

Regular Meeting – P.M.March 7, 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, March 7th, 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; Supervisor, Urban Land Use, Danielle Noble*; Manager, Cultural Services, Sandra Kochan*; Public Art Coordinator, Hannah Bellamy*; Planner Specialist, Pat McCormick*; Manager, Parks & Public Places, Terry Barton*; Subdivision Approving Officer, Ryan Smith*; Director, Infrastructure Planning, Randy Cleveland*; Budget Performance Accountant, Melanie Antunes*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 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 Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Scott Wilson, General Manager, Okanagan Symphony Society, re: 2011 Professional Arts Grant Recipient Update

Staff:

- Provided introductory remarks and introduced the members of the Society giving the presentation.

Scott Wilson, General Manager, and Rosemary Thomson, Music Director, Okanagan Symphony Society:

- Gave a presentation with respect to the Okanagan Symphony Society's recent history and future plans.

Moved by Councillor Rule/Seconded by Councillor Hobson

R217/11/03/07 THAT Council receives, for information, the verbal presentation from the Okanagan Symphony Society dated March 7, 2011.

Carried

3.2 Anna Warwick Sears, Executive Director, Okanagan Basin Water Board, re: Program Update

Anna Warwick Sears, Executive Director, Okanagan Basin Water Board:

- Distributed a Memo addressed to the OBWB Directors dated February 23, 2011 regarding the Water Supply & Demand Project Updates – Applications.
- Gave a presentation with respect to the Okanagan Basin Water Board's programs for 2011.

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Moved by Councillor James/Seconded by Councillor Hodge

R218/11/03/07 THAT Council receives, for information, the verbal presentation from the Okanagan Basin Water Board dated March 7, 2011.

Carried

4. COMMITTEE REPORTS

4.1 Public Art Committee, dated March 2, 2011, re: Proposed Appointments to the Public Art Committee

Moved by Councillor Craig/Seconded by Councillor Reid-Nagy

R219/11/03/07 THAT Council receives, for information, the Report from the Public Art Committee dated March 2, 2011 with respect to the proposed appointments to the Public Art Committee;

AND THAT Council approves the appointment of James Calder, Catherine Hale, and Nataley Nagy to the Public Art Committee for the balance of the term expiring in November, 2011.

Carried

5. DEVELOPMENT APPLICATION REPORTS

5.1 Land Use Management Department, dated February 24, 2011, re: Rezoning Application No. Z11-0008 - Corey Knorr Construction Ltd. - 935 Gibson Road

(a) Land Use Management Department report dated February 24, 2011.

Moved by Councillor Stack/Seconded by Councillor Hobson

R220/11/03/07 THAT Rezoning Application No. Z11-0008 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, Section 25, Township 26 ODYD Plan KAP 89147, located on Gibson 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.

Carried

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

Bylaw No. 10497 (Z11-0008) - Corey Knorr Construction Ltd. - 935 Gibson Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R221/11/03/07 THAT Bylaw No. 10497 be read a first time.

Carried

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5.2 Land Use Management Department, dated February 23, 2011 re: Rezoning Application No. Z11-0004 - Clayton Bruce Ivan - 3399 East Kelowna Road

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

Staff:

- Advised that the Covenant was a direct condition of the Agricultural Land Commission's approval of the application.

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R222/11/03/07 THAT Rezoning Application No. Z11-0004 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 15, Township 26, ODYD Plan KAP68999, located on East Kelowna, 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 the suite be eligible for final occupancy prior to final adoption of the zone;

AND THAT registration of a covenant that prohibits additional residential dwellings on the property and prohibits the replacement of the exiting dwellings without Agricultural Land Commission permission (i.e. the land owner cannot demolish and rebuild the existing house on the property without ALC permission);

AND THAT the remediation/clean-up of the subject property with respect to the storage and placement of vehicles and other equipment to allow for the provision of future agricultural activities or the expansion of current farm operations be completed prior to final occupancy of the suite;

AND FURTHER 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. 10498 (Z11-0004) - Clayton Bruce Ivan - 3399 East Kelowna Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R223/11/03/07 THAT Bylaw No. 10498 be read a first time.

Carried

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- 5.3 Land Use Management Department, dated February 24, 2011, re: Rezoning Application No. Z09-0048 – City of Kelowna – 1940 Union Road

Moved by Councillor Craig/Seconded by Councillor Hodge

R224/11/03/07 THAT in accordance with Development Application Procedures Bylaw No. 8140, the deadline for the adoption of Zone Amending Bylaw No. 10272 (Z09-0048, City of Kelowna, Union Road, be extended from January 12, 2011 to June 12, 2011;

AND THAT Final Adoption of Zone Amending Bylaw No. 10272 be considered by Council.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 10272 (Z09-0048) – City of Kelowna – 1940 Union Road

Moved by Councillor Hodge/Seconded by Councillor Rule

R225/07/03/07 THAT Bylaw No. 10272 be adopted.

Carried

- 6.2 Bylaw No. 10435 (OCP09-0012) – City of Kelowna – To create the Industrial – Limited Designation in Chapter 19 – Future Land Uses – Requires a majority of all Members of Council (5)

Moved by Councillor Craig/Seconded by Councillor James

R226/07/03/07 THAT Bylaw No. 10435 be adopted.

Carried

- 6.3 Bylaw No. 10434 (TA10-0008) – City of Kelowna – Industrial Zones – I6-Low Impact Transitional Industrial Zone

Moved by Councillor James/Seconded by Councillor Craig

R227/07/03/07 THAT Bylaw No. 10434 be adopted.

Carried

- 6.4 Bylaw No. 10464 (Z10-0098) – Mary Bell and Jennifer Bell – 900 Hickory Road

Moved by Councillor Craig/Seconded by Councillor James

R228/07/03/07 THAT Bylaw No. 10464 be adopted.

Carried

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- 6.5 Bylaw No. 10476 (Z10-0105) - 0726570 BC Ltd. (Paul Watson) - 1362
Tanemura Crescent

Moved by Councillor Blanleil/Seconded by Councillor Reid-Nagy

R229/07/03/07 THAT Bylaw No. 10476 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

As staff was not available to speak to Agenda Item 7.1, the Mayor advised that Agenda Item 7.2 would be moved forward and dealt with immediately.

- 7.2 Subdivision Approving Officer, dated March 1, 2011, re: Amendment to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor James/Seconded by Councillor Rule

R230/11/03/07 THAT Council receives for information, the Report from the Subdivision Approving Officer dated March 1, 2011 outlining amendments to the Bylaw Notice Enforcement Bylaw which add the Soil Removal and Deposit Bylaw No. 9612 enforcement penalties;

AND THAT first three readings to Bylaw No. 10232, being Amendment No. 76 to the City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 be rescinded;

AND FURTHER THAT Bylaw No. 10490, being Amendment No. 3 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

Carried

- 7.1 Budget Performance Accountant, dated March 2, 2011, re: Federal Gas Tax Project Applications

Staff:

- Gave a presentation with respect to the City's Federal Gas Tax Project Applications.

Moved by Councillor Reid-Nagy/Seconded by Councillor Hobson

R231/11/03/07 THAT Council receives, for information, the Report from the Budget Performance Accountant dated March 2, 2011, with respect to Federal Gas Tax Project Applications;

AND THAT Council endorses the following recommended projects for application to The Union of BC Municipalities (UBCM) for Federal Gas Tax funding:

- General Strategy Priorities Fund: Lakeshore Road Bridge at Mission Creek;
- General Strategy Priorities Fund (Capacity Building): 20-Year Integrated Community Sustainability Capital Plan;
- Innovations Fund: Corporate/Airport GHG Reduction Plan Implementation;
- Innovations Fund (Capacity Building): Form-Based Codes, Low Carbon Economic Development Zone;

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AND FURTHER THAT Council directs staff to report back with supplementary budget requests based on the success of the applications prior to entering into a final grant agreement.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAW PRESENTED FOR RESCINDMENT AT THIRD READING)

- 8.1 Bylaw No. 10232 - Amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R232/11/03/07 THAT first, second and third readings given to Bylaw No. 10232 be rescinded and the file closed.

Carried

(BYLAW PRESENTED FOR FIRST THREE READINGS)

- 8.2 Bylaw No. 10496 - Amendment No. 3 to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Reid-Nagy/Seconded by Councillor Blanleil

R233/11/03/07 THAT Bylaw No. 10496 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 8.3 Bylaw No. 10463 - Amendment No. 15 to Fire Prevention Regulations Bylaw No. 6110-88

Moved by Councillor Hobson/Seconded by Councillor Stack

R234/07/03/07 THAT Bylaw No. 10463 be adopted.

Carried

- 8.4 Bylaw No. 10487 - Amendment No. 1 to Bylaw Notice Enforcement Bylaw No. 10475

Moved by Councillor Hobson/Seconded by Councillor Stack

R235/07/03/07 THAT Bylaw No. 10487 be adopted.

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- 8.5 Bylaw No. 10490 - Amendment No. 2 to Bylaw Notice Enforcement
Bylaw No. 10475

Moved by Councillor Stack/Seconded by Councillor Hobson

R236/07/03/07 THAT Bylaw No. 10490 be adopted.

Carried

9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Janine Draper, Teacher at First Lutheran Christian School, as the latest recipient of the "Spirit of Kelowna" Acknowledgement for all of the great work she did to organize a municipal election for her Grade 3/4 class.

- 9.2 Councillor Items

Mayor Shepherd:

- Advised that Tuesday, March 8, 2011 is the 100th Anniversary of International Women's Day.

10. TERMINATION

The meeting was declared terminated at 3:00 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld