

Regular Meeting – P.M.

September 12, 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, September 12th, 2011.

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

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham*; Director, Land Use Management, Shelley Gambacort*; Manager, Urban Land Use, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Director, Policy & Planning, Signe Bagh*; Records & Information Coordinator, Cory Gain*; Manager, Long Range Planning, Gary Stephen*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:33 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 Hobson was requested to check the minutes of the meeting.

3. COMMITTEE REPORTS

3.1 Women's and Community Advisory Committee, dated August 30, 2011, re: 2011 Community Forum: Women: Voices for Action!

Staff:

- Introduced the Chair of the Women's and Community Advisory Committee.

Micki Smith, Chair, Women's and Community Advisory Committee:

- Summarized the recommendations contained in the Women - Voices for Action! Forum Report.

Moved by Councillor Rule/Seconded by Councillor Hodge

R888/11/09/12 THAT Council receives, for information, the Women - Voices for Action! Forum Report dated August 21, 2011 as attached to the Report of the Women's and Community Advisory Committee dated August 30, 2011;

AND THAT Council directs the Women's and Community Advisory Committee to review the information contained in the Women - Voices for Action! Forum Report and work with staff to establish a priority and implementation plan for Council's consideration.

Carried

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4. UNFINISHED BUSINESS

- 4.1 Manager, Long Range Planning, dated July 22, 2011, re: Official Community Plan 2030 Bylaw No. 10500 – Council Resolutions

Staff:

- Presented on their responses to Council's earlier resolutions.

City Clerk:

- Advised that any changes to the Official Community Plan, including the policy statements, would require a Public Hearing.

Moved by Councillor James/Seconded by Councillor Hodge

R889/11/09/12 THAT Council directs staff to amend Official Community Plan Policy 12.9.1 as part of the future Kelowna 2030 Official Community Plan housekeeping amendments.

Carried

Moved by Councillor Stack/Seconded by Councillor Hobson

R890/11/09/12 THAT Council directs staff, as part of the future Kelowna 2030 Official Community Plan amendments, to amend the Kelowna 2030 Official Community Plan to change the future land use designation of the south side of Manhattan Drive from the "Industrial" designation to the "Commercial" designation.

Carried

Moved by Councillor Hobson/Seconded by Councillor Stack

R891/11/09/12 THAT Council receives, for information, the report from the Long Range Planning Manager dated July 22, 2011 with responses in regard to Council resolutions from May 30, 2011.

Carried

5. DEVELOPMENT APPLICATION REPORTS

- 5.1 Land Use Management Department, dated August 8, 2011, re: Rezoning Application No. Z11-0060 – DRS Ventures Ltd. (DE Pilling & Associates Ltd.) – 1800 Crosby Road

- (a) Land Use Management Department report dated August 8, 2011.

Moved by Councillor James/Seconded by Councillor Stack

R892/11/09/12 THAT Rezoning Application No. Z11-0060 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of The South East ¼ of Section 5 Township 23 ODYD Except Plan 896, located at 1800 Crosby Road, Kelowna, BC from the A1 – Agriculture 1 zone to the A1s – Agricultural 1 with Secondary Suite zone, be considered by Council;

AND THAT the 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 subsequent to the requirements of the Development Engineering Department being completed to their satisfaction;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10593 (Z11-0060) - DRS Ventures Ltd. (DE Pilling & Associates Ltd.) - 1800 Crosby Road

Moved by Councillor Rule/Seconded by Councillor HodgeR893/11/09/12 THAT Bylaw No. 10593 be read a first time.Carried

5.2 Land Use Management Department, dated August 31, 2011 re: Official Community Plan Amendment No. OCP11-0004 and Rezoning Application No. Z11-0034 - Worman Commercial - 565, 591, 615, 641 Osprey Avenue and 564, 594, 616, 636 Raymer Avenue

(a) Land Use Management Department report dated August 31, 2011.

Moved by Councillor Hobson/Seconded by Councillor StackR894/11/09/12 THAT Resolution R820/11/08/22 be rescinded;

AND THAT OCP Bylaw Amendment No. OCP11-0004 to amend Map 4.1 of the *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 by changing the Future Land Use designation of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from the Multiple Unit Residential - Medium Density designation to the Commercial designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2011, be considered by Council;

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 July 29, 2011;

AND THAT Rezoning Application No. Z11-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from RU6 - Two

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Dwelling Housing to the C4 - Urban Centre Commercial Zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP11-0004 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 and Development Variance Permit on the subject properties;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties as proposed;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure and the registration of Statutory Right of Ways for Public Utilities and Public Access;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to a 15m road dedication for the Tutt Street link between Osprey and Raymer Avenues.

Carried

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

- (i) Bylaw No. 10599 - Worman Commercial - 565, 591, 615, 641 Osprey Avenue and 564, 594, 616, 636 Raymer Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R895/11/09/12 THAT Bylaw No. 10599 be read a first time;

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

Carried

- (ii) Bylaw No. 10600 - Worman Commercial - 565, 591, 615, 641 Osprey Avenue and 564, 594, 616, 636 Raymer Avenue

Moved by Councillor Hodge/Seconded by Councillor Rule

R896/11/09/12 THAT Bylaw No. 10600 be read a first time.

Carried

5.3 Land Use Management Department, dated September 2, 2011 re: Rezoning Application No. Z11-0059 - C. Gavel Homes and Consulting (Fred and Shelley Schmidt) - 1455 Collison Road)

- (a) Land Use Management Department report dated September 2, 2011.

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R897/11/09/12 THAT Rezoning Application No. Z11-0059 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot E, Section 22, Township 26, ODYD, Plan 11943, located on 1455 Collison Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a Development Permit for the form and character of the second dwelling be applied for prior to final adoption of the zone;

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

Carried

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

Bylaw No. 10598 - C. Gavel Homes and Consulting (Fred and Shelley Schmidt) - 1455 Collison Road

Moved by Councillor James/Seconded by Councillor Craig

R898/11/09/12 THAT Bylaw No. 10598 be read a first time.

Carried

- 5.4 Land Use Management Department, dated September 7, 2011 re: Development Permit Application No. DP11-0150 - New Town Planning Services Inc. (0904416 B.C. Ltd.) - 773 Glenmore Road

Councillor Reid-Nagy declared a conflict of interest as her husband's company is the general contractor for the development and left the meeting at 2:40 pm.

Moved by Councillor Stack/Seconded by Councillor Hodge

R899/11/09/12 THAT Council authorize the issuance of Development Permit No. DP11-0150 for Lot B, Sec. 29, Twp. 26, O.D.Y.D., Plan KAP70320 Exc. Air Space Plan KAP73723, located on Glenmore Drive, 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.

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Councillor Reid-Nagy rejoined the meeting at 2:43 p.m.

- 5.5 Land Use Management Department, dated August 29, 2011 re: Rezoning Application No. Z07-0079 and Official Community Plan Amendment No. OCP08-0011 - Kathleen (Kimble) Mooney - 5007 Chute Lake Road

Moved by Councillor Craig/Seconded by Councillor James

R900/11/09/12 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Bylaw No. 10389 and Zone Amending Bylaw No. 10390 (Z07-0079/OCP08-0011, Kimble Mooney, 5007 Chute Lake Rd), be extended from August 24, 2011 to February 24, 2012.

Carried

- 5.6 Land Use Management Department, dated August 29, 2011 re: Rezoning Application No. Z08-0048 - Rajveer Deol- 4361 Gordon Drive

Moved by Councillor Rule/Seconded by Councillor Reid-Nagy

R901/11/09/12 THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No.10047 (Z08-0048 - 4361 Gordon Drive) be extended from August 19, 2011 to February 19, 2012.

Carried

6. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 6.1 Bylaw No. 10572 (Z11-0036) - Bevin & Alvina Buehler - 620 Dougall Road South

Moved by Councillor Craig/Seconded by Councillor James

R902/11/09/12 THAT Bylaw No. 10572 be adopted.

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6.2 Bylaw No. 10578 (Z11-0055) - Tracie Ward - 1075 Wintergreen Drive

Moved by Councillor Stack/Seconded by Councillor Reid-Nagy

R903/11/09/12 THAT Bylaw No. 10578 be adopted.

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Land Use Management Department, dated September 7, 2011, re: Amendment to Sign Bylaw No. 8235 to Clarify Regulation of Electronic Changeable Copy Signs, Project Signs, and Project Banner Signs

City Clerk:

- Provided clarification with respect to the amendment regarding off-site real estate signs

Moved by Councillor Stack/Seconded by Councillor Craig

R904/11/09/12 THAT Sign Bylaw Amendment No. 18 to amend City of Kelowna Sign Bylaw No. 8235, by adding text as per Schedule "A" as outlined in the report of the Land Use Management Department dated September 2, 2011 be considered by Council.

Carried

7.2 Manager, Community Planning, dated September 6, 2011, re: Grant Programs Administration Costs

Moved by Councillor Hobson/Seconded by Councillor Stack

R905/11/09/12 THAT Council receives, for information, the report of the Community Planning Manager dated September 6, 2011, outlining the administration costs of contracted grant programs.

Carried

7.3 City Clerk, dated September 7, 2011, re: Alternative Approval Process - UV Disinfection Facility and Transmission Main

Moved by Councillor Hobson/Seconded by Councillor James

R906/11/09/12 THAT Council receives for information, the Report from the City Clerk, dated September 1, 2011 regarding the Alternative Approval Process for the UV Disinfection Facility and Transmission Main;

AND THAT an alternative approval process opportunity 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 Finance Special Projects Manager presented at the Monday, August 08, 2011 Regular Council Meeting;

AND FURTHER THAT 4pm, Monday, October 24, 2011 be set as the deadline for receipt of elector responses in the form attached to the September 07, 2011 report of the City Clerk in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 10583 being the Loan Authorization Bylaw for the UV Disinfection Facility and Transmission Main authorizing the borrowing of Three

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Million Dollars (\$3, 000, 000.00) for the UV Disinfection Facility at Adams Reservoir and a dedicated transmission main to the Adams reservoir for delivery of treated water back to the distribution systems.

Carried

7.4 City Clerk, dated September 7, 2011, re: Electrical System Upgrades

Moved by Councillor Craig/Seconded by Councillor James

R907/11/09/12 THAT Council receives for information, the Report from the City Clerk, dated September 7, 2011 regarding the Alternative Approval Process for the Electrical System Upgrades;

AND THAT an alternative approval process opportunity open to all electors within the City of Kelowna be initiated in relation to the borrowing by loan authorization bylaw as outlined in the Electrical Systems Upgrades report from the Finance Special Projects Manager presented at the Monday, August 08, 2011 Regular Council Meeting;

AND FURTHER THAT 4pm, Monday, October 24, 2011 be set as the deadline for receipt of elector responses in the form attached to the September 07, 2011 report of the City Clerk in relation to the City of Kelowna proceeding with the adoption of Bylaw No. 10582 being the Loan Authorization Bylaw for the Electrical System Upgrades authorizing the borrowing of Four Million Dollars (\$4, 000, 000.00) for the electrical systems upgrades within the City of Kelowna.

Carried

7.5 City Clerk, dated September 6, 2011, re: Amendment to Bernard Revitalization Map - BL10557

City Clerk:

- Clarified the amendments required to the Map.

Moved by Councillor Rule/Seconded by Councillor Hodge

R908/11/09/12 THAT Council receives, for information, the report from the City Clerk, dated September 6, 2011 regarding an amendment to the Bernard Revitalization Project Map "A" in the Establishment of Local Area Service for the Bernard Avenue Revitalization, Bylaw No. 10557.

Carried

7.6 City Clerk, dated August 30, 2011, re: Regulating the Sale of Cats by Pet Stores

Moved by Councillor Hodge/Seconded by Councillor Rule

R909/11/09/12 THAT Council directs staff to draft a bylaw for Council's consideration that restricts the sale of cats by retail pet stores that are not spayed or neutered.

Carried

7.7 Deputy City Clerk, dated September 7, 2011, re: Supplemental Report - Council Remuneration Review

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Deputy City Clerk:

- Provided background information regarding the supplemental report.
- Reviewed the Council Remuneration Review Task Force's recommendations.

Moved by Councillor Stack/Seconded by Councillor Craig

R910/11/09/12 THAT Council directs staff to amend Task Force Recommendation No. 9 to read as follows:

“THAT Council consider appointing a Task Force in 2014 to review remuneration for the next Council term, following a similar process of inviting applications from members of the public interested in participating on a five member task force.”

AND THAT Council accepts the Task Force Recommendations, as amended, as set out in the Report from the Council Remuneration Task Force dated May 10, 2011.

Carried

8. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.1 Bylaw No. 10595 - Amendment No. 18 to City of Kelowna Sign Bylaw No. 8235

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R911/11/09/12 THAT Bylaw No. 10595 be read a first, second and third time.

Carried

- 8.2 Bylaw No. 10557 - Establishment of Local Service Area for the Bernard Avenue Revitalization

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R912/11/09/12 THAT Bylaw No. 10557 be amended at third reading by deleting Map “A” in its entirety and replacing it with a new Map “A”.

Carried

- 8.3 Bylaw No. 10597 - Road Closure and Removal of Highway Dedication Bylaw (Cross Road)

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R913/11/09/12 THAT Bylaw No. 10597 be read a first, second and third time.

Carried

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9. MAYOR & COUNCILLOR ITEMS

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

Mayor Shepherd:

- Acknowledged Shirley Jansen as the latest recipient of the “Spirit of Kelowna” Acknowledgment for the excellent work she does with the Vigil Program and the Central Okanagan Hospice Association.

10. TERMINATION

The meeting was declared terminated at 3:59 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld