

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, September 17<sup>th</sup>, 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; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; Manager, Urban Land Use, Danielle Noble\*; Manager, Sport & Event Development, Don Backmeyer\*; Acting Director, Real Estate & Building Services, Derek Edstrom\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:37 p.m.

Mayor Gray 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. CONFIRMATION OF MINUTES

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Moved by Councillor Stack/Seconded by Councillor Given

R841/12/09/17 THAT the Minutes of the Regular PM Meeting of September 10, 2012 be confirmed as circulated.

Carried

3. PUBLIC IN ATTENDANCE

3.1 Heather Schneider, Head of Delegation, Kelowna International Children's Games, re: International Children's Games Legacy

Staff:

- Introduced the presentation.

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

- Displayed photos and gave a presentation regarding the International Children's Games Legacy.

Brooklyn Snelling, Team Kelowna, Daegue, South Korea 2012:

- Provided an overview of her experience at the International Children's Summer Games.

Tom Waters, Minor Hockey Representative:

- Advised that Kelowna will be sending a Minor Hockey Team to Ufa, Russia in 2013 to participate in the International Children's Winter Games.

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3.2 Dr. Parker, Interior Health Authority, re: Healthy Families BC Communities Initiative

Dr. Rob Parker, Interior Health Authority:

- Displayed a PowerPoint presentation regarding Interior Health's Healthy Communities Initiative and responded to questions from Council.

4. UNFINISHED BUSINESS

4.1 Land Use Management Department, Supplemental Report dated September 11, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0007 - Kulwant, Kulwinder & Gurdev Kohar (Kulwant Kohar) - 1306-1308 McKenzie Road - Mayor to invite the Applicant, or Applicant's Representative, to come forward.

Staff:

- Provided an update regarding the proposed application and the discussions between the Applicants and City staff.
- Advised that the Applicants are not present, even though staff confirmed that they would be in attendance.

Moved by Councillor Zimmermann/Seconded by Councillor Given

**R842/12/09/17** THAT Agricultural Land Reserve appeal A12-0007 for Lot 12, Section 25, Township 26 Osoyoos Division Yale District Plan 1760, except Plans B4687 and KAP77650, located at 1306 - 1308 McKenzie Road, Kelowna, B.C. for a non-farm use of agricultural land, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, NOT be supported by Municipal Council;

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

Carried

5. DEVELOPMENT APPLICATION REPORTS & RELATED BYLAWS

5.1 Land Use Management Department, dated September 6, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0011 - Surinder Shergill - 3251-3555 East Kelowna Road - Mayor to invite the Applicant, or Applicant's Representative, to come forward.

Andy Sandhu, Applicant's Representative

- Advised that the Applicant resides at 3251 East Kelowna Road.
- Confirmed that there are 4 pickers' cabins on the property which are being used for farm help.
- Advised that the Applicant owns 15.2 acres of farm land (cherries & apples) and leases another 10 acres.
- Confirmed that the Applicant wants to use the existing 800 square foot home for farm help.
- Confirmed the proposed location of the requested additional dwelling.
- Believes that there is already an access easement on the adjoining property.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Advised that a Restrictive Covenant could be registered on title restricting the use of the existing 800 square foot home for farm help only. This type of covenant is not easy to monitor as it would only be regulated on a complaint-basis.

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- Advised that according to the Land Title searches, there is no legal access easement registered on the title to the subject property or the adjoining property.

Moved by Councillor Zimmermann/Seconded by Councillor Hobson

R843/12/09/17 THAT Agricultural Land Reserve appeal A12-0011 for Lot 1, Section 15, Township 26, Osoyoos Division Yale District Plan 3379, located at 3251 - 3555 East Kelowna Road for a "Non-Farm Use" under Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Municipal Council;

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

Carried  
Mayor Gray - Opposed.

- 5.2 Land Use Management Department, dated September 7, 2012, re: Agricultural Land Reserve Appeal Application No. A12-0012 - Christopher & Vera Hanson and Patricia Deacoff (Frank Buckland & Harold Hatfield) - 3097 East Kelowna Road

Moved by Councillor Given/Seconded by Councillor Stack

R844/12/09/17 THAT Agricultural Land Reserve appeal A12-0012 for Parcel B (Plan B1550) of Lot 23, Section 15, Township 26 Osoyoos Division Yale District Plan 187, located at 3097 East Kelowna Road, Kelowna, B.C. for a subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

AND THAT Agricultural Land Reserve appeal A12-0012 for Parcel B (Plan B1550) of Lot 23, Section 15, Township 26 Osoyoos Division Yale District Plan 187, located at 3097 East Kelowna Road, Kelowna, B.C. for a "non-farm use" (additional dwelling) under Section 20(3) of the *Agricultural Land Commission Act*, be supported by Municipal Council;

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

Carried

- 5.3 Land Use Management Department, dated August 31, 2012, re: Development Permit Application No. DP12-0152 - Winsome Hill - Mission Group Properties Ltd. (Mission Group Properties Ltd.) - 589-625 Boynton Place

Moved by Councillor Stack/Seconded by Councillor Zimmermann

R845/12/09/17 THAT Council authorizes the issuance of Development Permit No. DP12-0152, being an amendment to Development Permit No. DP10-0091, for Lot 4, Sections 31 and 32, Township 26, ODYD, Plan KAP86216, Except Strata Plan EPS417 (Phase 1 and 2), located on 625 Boynton Place, Kelowna, BC 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";

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3. Landscaping to be provided on the land be in general accordance with Schedule "C".

Carried

- 5.4 Bylaw No. 10161 (OCP08-0027) - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road - Requires a majority of all Members of Council (5)

Moved by Councillor Blanche/Seconded by Councillor BasranR846/12/09/17 THAT Bylaw No. 10161 be adopted.Carried

- 5.4.1 Bylaw No. 10162 (Z08-0104) - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road

Moved by Councillor Basran/Seconded by Councillor BlancheR847/12/09/17 THAT Bylaw No. 10162 be adopted.Carried

- 5.4.2 Bylaw No. 10163 - Housing Agreement Authorization Bylaw - 0823250 BC Ltd. - 695 Webster Road

Moved by Councillor Basran/Seconded by Councillor SinghR848/12/09/17 THAT Bylaw No. 10163 be adopted.Carried

- 5.4.3 Land Use Management Department, dated September 12, 2012, re: Development Permit Application No. DP12-0110 - 0823250 BC Ltd. (Architecturally Distinct Solutions) - 695 Webster Road

Moved by Councillor Hobson/Seconded by Councillor DeHartR849/12/09/17 THAT Final Adoption of Official Community Plan Amending Bylaw No. 10161 be considered by Council;

AND THAT Final Adoption of Zoning Amending Bylaw No. 10162 be considered by Council;

AND THAT Final Adoption of Housing Agreement Bylaw No. 10163 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0110 for 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., 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";

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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

- 5.5 Bylaw No. 10676 (Z12-0008) - Interior Health Authority - 313-323 Royal Avenue

Moved by Councillor Zimmermann/Seconded by Councillor DeHartR850/12/09/17 THAT Bylaw No. 10676 be adopted.Carried

- 5.5.1 Land Use Management Department, dated September 12, 2012, re: Development Permit Application No. DP12-0135 - Interior Health Authority - 2251-2312 Pandosy Street

Moved by Councillor Stack/Seconded by Councillor Hobson

R851/12/09/17 THAT Final Adoption of Zoning Amending Bylaw No. 10676 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP12-0135 for Lot A, District Lot 14, ODYD, Plan EPP18664, located at 2251 - 2312 Pandosy Street, Kelowna B.C., subject to the following:

1. The dimensions and siting of the site to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the site 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 in order for the permit to be issued.

Carried

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Staff:

- Displayed a PowerPoint Presentation and responded to questions from Council.

Representative on behalf of Deloitte &amp; Touche LLP:

- Spoke to their September 10, 2012 Opinion.

David Craig, Consultant:

- Spoke to the investments of proceeds.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R852/12/09/17 THAT Council receives, for information, the Report from the General Manager, Community Services dated September 12, 2012 regarding the Alternative Approval Process for Electrical Utility Restructuring Opportunity with FortisBC Inc.;

AND THAT an alternative approval process opportunity to be open to all electors within the City of Kelowna be initiated to seek approval of the electors for entry by the City of Kelowna into the Agreement to sell the City of Kelowna's electrical utility assets to FortisBC Inc., as part of the Electric Utility Restructuring Opportunity with FortisBC Inc. as outlined in the Report from the General Manager, Community Services dated September 12, 2012;

AND THAT 4pm, Friday, October 26, 2012 be set as the deadline for receipt of elector responses in the form attached to the Report from the General Manager, Community Services dated September 12, 2012 in relation to the City of Kelowna proceeding with the Electric Utility Restructuring Opportunity with FortisBC Inc.;

AND FURTHER THAT Council directs staff to seek approval of the Inspector of Municipalities, as required under section 185(1)(b) of the *Community Charter*, for the acquisition of shares in Fortis Inc. from such funds as City Council may allocate for that purpose, which may include funds available out of surplus funds in its electric utility reserve account and the proceeds anticipated from the proposed sale of Kelowna's electrical utility to FortisBC Inc.

Carried6.2 City Clerk, dated September 7, 2012, re: Alternate Approval Form for the Library and Memorial ParkadesMoved by Councillor Stack/Seconded by Councillor Basran

R853/12/09/17 THAT Council receives, for information, the Report from the City Clerk dated September 7, 2012 regarding the Alternative Approval Process for the borrowing of Fifteen Million (\$15,000,000.00) Dollars for the creation of a new Memorial Parkade and the extension of the Library Parkade;

AND THAT an alternative approval process opportunity be open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw as outlined in the Report from the Acting General Manager, Corporate Sustainability presented at the Monday, August 20, 2012 Regular Council Meeting;

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AND FURTHER THAT 4pm, Friday, October 26, 2012 be set as the deadline for receipt of elector responses in the form attached to the Report of the City Clerk dated September 7, 2012 in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 10742 being the Extension and New Authorization Bylaw authorizing the borrowing of Fourteen Million (\$14,000,000.00) Dollars for the construction and creation of a new Memorial Parkade and the borrowing of One Million (\$1, 000, 000.00) Dollars for improvements for the existing Library Parkade.

Carried7. BYLAWS FOR ADOPTION (Non-Development Related)

- 7.1 Bylaw No. 10754 - Amendment No. 9 to Noise and Disturbances Control Bylaw No. 6647-90

Moved by Councillor Stack/Seconded by Councillor GivenR854/12/09/17 THAT Bylaw No. 10754 be adopted.Carried8. MAYOR & COUNCILLOR ITEMS

- 8.1 Mayor Gray, re: IronMan Canada

Mayor Gray:

- Read from a Press Release regarding Council's direction to staff to submit an application to the World Triathlon Corporation to hold IronMan Canada events in Kelowna on an annual basis.

- 8.2 Mayor & Councillor Items

Councillor Given:

- Reminded the public that the United Way campaign is underway.
- Noted the great efforts of staff for organizing and running "Operation Unity".

Councillor DeHart:

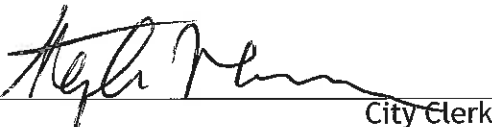
- Advised that the Ramada Lodge United Way Drive Thru Breakfast has been scheduled for October 4, 2012.

9. TERMINATION

The meeting was declared terminated at 4:26 p.m.

Certified Correct:\_\_\_\_\_  
Mayor

SLH/dld


  
\_\_\_\_\_  
City Clerk