

Public HearingAugust 7, 2012

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, August 7th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:01 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The Deputy City Clerk advised the Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on July 20, 2012 and by being placed in the Kelowna Capital News issues on July 27, 2012 and July 31, 2012, and by sending out or otherwise delivering 999 letters to the owners and occupiers of surrounding properties between July 20, 2012 and July 27, 2012. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS
- 3.1 Bylaw No. 10731 (Z12-0036) - Dennis McGuire - 354 Christleton Avenue - THAT Rezoning Application No. Z12-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, District Lot 14, ODYD Plan 3451, located on Christleton Avenue, 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 the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Peter Chataway, Applicant

- Submitted 2 letters of support from 2365 and 2362 Abbott Street.

- Advised that the Applicant has chosen a Cambodian style.
- Height requirements have been met.

There were no further comments.

- 3.2 Bylaw No. 10735 (OCP12-0005) and Bylaw No. 10736 (Z12-0037) - No. 21 Great Projects Ltd., City of Kelowna, Bulat Khabibullin & Naila Khabibullina and Karl & Gail Tritscher (No. 21 Great Projects Ltd.) - 5000 & 4949 Gordon Drive, 1355, 1248, 1260, 1266 & 1272 Steele Road, (S of) Redstem Street and 900 South Crest Drive - THAT OCP Bylaw Amendment No. OCP12-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing a portion of the Future Land Use designation of Lot 40, D.L. 579, SDYD, Plan EPP9638, located at (S OF) Redstem Street, Kelowna, B.C. from Multiple Unit Residential (Cluster Housing) and Single / Two Unit Residential (Hillside Area) to Major Parks & Open Space and by changing a portion of Lot A, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638 and EPP15721, located at 1355 Steele Road from Major Parks & Open Space to Single / Two Unit Residential as shown on Map "A1" attached to the report of the Land Use Management Department, dated June 22nd, 2012, and by changing a portion of the Future Land Use designation of the South ½ District Lot 579, SDYD, Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863 and EPP15721, located at 5000 Gordon Drive, Kelowna, B.C. from Commercial to Single / Two Unit Residential (Hillside Area) and Multiple Unit Residential (Medium Density) and Lot A, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638 and EPP15721, located at 1355 Steele Road from Commercial to Multiple Unit Residential (Medium Density) and Lot 1, D.L. 579, SDYD, Plan EPP9619, located at 900 South Crest Drive from Commercial to Public Service Utilities as shown on Map "A2" attached to the report of the Land Use Management Department, dated June 22nd, 2012, be considered by Council;

AND THAT Council considers the Public Hearing 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 June 22nd, 2012;

AND THAT Rezoning Application No. Z12-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 579, SDYD, Plan EPP9619, located at 900 South Crest Drive from A1 - Agriculture 1 to P4 - Utilities, Lot 40, D.L. 579, SDYD, Plan EPP9638, located at (S OF) Redstem Street from A1 - Agriculture 1 to P3 - Parks & Open Space and by changing the zoning classification for a portion of Lot A, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638 and EPP15721, located at 1355 Steele Road from A1 - Agriculture 1 to RU1 - Large Lot Housing and Lot A, D.L. 579, SDYD, Plan KAP88577, located at 4940 Gordon Drive from A1 - Agriculture 1 to P3 - Parks & Open Space, as shown on Map "B1" attached to the report of the Land Use Management Department, dated June 22nd, 2012, and by changing the zoning classification for a portion of Lot 1, D.L. 579, SDYD, Plan EPP15721, located at 1248 Steele Road, Lot 3, D.L. 579, SDYD, Plan EPP15721, located at 1260 Steele Road, Lot 4, D.L. 579, SDYD, Plan EPP15721, located at 1266 Steele Road, Lot 5, D.L. 579, SDYD, Plan EPP15721, located at 1272 Steele Road from RU1h - Large Lot Housing (Hillside Area) to RU2 - Medium Lot Housing and Lot A, D.L. 579, SDYD, Plan EPP9618 Except Plans EPP9638 and EPP15721, located at 1355 Steele Road from A1 - Agriculture 1 and RU1h - Large Lot Housing (Hillside Area) to P3 - Parks & Open Space, as shown on Map "B2" attached to the report of the Land Use Management Department, dated June 22nd, 2012, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0005 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Crystal Lloyd, Applicants Representative

- Present and available for questions.

Gallery:

Tanis Geisleman, Gordon Drive

- Raised concern regarding park space and protecting flora and fauna in this area.

Crystal Lloyd, Applicants Representative

- Advised that a number of environmental studies had been completed as well mitigation measures were undertaken.
- Willing to meet with the intervener separately.

There were no further comments.

- 3.3 Bylaw No. 10737 (Z12-0031) - Warner & Judy Kunz (Warner Kunz) - 450 Francis Avenue - THAT Rezoning Application No. Z12-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot 14, ODYD, Plan 7336, located on 450 Francis Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 considered in conjunction with Council's consideration of a Development Variance Permit for the subject property;

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

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

Letters of Opposition:

Brian and Gail Parent, 471 Francis Avenue
 Boyd and Karen McLaren, 451 Francis Avenue
 Jeff and Sarah Buskell, 440 Francis Avenue
 Sheila and Bill Bajwa, 470 Francis Avenue
 Wally and Bonny Heinrichs, 434 Morrison Avenue
 Fred and Deborah Bircham, 421 Francis Avenue

Letter of Support:

Brian Franks, 2435 Taylor Crescent

Additional Information:

Copy of presentation and petition as submitted by Richard Borroughs, 2425 Taylor Crescent.

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

Stephen Kunz (Warner Kunz), Applicant, - 450 Francis Avenue

- Advised that this is the perfect location for his family however, the dwelling on the property is dated and does not suit their needs.
- Family will reside in one dwelling and the other dwelling will be sold to meet retirement needs.
- Commented that the property will be maintained to a high standard.
- The proposal is in compliance with the OCP and will not affect the form and character of the neighbourhood.
- There are no basements so the first floor will be on ground level and will reduce the height of dwellings.
- Displayed photos of other semi detached homes in the immediate area and noted that there are various types of dwellings in this area.

Gallery:Richard Borroughs, 2425 Taylor Crescent

- Raised concern that the form does not fit the character of the neighbourhood or the density of the RU6 zoning.
- Referenced a petition with 40 signatures of those residents who are opposed to this application.
- The RU6 zone detracts from the current lifestyle. Would not mind secondary suites but not in favour of two separate buildings. Concerned with the narrow space between the two buildings.
- Opposed to this application.

Council:

- Commented that the petition does not indicate why those who signed are opposed.

Richard Borroughs:

- Noted that the vast majority were opposed to the rezoning and the variance was secondary.

Boyd McLaren, 451 Francis Avenue

- Lives across from the Applicant.
- Not in favour of two houses on one lot as well as the huge garage. The proposal does not really fit with the character of the neighbourhood.
- Bought into the neighbourhood because it was single family.
- Opposed to this application.

Myles Prodan, 441 Francis Avenue

- New to the neighbourhood and noted that the street specifically appealed to his family as it was single family homes.
- Concerned with density.
- Opposed to this application.

Council:

- Confirmed that the concern is with the RU6 zone.

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Jeff Buskell, 440 Francis Avenue

- Have the same concerns as mentioned by others regarding densification and the overall shrinking of the lot to accommodate two dwellings.
- Purchased 3 years ago because the area is unique. There are not many RU6 zones. Would not have purchased our home if there were RU6 zones on the street.
- Opposed to the application.

Council:

- Confirmed with Mr. Buskell that the Applicant has provided information regarding his proposal throughout the process.

Applicant:

- Consensus of the opposition was related to the proposal setting a precedent in the neighbourhood. However, some of the surrounding dwellings have been used as justification for this proposal. Subject property is quite a bit wider than lots in the area.
- The neighbourhood is not degenerating and maintenance of the property would be top notch.
- The neighbours were asked for comments regarding the plans and how it would fit the area, however, no comments were received. The pictures in the petition were misleading and not representative of what is being built. Unsure why our application does not fit as until now, no reasons were provided.
- There will not be a loss of views and light.
- Trees that had been removed were dead and over grown. These trees would have been removed regardless of this application.
- 27 letters were sent out to neighbours and received one response and one letter of support. Did not receive any letters of opposition personally but learned of them through staff.

Council:

- Confirmed that allowable site coverage for the RU1 zone is the same as the RU6 zone.

There were no further comments.

- 3.4 Bylaw No. 10738 (Z12-0007) - Karen Deforest (Hardie & Karen Deforest) - 483 Poplar Point Drive - THAT Rezoning Application No. Z12-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 219, ODYD Plan 8711, located on Poplar Point Drive, Kelowna, BC from the RU1- Large Lot Housing zone to the RU6- Two Dwelling Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering Branch, Building & Permitting branch, and Infrastructure Planning being completed to their satisfaction.

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

Letters of Opposition:

Mary Blumer, 360 Herbert Heights
 Gwynneth Wilson, 397 Herbert Heights
 Margaret Craig, 352 Herbert Heights
 Sharon McKinley, 465 Poplar Point Drive

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

Hardie Deforest, Applicant, 483 Poplar Point Drive

- Trying to ensure a disability/accessibility element to the proposal to accommodate my family including quadriplegic son.
- Advised that a real effort and thought have been put into this proposal to make it work.
- The house is designed for accessibility. Walls can be moved and configured as needed. Hoping this could be a model for accessible housing across the province and country as there is currently no standard for disability housing.

There were no further comments.

3.5 Land Use Contract Discharge Application No. LUC12-0001 - Horst & Freia Zyweck (Mission Group Construction Ltd.) - 325 Banks Road - THAT Application No. LUC12-0001 to discharge Land use contract LUC76-1114 from lot B, District Lot 125, ODYD, Plan 30838, located at 325 Banks Road, Kelowna, BC, be considered by Council;

AND THAT LUC12-0001 be forwarded to a public hearing for further consideration.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Applicant Representative, Corey Mathis, Mission Group Construction

- Confirmed the purpose of the residential component is for an added level of security.

There were no further comments.


4. TERMINATION:

The Hearing was declared terminated at 7:36 p.m.

Certified Correct:

Mayor

ACM/dld



Deputy City Clerk

Regular MeetingAugust 7, 2012

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, August 7th, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanche, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:47 p.m.

2. PRAYER

A Prayer was offered by Councillor Singh.

3. CONFIRMATION OF MINUTES

Public Hearing - July 24, 2012
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Moved by Councillor Singh/Seconded by Councillor Given

R744/12/08/07 THAT the Minutes of the Regular Meeting of July 24, 2012 and the minutes of the Public Hearing of July 24, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10731 (Z12-0036) - Dennis McGuire - 354 Christleton Avenue

Moved by Councillor Stack/Seconded by Councillor Given

R745/12/08/07 THAT Bylaw No. 10731 be read a second and third time.

Carried

4.2 Bylaw No. 10735 (OCP12-0005) - No. 21 Great Projects Ltd., City of Kelowna, Bulat Khabibullin & Naila Khabibullina and Karl & Gail Tritscher (No. 21 Great Projects Ltd.) - 5000 & 4949 Gordon Drive, 1355, 1248, 1260, 1266 & 1272 Steele Road, (S of) Redstem Street and 900 South Crest Drive - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Given

R746/12/08/07 THAT Bylaw No. 10735 be read a second and third time.

Carried

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- 4.3 Bylaw No. 10736 (Z12-0037) - No. 21 Great Projects Ltd., City of Kelowna, Bulat Khabibullin & Naila Khabibullina and Karl & Gail Tritscher (No. 21 Great Projects Ltd.) - 5000 & 4949 Gordon Drive, 1355, 1248, 1260, 1266 & 1272 Steele Road, (S of) Redstem Street and 900 South Crest Drive

Moved by Councillor Given/Seconded by Councillor StackR747/12/08/07 THAT Bylaw No. 10736 be read a second and third time.Carried

- 4.4 Bylaw No. 10737 (Z12-0031) - Warner & Judy Kunz (Warner Kunz) - 450 Francis Avenue

Moved by Councillor Stack/Seconded by Councillor GivenR748/12/08/07 THAT Bylaw No. 10737 be read a second and third time.Carried

- 4.5 Bylaw No. 10738 (Z12-0007) - Karen Deforest (Hardie & Karen Deforest) - 483 Poplar Point Drive

Council:

- Commented that this proposal is a visionary approach to an RU6 development and congratulated the Applicant on their efforts.

Moved by Councillor Blanteil/Seconded by Councillor BasranR749/12/08/07 THAT Bylaw No. 10738 be read a second and third time.Carried

- 4.6 Bylaw No. 10740 (LUC12-0001) - Horst & Freia Zyweck (Mission Group Construction Ltd.) - Discharge of Land Use Contract No. LUC76-1114 - 325 Banks Road

Moved by Councillor Basran/Seconded by Councillor BlanteilR750/12/08/07 THAT Bylaw No. 10740 be read a second and third time.Carried

5. THE DEPUTY CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The Deputy City Clerk advised that Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise delivering 914 letters to the owners and occupiers of surrounding properties between July 20, 2012 and July 27, 2012.

Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on July 20, 2012, and by being placed in the Kelowna Capital News issues on July 27, 2012 and July 31, 2012 and by sending out or otherwise delivering 381 letters to the owners and occupiers of surrounding properties between July 20, 2012 and July 27, 2012.

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The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

Councillor Dehart declared a conflict of interest due to working at an establishment next door and departed the meeting at 8:03 p.m.

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Land Use Management Department, dated July 13, 2012, re: Liquor Licensing Application No. LL12-0007 - Chop Steakhouse & Bar - 2125 Enterprise Way - 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 no correspondence and/or petitions had been received.

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

Jay Daniels, #113, 2901 Abbott Street, Applicant

- General Manager present and available to answer questions.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Basran

R751/12/08/07 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Chop Steakhouse & Bar at 2125 Enterprise way, Kelowna BC, (legally described as Lot A District Lot 127 Osoyoos Division Yale District Plan KAP83862) for a new Liquor Primary License, are as follows:

- a) **The potential for noise if the application is approved:**
No increase in noise is expected compared to current circumstances.
- b) **The impact on the community if the application is approved:**
The potential for negative impacts is considered to be minimal.
- c) **View of residents:**
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 #359 "Liquor Licensing Policy & Procedures."
- d) **The person capacity and hours of liquor service of the establishment:**
The total person capacity proposed will remain unchanged with a total of 197 seats with a mix of food and liquor primary seats, 103 of these seats are proposed to be for liquor primary seating with closing hours of 1:00am daily. This is deemed appropriate due to the establishments urban centre location.

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- e) **Traffic and parking:**
The total capacity will not be changing and the site has good access and adequate parking provisions.
- f) **The proximity of the establishment to other social or recreational facilities and public buildings:**
Surrounding facilities would not conflict with the proposed establishment.
- g) **Recommendation:**
Council recommends that the application for a new liquor primary license for Chop Steakhouse & Bar located at 2125 Enterprise Way be approved.

Carried

Councillor DeHart rejoined the meeting at 8:05 p.m.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, dated July 12, 2012, re: Development Variance Permit Application No. DVP12-0105 - Terrence & Alpha Anderson - 659 Greene Avenue - City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Terry Anderson, 659 Greene Avenue, Applicant

- Available to answer questions.
- No intention to add a suite. Application is solely for a workshop.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Given

R752/12/08/07 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0105, for Lot 7, District Lot 358, O.D.Y.D., Plan 28734, located on Greene Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.1.6 (d) Development Regulations:

To vary the required side yard from a flanking street from 4.5m required to 2.0m proposed (as per Schedule "A");

Section 6.5.9 General Development Regulations - Accessory Development:

To allow the side lot line of an accessory building abutting a flanking street to be less than the required side yard for the principal building.

Carried

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- 7.2 Land Use Management Department, dated July 12, 2012, re: Development Variance Permit Application No. DVP12-0117 - Dehl Holdings Ltd. (David Phil) - 1465 Ellis Street - City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

David Phil, Applicant

- Present and available to answer any questions.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Zimmermann

R753/12/08/07 THAT Council authorize the issuance of Development Variance Permit No. DVP12-0117, for Strata Lot 4, District Lot 139, ODYD Strata Plan KAS1809 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1, located on Ellis Street, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 5.5.2 - Fascia Signs:

To vary the regulations and permit a fascia sign on a wall which is not a business frontage.

Carried

8. REMINDERS - Nil.

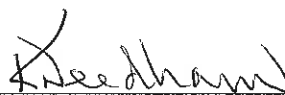
9. TERMINATION

The meeting was declared terminated at 8:10 p.m.

Certified Correct:

Mayor

ACM/dld



Deputy City Clerk