

Regular Meeting – P.M.October 25, 2010

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, October 25th, 2010.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; Manager, Property Management, Ron Forbes*; Property Officer, Tammy Abrahamson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

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

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

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

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon, re: Bi-Monthly Policing Report

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Guest, Terry Pakenham, Retired RCMP Member, Chair, Jean Minguay Memorial RCMP Youth Academy:

- Gave a presentation regarding the Jean Minguay Memorial RCMP Youth Academy.
- Would like financial support, in the amount of \$6,000.00, from the City of Kelowna in order to keep the Youth Academy operating.
- Advised that the Academy is looking for a minimum three (3) year funding commitment from the City.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R1007/10/10/25 THAT Council supports, in principle, the request for funding over a three (3) year period, from the Jean Minguay Memorial RCMP Youth Academy and that the funding request be considered during the 2011 budget deliberations.

Carried

Moved by Councillor James/Seconded by Councillor Stack

R1008/10/10/25 THAT Council receive, for information, the Bi-Monthly Policing Report dated October 25, 2010.

Carried

Regular Meeting – P.M.

October 25, 2010

- 3.2 Fred Steele, Executive Member, BC Fruit Growers' Association, re: Presentation to Municipalities, Fall 2010

Fred Steele, Executive Member, BC Fruit Growers' Association:

- Gave a presentation regarding the BC Fruit Grower's Association's activities.

Moved by Councillor Hobson/Seconded by Councillor Stack

R1009/10/10/25 THAT Council receive, for information, the verbal presentation from the BC Fruit Growers' Association dated October 25, 2010.

Carried

4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated October 14, 2010, re: Rezoning Application No. Z10-0080 - Paramjit and Mandeep Bal (Axel Hilmer Planning Consultant) - 1329 Nishi Court

- (a) Land Use Management Department report dated October 14, 2010.

Moved by Councillor James/Seconded by Councillor Rule

R1010/10/10/25 THAT Rezoning Application No. Z10-0080 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 13, Section 13, Township 26, ODYD Plan KAP87484, located on Nishi Court, Kelowna, BC from the RU1h - Large Lot Housing zone (Hillside Area) to the RU1hs - Large Lot (Hillside Area) 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 a building permit for the suite be applied for prior to final adoption of the zone.

Carried

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

Bylaw No. 10437 (Z10-0080) - Paramjit and Mandeep Bal (Axel Hilmer Planning Consultant) - 1329 Nishi Court

Moved by Councillor James/Seconded by Councillor Craig

R1011/10/10/25 THAT Bylaw No. 10437 be read a first time.

Carried

- 4.2 Land Use Management Department, dated October 13, 2010, re: Rezoning Application No. Z10-0077 - Etsuko Ikari (Jim Nastos) - 170 Bryden Road

- (a) Land Use Management Department report dated October 14, 2010.

Regular Meeting – P.M.October 25, 2010Moved by Councillor Craig/Seconded by Councillor Hobson

R1012/10/10/25 THAT Rezoning Application No. Z10-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 8, Section 27, Township 26, ODYD Plan 11286, located on Bryden 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 the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

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

Bylaw No. 10438 (Z10-0077) - Etsuko Ikari (Jim Nastos) - 170 Bryden Road

Moved by Councillor Craig/Seconded by Councillor James

R1013/10/10/25 THAT Bylaw No. 10438 be read a first time.

Carried

- 4.3 Land Use Management Department, dated October 15, 2010, re: Rezoning Application No. Z08-0048 - Leo & Shirley Duford and Penny Yaworski (Penny Yaworski) - 4361 Gordon Drive

City Clerk:

- Clarified the wording for Section 2.10.1 and Section 2.10.2 of the Development Application Procedures Bylaw.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R1014/10/10/25 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.10047 (Z08-0048 - Penny Yaworski - 4361 Gordon Drive) be extended from August 19, 2009 to February 19, 2010;

AND THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.10047 (Z08-0048 - Penny Yaworski - 4361 Gordon Drive) be extended from February 19, 2010 to August 19, 2010;

AND FURTHER THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No.10047 (Z08-0048 - Penny Yaworski - 4361 Gordon Drive) be extended from August 19, 2010 to February 19, 2011.

Carried

Regular Meeting – P.M.

October 25, 2010

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Manager, Property Management, dated October 18, 2010, re: Bareland Lease Renewal – St. George Transportation Ltd. (Hardy Road)

Moved by Councillor Blanleil/Seconded by Councillor Stack

R1015/10/10/25 THAT Council approve the City entering into a Lease between the City of Kelowna and St. George Transportation, in the form attached to the Report of the Manager, Property Management, dated October 18, 2010, for the use of City-owned property being Lot C, Plan 29659, for a term of two (2) years commencing on October 1, 2010 at a rate of \$10,927.00 per year, with no further right of renewal, for the purposes of parking and general storage.

AND THAT the Mayor and City Clerk be authorized to execute the said Lease.

Carried

- 5.2 Manager, Property Management, dated October 18, 2010, re: Bareland Lease Renewal – Callahan Property Group Ltd. (Hardy Road)

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R1016/10/10/25 THAT Council approve the City entering into a Lease between the City of Kelowna and Callahan Property Group Ltd., in the form attached to the Report of the Manager, Property Management dated October 18, 2010, for the use of City-owned property being Lot C, Plan 20659, for a term of two (2) years commencing on October 1, 2010 at a rate of \$10,380.00 per year, with no further right of renewal, for the purposes of parking and general storage.

AND THAT the Mayor and City Clerk be authorized to execute the said Lease.

Carried

- 5.3 Manager, Property Management, dated October 18, 2010, re: Encroachment Agreement – Vibona Enterprises Ltd. – 1302 St. Paul Street

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R1017/10/10/25 THAT Council approve the City entering into an Encroachment Agreement with Vibona Enterprises Ltd., in the form attached to the Report of the Manager, Property Management dated October 18, 2010, regarding a façade improvement which is encroaching on City-owned property;

AND THAT the Mayor and City Clerk be authorized to execute the said Encroachment Agreement.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR AMENDMENT AT THIRD READING)

- 6.1 Bylaw No. 10391 – Amendment No. 6 to Development Cost Charge Bylaw No. 9095

Regular Meeting – P.M.

October 25, 2010

Moved by Councillor Rule/Seconded by Councillor Hodge

R1018/10/10/25 THAT Bylaw No. 10391 be amended at third reading by deleting Schedule “A” attached to and forming part of the Bylaw and replacing it with a new Schedule “A”.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

6.2 Bylaw No. 10425 - Maintenance of Boulevards by Owners of Lands Abutting Thereon

Moved by Councillor Hodge/Seconded by Councillor Rule

R1019/10/10/25 THAT Bylaw No. 10425 be adopted.

Carried

6.3 Bylaw No. 10426 - Amendment No. 16 to Parks & Public Open Space Bylaw No. 6819-91

Moved by Councillor Blanleil/Seconded by Councillor Reid

R1020/10/10/25 THAT Bylaw No. 10426 be adopted.

Carried

6.4 Bylaw No. 10430 - 2011 Permissive Tax Exemption Bylaw - **Requires a 2/3 majority of Council**

Councillor Stack declared a conflict of interest as the organization he is affiliated with has applied for a tax exemption from the City and left the meeting at 2:57 p.m.

Moved by Councillor Rule/Seconded by Councillor Hobson

R1021/10/10/25 THAT Bylaw No. 10430 be adopted.

Carried

7. MAYOR & COUNCILLOR ITEMS

7.1 Mayor Shepherd, re: “Spirit of Kelowna” Acknowledgment

Councillor Stack rejoined the meeting at 2:57 p.m.

Mayor Shepherd:

- Acknowledged Nagisa Woods as the latest recipient of the “Spirit of Kelowna” Acknowledgement. Ms. Wood organized the trip to Kasugai, Japan in conjunction with the Kelowna-Kasugai Sister City Association.

7.2 Mayor Shepherd and Councillor Stack, re: Official Visit to Kasugai, Japan

Mayor Shepherd and Councillor Stack:

- Provided a synopsis of their recent visit to Kasugai, Japan.
- Advised that the Kelowna-Kasugai Sister City Association is having a “Taste of Japan” on November 21, 2010.

Regular Meeting – P.M.

October 25, 2010

7.3 Councillor Hodge, re: Liquor Control Branch – Liquor License Suspension Process

Councillor Hodge:

- Would like clarification from the Liquor Control Branch regarding the Liquor License Suspension process.

Moved by Councillor Hodge/Seconded by Councillor Blanleil

R1022/10/10/25 THAT Council directs staff to write a letter to the Liquor Control & Licensing Branch requesting that the following information be provided to Kelowna City Council:

- a) clarification of the liquor license suspension process, including the length of time between when an offence has occurred and when the penalty is imposed; and
- b) clarification with respect to the determination of the length/severity of the penalty and when the suspension occurs.

Carried

8. TERMINATION

The meeting was declared terminated at 3:28 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk