

Regular Meeting – P.M.

October 17, 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, October 17th, 2011.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming*; Deputy City Clerk, Karen Needham*; General Manager, Community Services, John Vos*; General Manager, Community Sustainability, Jim Paterson*; Manager, Urban Land Use, Danielle Noble*; Director, Design & Construction, Bill Berry*; Manager, Parks & Public Places, Terry Barton*; Manager, Environment & Land Use, Todd Cashin*; Director, Infrastructure Planning, Randy Cleveland*; Manager, Revenue, George King*; Communications Supervisor, Tom Wilson*; Marketing & Communications Advisor, Laura Wilson*; Marketing & Communications Advisor, Janine Taylor*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:31 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. There will not be a delayed broadcast of Council Meetings shown on Shaw Cable until after the Civic Election on November 19, 2011.

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

3. PUBLIC IN ATTENDANCE

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

Cheryl Miller, Grants Manager, Central Okanagan Foundation:

- Recommended that Council approve an emergency grant to the John Howard Society.

Moved by Councillor Hobson/Seconded by Councillor Stack

R997/11/10/17 THAT Council approves the emergency grant in the amount of \$5,000.00 to the John Howard Society, as recommended by the Central Okanagan Foundation;

AND THAT Council requests that the John Howard Society report back to Council with respect to how the emergency grant funding benefited the Society.

Carried

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- 3.2 Robert Fine, Executive Director, Central Okanagan Economic Development Commission, re: Update of Activities

Robert Fine, Executive Director, Central Okanagan Economic Development Commission, and Mike Gilmore, Chair, Central Okanagan Economic Development Commission Advisory Board

- Provided Council with an update of the Commission's activities and provided some statistical information with respect to the Central Okanagan region.

Moved by Councillor Craig/Seconded by Councillor Hodge

R998/11/10/17 THAT Council receives, for information, the verbal presentation from the representatives of the Central Okanagan Economic Development Commission dated October 17, 2011;

AND THAT Council requests that the Central Okanagan Economic Development Commission make a presentation to Council every three (3) months.

Carried

- 3.3 Director, Infrastructure Planning, dated October 12, 2011, re: Heritage BC Award - Rehabilitation of the Laurel Packing House

Staff:

- Presented the Heritage BC Award to Mayor Shepherd on behalf of the City of Kelowna for the Rehabilitation of the Laurel Packing House.

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated September 23, 2011, re: Rezoning Application No. Z11-0071 - David Mathieson & Nancy Doehring (David Mathieson) - 3990 Hart Road

- (a) Land Use Management Department report dated September 23, 2011.

Moved by Councillor Hobson/Seconded by Councillor James

R999/11/10/17 THAT Rezoning Application No. Z11-0071 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Sections 4 and 9, Township 26, ODYD, Plan KAP73101, located on 3990 Hart Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council;

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

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch, the South East Kelowna Irrigation District, and the Interior Health Authority being completed to their satisfaction;

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

Carried

- (b) BYLAW PRESENTED FOR FIRST READING

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Bylaw No. 10622 (Z11-0071) – David Mathieson & Nancy Doehring
(David Mathieson) – 3990 Hart Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R1000/11/10/17 THAT Bylaw No. 10622 be read a first time.

Carried

4.2 Land Use Management Department, dated September 30, 2011, re:
Rezoning Application No. Z11-0041 – Craig Winnick & Nigel Allan (Craig
Winnick) – 865 Paret Road

(a) Land Use Management Department report dated September 30, 2011.

Moved by Councillor Hobson/Seconded by Councillor James

R1001/11/10/17 THAT Rezoning Application No. Z11-0041 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of a portion of Lot A, D.L. 579, S.D.Y.D., Plan KAP68860, Exp. Plan KAP74689, located on Paret Road, Kelowna, BC from the RR1 – Rural Residential 1, RU1 – Large Lot Housing and A1 – Agriculture 1 zones to the RU1s – Large Lot Housing with secondary suite zone, as shown on Map “A”, attached to the report of the Land Use Management Department, dated September 30, 2011, be considered by Council.

AND THAT 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 THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Environment and Land Use Branch being completed to their satisfaction.

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10623 (Z11-0041) – Craig Winnick & Nigel Allan (Craig
Winnick) – 865 Paret Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R1002/11/10/17 THAT Bylaw No. 10623 be read a first time.

Carried

4.3 Land Use Management Department, dated October 11, 2011, re:
Agricultural Land Reserve Appeal Application No. A11-0010 – Kinnikinnik
Developments Inc. (Society for Enlightenment of Humanity) – 1890
McKinley Road

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

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R1003/11/10/17 THAT Agricultural Land Reserve appeal A11-0010 for Lot 5, Sections 21 and 28, Township 23, Osoyoos Division Yale District, Plan EPP8753, located at 1890 McKinley Road, Kelowna, B.C. to undertake a non-farm use, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

Carried

4.4 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10552 (Z11-0019) - Alice Schram (Worman Commercial) - 1064 Borden Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R1004/11/10/17 THAT Bylaw No. 10552 be adopted.

Carried

- (b) Land Use Management Department, dated October 7, 2011, re: Development Permit Application No. DP11-0087 - Scott Brown (Worman Commercial) - 1064 Borden Avenue

Moved by Councillor Hobson/Seconded by Councillor Craig

R1005/11/10/17 THAT Final Adoption of Zone Amending Bylaw No. 10552 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0087 for Lot 2, D.L. 138, ODYD, Plan 3616, located at 1064 Borden Avenue, 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";
- 3) Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

Carried

- 4.5 Land Use Management Department, dated October 7, 2011, re: Rezoning Application No. Z07-0029 - Kevin Patterson - 530 Ziprick Road

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- (a) Land Use Management Department report dated October 7, 2011.

Moved by Councillor Craig/Seconded by Councillor Blanleil

R1006/11/10/17 THAT Bylaw No. 9890 (Z07-0029) be forwarded for rescindment consideration;

AND THAT staff be directed to close the file for Rezoning Application No. Z07-0029, (Keith Patterson, 530 Ziprick Road, Kelowna, BC).

Carried

- (b) **BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING**

Bylaw No. 9890 (Z07-0029) - Kevin & Cynthia Patterson - 530 Ziprick Road

Moved by Councillor James/Seconded by Councillor Craig

R1007/11/10/17 THAT first, second and third readings given to Bylaw No. 9890 be rescinded;

AND THAT the file for Rezoning Application No. Z07-0029 Keith Patterson for 530 Ziprick Road be closed.

Carried

- 4.6 Land Use Management Department, dated September 27, 2011 re: Rezoning Application No. Z07-0088 - 655888 BC Ltd. (Protech Consultants Ltd.) - 5020 Killdeer Road

Moved by Councillor Rule/Seconded by Councillor Stack

R1008/11/10/17 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10094 (Z07-0088, Lot A, Section 24, Township 28, SDYD, Plan 30848) be extended from November 3, 2009 to May 3, 2010;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10094 (Z07-0088, Lot A, Section 24, Township 28, SDYD, Plan 30848) be extended from May 3, 2010 to November 3, 2010;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10094 (Z07-0088, Lot A, Section 24, Township 28, SDYD, Plan 30848) be extended November 3, 2010 to May 3, 2011;

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AND FURTHER THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10094 (Z07-0088, Lot A, Section 24, Township 28, SDYD, Plan 30848) be extended May 3, 2011 to November 3, 2011.

Carried

- 4.7 Land Use Management Department, dated October 4, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP08-0027 and Rezoning Application No. Z08-0104 - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road

Moved by Councillor Rule/Seconded by Councillor James

R1009/11/10/17 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of the OCP and zone Amending Bylaw No's. 10161 (OCP08-0027) and 10162 (Z08-0104), Block 35 Section 26 Township 26 ODYD Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C.) be extended from October 4, 2011 to April 4, 2012.

Carried

5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

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

Moved by Councillor Craig/Seconded by Councillor James

R1010/11/10/17 THAT Bylaw No. 10590 be adopted.

Carried

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

Moved by Councillor James/Seconded by Councillor Craig

R1011/11/10/17 THAT Bylaw No. 10591 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

- 6.1 Revenue Manager, dated October 12, 2011, re: 2012 Permissive Tax Exemption Bylaw No. 10620

Councillor Craig declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 2:30 p.m.

Councillor Stack declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 2:30 p.m.

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Moved by Councillor Reid-Nagy/Seconded by Councillor Rule

R1012/11/10/17 THAT Council receives, for information, the Report from the Revenue Manager dated October 12, 2011 with respect to the 2012 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 10620, being the 2012 Permissive Tax Exemption Bylaw be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to review Permissive Tax Exemption Policy No. 327 prior to forwarding the 2013 Permissive Tax Exemption Bylaw for consideration.

Carried

Councillors Craig and Stack rejoined the meeting at 2:43 p.m.

6.2 Director, Communications, dated October 12, 2011, re: Social Media Update

Staff:

- Gave a presentation with respect to social media and the City of Kelowna.

Moved by Councillor Rule/Seconded by Councillor Craig

R1013/11/10/17 THAT Council receives for information the report from the Director, Communications dated October 12, 2011, regarding the use of social media by the City of Kelowna and Council members;

Carried

6.3 City Clerk, dated October 4, 2011, re: Sufficiency Report for the Local Area Service Bernard Avenue Revitalization Project

Moved by Councillor Rule/Seconded by Councillor Stack

R1014/11/10/17 THAT Council receives for information, the Report from the City Clerk, dated October 4, 2011 regarding the Certificate of Sufficiency pertaining to the adoption of Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project;

AND THAT Council forward Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for the Local Area Service for the Bernard Avenue Revitalization Project for adoption.

Carried

6.4 General Manager, Community Services, dated October 12, 2011, re: Bernard Avenue – Construction Timing

General Manager, Community Services:

- Gave a presentation with respect to the construction timing of the Bernard Avenue Revitalization Project.
- Provided an overview of the Open House results.

The City Clerk left the meeting at 4:09 p.m. The Deputy City Clerk joined the meeting at 4:09 p.m.

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Moved by Councillor Stack/Seconded by Councillor Blanleil

R1015/11/10/17 THAT Council receives, for information, the Report from the General Manager, Community Services dated October 12, 2011 regarding the preferred option for construction timing on the Bernard Avenue Revitalization project.

AND THAT Council support 'Scenario 1' as outlined in the Report of the General Manager, Community Services dated October 12, 2011 as the recommended option for construction timing entering into the Contract Document Phase;

AND FURTHER THAT Council directs staff to report to Council, the Downtown Kelowna Association, the Bernard Avenue merchants and the broader community, on a regular basis, with respect to the Bernard Avenue Revitalization project.

Carried

Moved by Councillor Blanleil/Seconded by Councillor Stack

R1016/11/10/17 THAT Council directs staff to consider the options, and implications, of "free" on-street parking in the downtown area during the construction phase of the Bernard Avenue Revitalization Project and report back to Council;

AND THAT Council directs staff to develop a parking plan for the construction workers and the staff of the Bernard Avenue merchants during the construction phase of the Bernard Avenue Revitalization Project and report back to Council.

Carried

7. RESOLUTIONS

7.1 City Clerk, Draft Resolution, dated October 12, 2011, re: Reschedule Council Meeting - 2012 Budget Deliberations

Mayor Shepherd:

- Suggested rescheduling the 2012 Budget Deliberations to Friday, January 13, 2012.

Moved by Councillor Hobson/Seconded by Councillor Rule

R1017/11/10/17 THAT the Regular Council Meeting scheduled for Thursday, January 12, 2012 be rescheduled to Friday, January 13, 2012.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

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8.1 Bylaw No. 10609 - Road Closure Bylaw - Portion of Rose Avenue

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R1018/11/10/17 THAT Bylaw No. 10609 be read a first, second and third time.

Carried

8.2 Bylaw No. 10620 - 2012 Tax Exemption Bylaw

Councillor Craig declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 4:23 p.m.

Councillor Stack declared a conflict of interest as he is a member of the Board of Directors of one of the organizations and left the meeting at 4:23 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R1019/11/10/17 THAT Bylaw No. 10620 be read a first, second and third time.

Carried

Councillors Craig and Stack rejoined the meeting at 4:23 p.m.

(BYLAWS PRESENTED FOR ADOPTION)

8.3 Bylaw No. 10557 - Establishment of Local Area Service for the Bernard Avenue Revitalization

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R1020/11/10/17 THAT Bylaw No. 10557 be adopted.

Carried

8.4 Bylaw No. 10558 - Loan Authorization of Local Area Service for the Bernard Avenue Revitalization

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R1021/11/10/17 THAT Bylaw No. 10558 be adopted.

Carried

8.5 Bylaw No. 10589 - Amendment No. 1 to Development Cost Charge Bylaw No. 10515

Moved by Councillor Hobson/Seconded by Councillor Stack

R1022/11/10/17 THAT Bylaw No. 10589 be adopted.

Carried

8.6 Bylaw No. 10595 - Amendment No. 18 to Sign Bylaw No. 8235

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Moved by Councillor Stack/Seconded by Councillor Hobson

R1023/11/10/17 THAT Bylaw No. 10595 be adopted.

Carried

8.7 Bylaw No. 10608 - Amendment No. 25 to the Airport Fees Bylaw No. 7982

Moved by Councillor Hobson/Seconded by Councillor Stack

R1024/11/10/17 THAT Bylaw No. 10608 be adopted.

Carried

8.8 Bylaw No. 10610 - Amendment No. 9 to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Stack/Seconded by Councillor Hobson

R1025/11/10/17 THAT Bylaw No. 10610 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

9.1 Mayor Shepherd, re: "Spirit of Kelowna" Acknowledgment

Mayor Shepherd:

- Acknowledged Mr. Brian Janzen and Students of the Cool Trades Nine Class at Rutland Middle School as the latest recipient of the "Spirit of Kelowna" Acknowledgment for assisting with the recent Kelowna Scarecrow Festival, hosted by the Uptown Rutland Business Association.

9.2 COUNCILLOR ITEMS

9.2(a) Councillor Reid-Nagy, re: Recycling at the Apple Bowl

Councillor Reid-Nagy:

- Requested that staff consider installing recycle bins at the Apple Bowl.

Moved by Councillor Reid-Nagy/Seconded by Councillor Craig

R1026/11/10/17 THAT Council directs staff to provide recycle bins at the Apple Bowl.

Carried

9.2(b) Councillor Rule, re: Communities in Bloom Provincial Conference

Councillor Rule:

- Advised that the City of Kelowna will be hosting the Communities in Bloom Provincial Conference for 2012.

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10. TERMINATION

The meeting was declared terminated at 4:34 p.m.

Certified Correct:

Mayor

City Clerk

Deputy City Clerk

SLH/dld