated August 10, 2011, re: Rezoning Application No. Z11-0052 - Tracey-Lynne Pedlar - 360 Mugford Road

(a) Land Use Management Department report dated August 10, 2011.

Moved by Councillor Hobson/Seconded by Councillor Stack

R828/11/08/22 THAT Rezoning Application No. Z11-0052 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Township 26, ODYD Plan 19840 located on Mugford Road, 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 Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

Carried

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

Bylaw No. 10592 (Z11-0052) - Tracey-Lynne Pedlar - 360 Mugford Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R829/11/08/22 THAT Bylaw No. 10592 be read a first time.

Carried

4.06 Land Use Management Department, dated July 20, 2011, re: Rezoning Application No. Z10-0025 - Martin C. Cleveland, Gregory C. Allen & Carol A. Cleveland (Martin C. Cleveland) - 1336 Mountainview Street

(a) Land Use Management Department report dated July 20, 2011.

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Moved by Councillor Craig/Seconded by Councillor Stack

R830/11/08/22 THAT Bylaw No. 10367 be forwarded for rescindment consideration;

AND THAT staff be directed to close the files for application 1336 Mountainview Street, Kelowna, BC.

Carried

(b) **BYLAW PRESENTED FOR RECINDMENT AT THIRD READING**

Bylaw No. 10367 (Z10-0025) - Martin Cleveland, Gregory Allen and Carol Cleveland - 1336 Mountainview Street

Moved by Councillor Stack/Seconded by Councillor Hobson

R831/11/08/22 THAT first, second and third readings given to Bylaw No. 10367 be rescinded;

AND THAT staff be directed to close the file for Rezoning Application No. Z10-0025 for the property located at 1336 Mountainview Street.

Carried

4.07 Land Use Management Department, dated August 17, 2011, re: Development Variance Permit Application No. DVP11-0149 - Garlon Hui - 1338 Guisachan Road

Councillor Stack declared a conflict of interest as he lives within the notification area of the subject property and left the meeting at 4:32 p.m.

Moved by Councillor James/Seconded by Councillor Hobson

R832/11/08/22 THAT Council receives, for information, the Report from the Land Use Management Department dated August 17, 2011 regarding the driveway access for 1338 Guisachan Road;

AND THAT Council directs staff to forward a Development Variance Permit application for Council's consideration at a future Tuesday Regular Meeting of Council;

AND FURTHER THAT Council waives the requirement to forward the application to the Advisory Planning Commission.

Carried

Councillor Stack rejoined the meeting at 4:33 p.m.

4.08 Land Use Management Department, dated August 3, 2011, re: Rezoning Application No. Z10-0034 - Richard & Debra Horner - 1820 Ivans Avenue

Moved by Councillor James/Seconded by Councillor Hobson

R833/11/08/22 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No.

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10382 (Z10-0034, Richard H. & Debra A. Horner, 1820 Ivans Avenue), be extended from August 10, 2011 to February 10, 2012.

Carried

4.09 Land Use Management Department, dated August 8, 2011, re: Rezoning Application No. Z10-0045 – Gurmit & Naveep Sidhu and Rajwinder & Harparkash Rajan (Gurmit Sidhu) – 1750 McKenzie Road

Moved by Councillor Craig/Seconded by Councillor James

R834/11/08/22 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10394 (Z10-0045, Lot B Section 36 Township 26 ODYD Plan 25654 Except Plan KAP90335 located at 1750 McKenzie Road, Kelowna, B.C.), be extended from September 7, 2011 to March 7, 2012.

Carried

4.10 Land Use Management Department, dated August 17, 2011, re: Rezoning Application No. Z10-0039 – Hardeep & Jarnail Goraya (Axel Hilmer Planning Consultant) – 721 Renshaw Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R835/11/08/22 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10372 (Z10-0039, Axel Hilmer Planning Consultant, 721 Renshaw Road), be extended from July 27, 2011 to January 27, 2012.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.01 Bylaw No. 8866 (Z01-1059) – City of Kelowna – 5160 Chute Lake Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R836/11/08/22 THAT Bylaw No. 8866 be amended at third reading by deleting the reference to Chute Lake Road and replacing it with Clifton Road.

Carried

Moved by Councillor Stack/Seconded by Councillor Hobson

R837/11/08/22 THAT Bylaw No. 8866 be adopted.

Carried

5.02 Bylaw No. 10477 (Z10-0074) – Arjan Poonian (Protech Consultants Ltd.) – 781 Wallace Road

Moved by Councillor Blanleil/Seconded by Councillor Stack

R838/11/08/22 THAT Bylaw No. 10477 be adopted.

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- 5.03 Bylaw No. 10541 (TA11-0002) - To create a new Section 17 - Health District Zone - HD1 Kelowna General Hospital

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R839/11/08/22 THAT Bylaw No. 10541 be adopted.

Carried

- 5.04 Bylaw No. 10542 (Z11-0015) - Interior Health Authority - 2268 Pandosy Street

Moved by Councillor Craig/Seconded by Councillor James

R840/11/08/22 THAT Bylaw No. 10542 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.01 Manager, Long Range Planning, dated July 22, 2011, re: Official Community Plan 2030 Bylaw No. 10500 - Council Resolutions

Moved by Councillor Hobson/Seconded by Councillor Stack

R841/11/08/22 THAT Council defers consideration of the Report of the Manager, Long Range Planning with respect to the Official Community Plan 2030 Bylaw No. 10500 - Council Resolutions to the Monday, September 12, 2011 P.M. Regular Council Meeting.

Carried

- 6.02 Policy & Planning Department, dated August 17, 2011, re: Community Wildfire Protection Plan

Deputy Fire Chief, Tom Doherty:

- Addressed Council concern with respect to the proposed full-time position within the Kelowna Fire Department.

Moved by Councillor Hodge/Seconded by Councillor Rule

R842/11/08/22 THAT Council receives, for information, the Report from the Policy & Planning Department dated August 17, 2011 with respect to the staff and budget implications of the Community Wildfire Protection Plan.

Carried

- 6.03 Manager, Development Engineering, dated August 17, 2011, re: Latecomer Charges - Reservoir ESA 13 - Randhawa Reservoir

Moved by Councillor Hobson/Seconded by Councillor James

R843/11/08/22 THAT Council requires the owner of Lot A, Sec. 24, Twp. 28, SDYD, Plan 18646, which is to be subdivided or developed, to provide the excess or extended services shown in Schedule D of the Latecomer Agreement No. 2250-70-87 as attached to the report of the Director of Development Services, dated August 17, 2011;

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AND THAT Council consider the cost to provide the excess or extended services shown in Schedule A of the Latecomer Agreement No. 2250-70-87 in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Schedule A of Latecomer Agreement No. 2250-70-87, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands shown on Schedule D of Latecomer Agreement No. 2250-70-87;

AND THAT the City enter into Latecomer Agreement No. 2250-70-87 with the owner to be effective upon Substantial Performance of the Excess or Extended Services;

And That Council authorize the Mayor and City Clerk to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

Carried

6.04 Manager, Cultural Services, dated August 17, 2011, re: Kelowna Community Theatre (1375 Water Street) Sound System Upgrade - Grant Application to Canadian Heritage and Use of Capital Improvement Fee Funds

Moved by Councillor Hodge/Seconded by Councillor Hobson

R844/11/08/22 THAT Council receives for information the report from the Cultural Services Manager dated August 17, 2011 regarding an upgrade to the sound system at the Kelowna Community Theatre;

AND THAT Council approves an amendment to the 2011 Financial Plan to reflect the expenditure of up to \$135,000 from the Kelowna Community Theatre's Capital Improvement Fee Reserve for sound system equipment;

AND FURTHER THAT Council directs staff to submit an application to the Department of Canadian Heritage's Canada Cultural Spaces Fund for grant funding of \$130,000 to complete the sound system upgrade project as described in the report from the Cultural Services Manager dated August 17, 2011;

AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute all documents necessary with respect to the application to the Department of Canadian Heritage's Canada Cultural Spaces Fund.

Carried

6.05 Manager, Property Management, dated August 17, 2011, re: Bareland Lease to Cota Top Coat Sealing Ltd. (St. Paul Street)

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R845/11/08/22 THAT Council approves the City entering into a one (1) year Lease Agreement, with Cota Top Coat Sealing Ltd., for the purpose of storage on City-owned property, being Lots A and B (1175 and 1185 St. Paul Street), Plan KAP63401, with the option to renew for additional month-to-month

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renewals at the City's sole discretion, in the form attached to the Report of Manager, Property Management, dated August 17, 2011;

AND THAT all lease proceeds in the amount of \$6,828.00 be directed to Project No. 1254;

AND THAT the financial plan be amended accordingly;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents associated with Lease Agreement.

Carried

6.06 Director, Infrastructure Planning, dated August 17, 2011, re: FCM Sustainable Communities Awards

Moved by Councillor Hobson/Seconded by Councillor Craig

R846/11/08/22 THAT Council receives, for information, the Report from the Director, Infrastructure Planning dated August 17, 2011 regarding the Federation of Canadian Municipalities (FCM) Sustainable Communities Awards;

AND THAT Council directs staff to submit an application for the 2011 FCM Sustainable Communities Awards for Kelowna's Active Transportation Network.

Carried

6.07 Financial Strategist, Infrastructure Planning, dated August 17, 2011, re: Development Cost Charge Bylaw No. 10515, Amendment No. 1

Moved by Councillor Hobson/Seconded by Councillor Rule

R847/11/08/22 THAT Council receives, for information, the Report from the Financial Strategist dated August 17, 2011 with respect to Development Cost Charge Bylaw No. 10515, Amendment No. 1;

AND THAT Council Bylaw No. 10589, being Amendment No. 1 to Development Cost Charge Bylaw No. 10515, be forwarded for reading consideration.

Carried

6.08 City Clerk, dated August 16, 2011, re: Local Area Service, Bernard Avenue Revitalization Project - Petitioning Information

Staff:

- Advised that 73 property owners will be affected by the Local Area Service.

Moved by Councillor Rule/Seconded by Councillor Hobson

R848/11/08/22 THAT Council receives, for information, the Report from the City Clerk dated August 16, 2011 regarding the petition for the Local Service Area - Bernard Avenue Revitalization Project;

AND THAT Council sets the closing date for the Local Service Area - Bernard Avenue Revitalization Project as **Monday, October 3, 2011 at 4pm.**

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- 6.09 City Clerk, dated July 4, 2011, re: Amendments to Noise and Disturbances Control Bylaw No. 6647-90

Agenda Item No. 6.09 was moved forward and dealt with immediately after Agenda Item No. 4.02.

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.01 Bylaw No. 10573 - Amendment No. 9 to Kelowna Noise and Disturbances Control Bylaw No. 6647-90
To consider various amendments to Kelowna Noise and Disturbances Control Bylaw No. 6647-90.
- 7.02 Bylaw No. 10589 - Amendment No. 1 to Development Cost Charge Bylaw No. 10515
To consider various amendments to Development Cost Charge Bylaw No. 10515.

Moved by Councillor James/Seconded by Councillor Craig

R849/11/08/22 THAT Bylaw Nos. 10573 and 10589 be read a first, second and third time.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Howard Soon, Master Winemaker, Sandhill Wines/Andrew Peller Limited as the latest recipient of the "Spirit of Kelowna" Acknowledgement for his commitment to the wine industry for more than 30 years.

- 8.02 City Clerk, re: 2011 Local Government Election

City Clerk:

- Advised that the Candidate Packages will be available on Wednesday, August 24, 2011.
- Advised that the polling stations for the election will be announced on September 6, 2011 and to watch for News Releases with respect to the 2011 Local Government Election starting September 6, 2011.

- 8.03 COUNCILLOR ITEMS

Councillor Blanleil:

- Expressed a concern that the boat owners were locked out of the gate/lock at The Grand/Lagoons during the Centre of Gravity event and the Apple Triathlon and inquired as to who authorized the lock out.

City Manager:

- Will have staff look into the gate/lock situation at the The Grand/Lagoons and report back to Council.

Regular Meeting - P.M.

August 22, 2011

Councillor Hodge:

- Advised the public that there is an open house scheduled for Thursday, August 25, 2011 from 4:00 pm to 8:00 pm at the Rutland Centennial Hall with respect to the Rutland Town Centre's Transit & Transportation Improvements.

9. TERMINATION

The meeting was declared terminated at 5:19 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld