

Regular Meeting – P.M.

February 28, 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, February 28<sup>th</sup>, 2011.

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

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; General Manager, Corporate Sustainability, Paul Macklem\*; Manager, Urban Land Use, Danielle Noble\*; Manager, Park & Public Space Projects, Andrew Gibbs\*; Fire Chief, Jeff Carlisle\*; Assistant Fire Chief, Tom Doherty\*; Property Officer, Graham Hood\*; Manager, Transportation Services, Darryl Astofooroff\*; Director, Recreation & Cultural Services, Jim Gabriel\*; Director, Financial Services, Keith Grayston\*; Manager, Sport & Facility Programs, Don Backmeyer\*; Director, Civic Operations, Joe Creron\*; Manager, Utility Services, Don Degen\*; 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 and a delayed broadcast is shown on Shaw Cable.

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

Mayor Shepherd advised that the Laurel Packinghouse has received a heritage award.

3. PUBLIC IN ATTENDANCE

3.1 Superintendent McKinnon, re: Bi-Monthly Policing Report

Superintendent McKinnon:

- Presented the Bi-Monthly Policing Report.

Moved by Councillor Hodge/Seconded by Councillor Stack

R189/11/02/28 THAT Council receives, for information, the Bi-Monthly Policing Report from Superintendent McKinnon dated February 28, 2011.

Carried

3.2 Heather Schneider, Chair, International Children's Winter Games Committee, re: International Children's Winter Games – Final Report

Staff:

- Showed a collage video of the International Children's Winter Games.

Heather Schneider, Chair, International Children's Winter Games Committee:

- Presented the Final Report from the International Children's Winter Games Committee.

- Advised that the Committee is in the process of completing an economic impact study and will provide the data to Council once available.

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- Advised that as a former host City, Kelowna is now a full member of the International Children's Games Committee.
- Introduced the children in the gallery who will be representing the City of Kelowna at the International Children's Summer Games in Scotland in August.
- Presented the Mayor, on behalf of the City of Kelowna, with a special picture collage of the International Children's Winter Games.
- Advised that a not-for-profit Society has been established in order to assist future athletes in competing at future International Children's Games.

Moved by Councillor Hodge/Seconded by Councillor Craig

**R190/11/02/28** THAT Council receives, for information, the verbal presentation from the Chair, International Children's Winter Games Committee, dated February 28, 2011 with respect to the International Children's Winter Games Final Report.

Carried

- 3.3 Gary Williams, Manager Network Services, Okanagan Region, FortisBC, re: Integrated System Plan

Bob Gibney, Manager, Corporate Services & Aboriginal Affairs, FortisBC:

- Advised that the City of Kelowna is one of the first municipalities to be given this presentation.
- Introduced the presentation and the presenter, Gary Williams.
- Advised that as of March 1, 2011, Terasen Gas Inc. will cease to exist as a name and will be amalgamated with FortisBC Inc.

Gary Williams, Manager Network Services, Okanagan Region, FortisBC:

- Presented FortisBC's proposed Integrated System Plan.

Moved by Councillor Rule/Seconded by Councillor James

**R191/11/02/28** THAT Council receives, for information, the verbal presentation from FortisBC dated February 28, 2011 with respect to the Integrated System Plan.

Carried

#### 4. DEVELOPMENT APPLICATION REPORTS

- 4.1 Land Use Management Department, dated February 16, 2011, re: Rezoning Application No. Z11-0002 - Kenneth D. Chung (Ken Chung) - 2055 Golfview Road

- (a) Land Use Management Department report dated February 16, 2011.

Moved by Councillor Hodge/Seconded by Councillor Craig

**R192/11/02/28** THAT Rezoning Application No. Z11-0002 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 10, Section 29, Township 26, ODYD Plan 17315 located on Golfview 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;

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AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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

AND THAT bylaw services confirm that only one suite exists on the subject property;

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

Carried

(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10491 (Z11-0002) - Kenneth D. Chung (Ken Chung) - 2055 Golfview Road

Moved by Councillor Stack/Seconded by Councillor Reid-Nagy

R193/11/02/28 THAT Bylaw No. 10491 be read a first time.

Carried

4.2 Land Use Management Department, dated February 18, 2011 re: Official Community Plan Bylaw Amendment Application No. OCP09-0018 and Rezoning Application No. Z09-0069 - Watermark Developments Ltd. and Academy Apartments Ltd. (Watermark Developments Ltd.) - 899 Academy Way, 285 Arab Road and (N of) Arab Road

(a) Land Use Management Department report dated February 18, 2011.

Moved by Councillor Craig/Seconded by Councillor James

R194/11/02/28 THAT OCP Bylaw Amendment No. OCP09-0018 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designations of: Lot 2, Section 10, Twp. 23, ODYD, Plan KAP86356, located at 899 Academy Way from Multiple Unit Residential - Medium Density, Commercial and Major Park & Open Space to Multiple Unit Residential - Medium Density, Commercial and Major Park & Open Space; the North East ¼ of Section 3, Twp. 23, ODYD, located at the (N OF) Arab Road from Multiple Unit Residential - Medium Density, Multiple Unit Residential - Low Density, Single / Two Unit Residential, Major Park & Open Space, and Education & Minor Institutional to Multiple Unit Residential - Medium Density, Multiple Unit Residential - Low Density, Single / Two Unit Residential, Major Park & Open Space, Education & Minor Institutional and Commercial; and the North ½ of the South East ¼ of Section 3, Twp. 23, ODYD , Except Plan KAP88257, located at 285 Arab Road from Multiple Unit Residential - Low Density, Single / Two Unit Residential and Major Park & Open Space to Multiple Unit Residential - Low Density, Single / Two Unit Residential, Major Park & Open Space and Education & Minor Institutional as shown on 'Map' A attached to the report of the Land Use Management Department, dated February 18, 2011, be considered by Council;

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AND THAT Council considers the APC 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 February 18, 2011;

AND THAT Rezoning Application No. Z09-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of: Lot 2, Section 10, Twp. 23, ODYD, Plan KAP86356, located at 899 Academy Way from A1 - Agricultural 1 to C3 - Community Commercial, RM5 - Medium Density Multiple Housing and RM4 - Transitional Low Density Housing; a portion of the North East ¼ of Section 3, Twp. 23, ODYD, located at the (N OF) Arab Road from A1 - Agriculture 1 to C3 - Community Commercial, RM5 - Medium Density Multiple Housing, RM4 - Transitional Low Density Housing, RM3 - Low Density Multiple Housing, P2 - Education and Minor Institutional and P3 - Parks and Open Space; a portion of the North ½ of the South East ¼ of Section 3, Twp. 23, ODYD, Except Plan KAP88257, located at 285 Arab Road from A1 - Agricultural - 1 to RM3 - Low Density Multiple Housing, P2 - Education and Minor Institutional and P3 - Parks and Open Space as shown on Map "B" attached to the report of the Land Use Management, dated February 18, 2011, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP09-0018 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 on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Natural Environment Development Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the approval of an appropriate drainage plan;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Preliminary Layout Review (PLR) from the City's Subdivision Approving Officer.

Carried

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

- (i) Bylaw No. 10492 (OCP09-0018) - Watermark Developments Ltd. and Academy Apartments Ltd. (Watermark Developments Ltd.) - 899 Academy Way, 285 Arab Road and (N of) Arab Road - **Requires a majority of all Members of Council (5)**

Moved by Councillor Stack/Seconded by Councillor Reid-Nagy

**R195/11/02/28** THAT Bylaw No. 10492 be read a first time;

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AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 10493 (Z09-0069) – Watermark Developments Ltd. and Academy Apartments Ltd. (Watermark Developments Ltd.) – 899 Academy Way, 285 Arab Road and (N of) Arab Road

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R196/11/02/28 THAT Bylaw No. 10493 be read a first time.

Carried

4.3 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10472 (Z10-0065) – Gregory & Debra Stromquist – 735 Clement Avenue

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R197/11/02/28 THAT Bylaw No. 10472 be adopted.

Carried

- (b) Land Use Management Department, dated February 23, 2011, re: Development Permit Application No. DP10-0103 – Gregory & Debra Stromquist – 735 Clement Avenue

Moved by Councillor Stack/Seconded by Councillor Rule

R198/11/02/28 THAT Final Adoption of Zone Amending Bylaw No. 10472 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP10-0065 for Parcel A, (being a consolidation of lots 16 & 17 see LB441847), Section 30, Township 26, O.D.Y.D., Plan 1039, located on Clement Avenue, 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";
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.

Carried

Councillor Hodge – Opposed.

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5. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

5.1 Bylaw No. 10467 (Z10-0099) - Jade & Erin Hollenbeck - 645 Fraser Road

Moved by Councillor James/Seconded by Councillor Craig

R199/11/02/28 THAT Bylaw No. 10467 be adopted.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.1 Fire Chief, dated February 11, 2011, re: Amendment to Fire Prevention Regulation Bylaw No. 6110-88

Moved by Councillor Hodge/Seconded by Councillor Stack

R200/11/02/28 THAT Council, receives, for approval, the Report from the Fire Chief dated February 11, 2011 allowing an exception to open air burning that allows outdoor fire pits, outdoor fireplaces and barbeques fuelled by natural gas, propane or briquette only;

AND THAT Bylaw No.10463 being Amendment No. 15 to the Fire Prevention Regulation Bylaw No. 6610-88 be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 10487 being Amendment No. 1 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

Carried

6.2 Director, Financial Services, dated February 23, 2011, re: School Site Acquisition Charge

Staff:

- Advised that the Province has confirmed that funds cannot be added to the rate; and therefore, the Province will not allow the administration cost to be included in the value of the land.
- Confirmed that system-wise, staff is ready for the implementation of the charge.
- Advised that the School District must apply for the charge otherwise it will not be eligible for funding from the Provincial Government for the purchase of land for school sites.

Moved by Councillor Craig/Seconded by Councillor James

R201/11/02/28 THAT Council accepts the resolution from the Board of Education of School District No. 23 for the Eligible School Sites Proposal as attached as attachment 1 to the report of the Director, Financial Services dated February 23, 2011;

AND THAT Council direct staff to work with School District No. 23 and the Province in order to allow collection of an administrative charge that recovers the City of Kelowna's cost of collecting the School Site Acquisition Charge;

AND FURTHER THAT the City of Kelowna supports the 2011 SILGA Resolution from the District of West Kelowna attached as attachment 2 to the Report of the Director, Financial Services dated February 23, 2011, with regard to an equitable provincial system to collect funding School Site Acquisition Charges

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or equivalent charges from new developments on First Nation lands should local Boards of Education impose this charge on neighbouring municipalities.

Carried

- 6.3 Manager, Sport & Facility Programs, dated February 23, 2011, re: BC Dragon Centennial Celebration – May 13, 14 & 15, 2011

Staff:

- Advised that if the grant application to Veterans Affairs is successful, then the amount required from Council Contingency will be reduced.

Moved by Councillor Hodge/Seconded by Councillor Rule

R202/11/02/28 THAT Council approves an expenditure of up to \$17,500.00 from Council Contingency to assist in the co-ordination of the BC Dragon Centennial Exercise “Freedom of the City” as outlined in the Report from the Sport and Facility Programs Manager dated February 23, 2011;

AND THAT Council approves an expenditure of \$2,500.00 to host the Veendam Sister City Association during their weeklong visit to Kelowna and attendance at the BC Dragons Centennial.

Carried

- 6.4 Manager, Park & Public Space Projects, dated February 21, 2011, re: Design Exchange Award – Stuart Park

Staff:

- Advised that the City of Kelowna received a “bronze” award for the Design Exchange for Stuart Park, Phase 1 and presented the award to Mayor Shepherd.

Moved by Councillor Rule/Seconded by Councillor James

R203/11/02/28 THAT Council receives, for information, the report from the Manager of Park and Public Space Projects, dated February 21, 2011 regarding the 2010 Design Exchange Awards for Stuart Park.

Carried

- 6.5 Manager, Transportation Services, dated February 17, 2011, re: New Council Policy No. 358 – Roadside Memorials

Staff:

- Advised that the City’s policy is similar to the Ministry of Transportation’s roadside memorial policy, except that the Ministry of Transportation’s policy does not state a time limit.

Moved by Councillor Hodge/Seconded by Councillor Craig

R204/11/02/28 THAT Council directs staff to remove the two (2) year condition from the draft Council Policy No. 358;

AND THAT Council directs staff to add “Section D – Other Opportunities for Families to Consider” to the draft Council Policy No. 358;

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AND FURTHER THAT Council adopts Council Policy No. 358, being Roadside Memorials, as amended by Council.

Carried  
Councillor Stack - Opposed.

- 6.6 Manager, Utility Services, dated February 23, 2011, re: Landfill Tipping Fee Waiver for Non-Profit Organizations Who Provide a Benefit to the Community by Recycling Materials

Councillor Stack declared a conflict of interest as the organization he represents may be applying for the waiver under the proposed Council Policy and left the meeting at 3:51 p.m.

Staff:

- Advised that the non-profit organization will only have to make application once. Staff will review all of the applications on an annual basis to ensure that the non-profit organizations still qualify for the waiver.
- Explained the process for dealing with a non-profit organization from another jurisdiction that might be dumping at the landfill.

Moved by Councillor Hodge/Seconded by Councillor James

R205/11/02/28 THAT Council receives, for information, the Report from the Utility Services Manager dated February 23, 2011 for the Landfill Tipping Fee Waiver for Non Profit Organizations involved in the diversion of recyclable materials;

AND THAT Council adopts Council Policy No. 357, being Landfill Tipping Fee Waiver as outlined in the Report from the Utility Services Manager dated February 23, 2011;

AND FURTHER THAT staff report back to Council with an update regarding the implementation of Council Policy No. 357.

Carried

Councillor Stack rejoined the meeting at 4:01 p.m.

- 6.7 Manager, Real Estate Services, dated February 23, 2011, re: Proposed Road Closure and Consolidation of City-owned Park Property being Lots A & B, Plan KAP74842

Moved by Councillor Hodge/Seconded by Councillor Craig

R206/11/02/28 THAT Council, receive, for information, the Report from the Manager, Real Estate & Building Services dated February 23, 2011, recommending that Council adopt the proposed road closure and consolidation with City-owned park property being Lots A & B, Plan KAP74842;

AND THAT Bylaw No. 10486, being proposed road closure of lane north of Lindahl Street be forwarded for reading consideration.

Carried



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- 6.8 City Clerk, dated February 22, 2011, re: Housekeeping Amendments to the Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Stack/Seconded by Councillor Rule

**R207/11/02/28** THAT Council, receives, for information, the Report from the City Clerk dated February 22, 2011 clarifying miscellaneous housekeeping amendments to the Bylaw Notice Enforcement Bylaw No. 10475;

AND THAT Bylaw No. 10490, being Amendment No. 2 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10463 - Amendment No. 15 to Fire Prevention Regulations Bylaw No. 6110-88
- 7.2 Bylaw No. 10486 - Road Closure Bylaw - Portion of Lane North of Lindahl Street
- 7.3 Bylaw No. 10487 - Amendment No. 1 to Bylaw Notice Enforcement Bylaw No. 10475
- 7.4 Bylaw No. 10490 - Amendment No. 2 to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Rule/Seconded by Councillor Hodge

**R208/11/02/28** THAT Bylaw Nos. 10463, 10486, 10487 and 10490 be read a first, second and third time.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Terry Beaudry, Assistant Superintendent, School District #23, as the latest recipient of the "Spirit of Kelowna" Acknowledgment for helping to make "Harmony Day" a special celebration in our school district.

9. TERMINATION

The meeting was declared terminated at 4:07 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

SLH/dld