

Regular Meeting – P.M.

October 3, 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, October 3rd, 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: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Deputy City Clerk, Karen Needham*; Manager, Urban Land Use, Danielle Noble*; Manager, Parks & Public Places, Terry Barton*; Manager, Long Range Planning, Gary Stephen*; Planner, Luke Turri*; Airport Director, Sam Samaddar*; Manager, Administration & Finance, Noreen Redman*; Director, Financial Services, Keith Grayston*; Manager, Cultural Services, Sandra Kochan*; Manager, Strategic Projects, Mark Watt*; Parks Planner, Barb Davidson*; Manager, Regional Programs, Jerry Dombowsky*; 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 Hodge was requested to check the minutes of the meeting.

3. DEVELOPMENT APPLICATION REPORTS

3.1 Land Use Management Department, dated September 9, 2011, re: Rezoning Application No. Z11-0064 - Gyula & Gyongi Schweigert (Gyula Schweigert) - 1340 Chichester Court

(a) Land Use Management Department report dated September 9, 2011.

Moved by Councillor Hobson/Seconded by Councillor Stack

R956/11/10/03 THAT Rezoning Application No. Z11-0064 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 35, Township 26, ODYD, Plan 36846 at Chichester Court, 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;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subject to the requirements of the Development Engineering branch & BMID completed to their satisfaction.

Carried

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

Bylaw No. 10611 (Z11-0064) - Gyula & Gyongi Schweigert (Gyula Schweigert) - 1340 Chichester Court

Moved by Councillor Hodge/Seconded by Councillor Rule

R957/11/10/03 THAT Bylaw No. 10611 be read a first time.

Carried

3.2 Land Use Management Department, dated September 22, 2011, re: Rezoning Application No. Z11-0044 - Reynald & Jennifer Grande - 410 Woods Road

(a) Land Use Management Department report dated September 22, 2011.

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R958/11/10/03 THAT Rezoning Application No. Z11-0044 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 5, Sec. 22, Twp. 26, O.D.Y.D., Plan 27146, located on Woods 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.

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

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of Rutland Waterworks District and FortisBC being completed to their satisfaction.

Carried

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

Bylaw No. 10612 (Z11-0044) - Reynald & Jennifer Grande - 410 Woods Road

Moved by Councillor Rule/Seconded by Councillor Hodge

R959/11/10/03 THAT Bylaw No. 10612 be read a first time.

Carried

3.3 Land Use Management Department, dated September 6, 2011, re: Text Amendment Application No. TA11-0006 - City of Kelowna - Housekeeping Text Amendments to Zoning Bylaw No. 8000

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

Staff:

- Provided an overview of the housekeeping amendments.
- Confirmed that “Agricultural building setbacks from Watercourses” is a new section that has been added to the Zoning Bylaw.

Moved by Councillor Hodge/Seconded by Councillor Craig

R960/11/10/03 THAT Zoning Bylaw Text Amendment No. TA11-0006 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in Schedule ‘A’ of the report of the Land Use Management Department dated September 16, 2011 be considered by Council.

AND THAT Zoning Bylaw Text Amendment No. TA11-0006 be forwarded to a Public Hearing for further consideration.

Carried

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

Bylaw No. 10613 (TA11-0006) - City of Kelowna - Miscellaneous Housekeeping Text Amendments for City of Kelowna Zoning Bylaw No. 8000.

Moved by Councillor Rule/Seconded by Councillor Hodge

R961/11/10/03 THAT Bylaw No. 10613 be read a first time.

Carried

3.4 Land Use Management Department, dated September 22, 2011, re: Rezoning Application No. Z11-0054 - Jonathan Wilson - 2539 Beetlestone Drive

- (a) Land Use Management Department report dated September 22, 2011.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R962/11/10/03 THAT Rezoning Application No. Z11-0054 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 7, DL 130, O.D.Y.D., Plan 23696, located on Beetlestone Drive, 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;

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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. 10614 (Z11-0054) - Jonathan Wilson - 2539
Beetlestone Drive

Moved by Councillor Craig/Seconded by Councillor JamesR963/11/10/03 THAT Bylaw No. 10614 be read a first time.Carried

3.5 Land Use Management Department, dated September 15, 2011, re:
Rezoning Application No. Z11-0068 - Ecer Construction Surveys (2005)
Ltd. - 840 Raymer Avenue

(a) Land Use Management Department, dated September 15, 2011.

Moved by Councillor Stack/Seconded by Councillor James

R964/11/10/03 THAT Rezoning Application No. Z11-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 135, ODYD Plan 8268, located on Raymer Avenue, 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;

AND THAT the suite be eligible for final occupancy 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 Branch being completed to their satisfaction.

Carried(b) BYLAW PRESENTED FOR FIRST READING

Bylaw No. 10615 (Z11-0068) - Ecer Construction Surveys (2005)
Ltd. - 840 Raymer Avenue

Moved by Councillor James/Seconded by Councillor CraigR965/11/10/03 THAT Bylaw No. 10615 be read a first time.Carried

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3.6 Land Use Management Department, dated September 21, 2011, re: Rezoning Application No. Z11-0067 – Miyuki & Randy Lindeboom (Randy Lindeboom) – 4634 Darin Place

(a) Land Use Management Department report dated September 21, 2011.

Moved by Councillor Rule/Seconded by Councillor Hobson

R966/11/10/03 THAT Rezoning Application No. Z11-0067 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 19, District Lot 357, ODYD, Plan KAP57058 located on 4634 Darin Place, 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;

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

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. 10616 (Z11-0067) – Miyuki & Randy Lindeboom (Randy Lindeboom) – 4634 Darin Place

Moved by Councillor Craig/Seconded by Councillor James

R967/11/10/03 THAT Bylaw No. 10616 be read a first time.

Carried

3.7 Land Use Management Department, dated September 23, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0003 and Rezoning Application No. Z11-0033 – OCORP Development Ltd. (PC Urban Properties) – 1966-1968 Kane Road

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

Staff:

- Clarified the Advisory Planning Commission's comments contained in the Council Report.

Moved by Councillor Hobson/Seconded by Councillor James

R968/11/10/03 THAT OCP Bylaw Amendment No. OCP 11-0003 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Commercial designation, as shown on Map “A” attached to the report of Land

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Use Management Department dated September 23, 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 September 23, 2011;

AND THAT Rezoning Application No. Z11-0033 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the A1 - Agriculture 1 zone to the C3 - Community Commercial, RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing zones, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore-Ellison Improvement District being completed to their satisfaction;

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

Carried

(b) BYLAWS PRESENTED FOR FIRST READING

- (i) Bylaw No. 10617 (OCP11-0003) - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road - Requires a majority of all Members of Council (5)

Moved by Councillor James/Seconded by Councillor Craig

R969/11/10/03 THAT Bylaw No. 10617 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. 10618 (Z11-0033) - OCORP Development Ltd. (PC Urban Properties) - 1966-1968 Kane Road

Moved by Councillor Reid-Nagy/Seconded by Councillor Stack

R970/11/10/03 THAT Bylaw No. 10618 be read a first time.

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- 3.8 Land Use Management Department, dated September 28, 2011, re: Official Community Plan Bylaw Amendment Application No. OCP11-0006 and Text Amendment Application No. TA11-0009 – City of Kelowna – Text Amendment to Zoning Bylaw related to Downtown Plan Charrette

- (a) Land Use Management Department report dated September 28, 2011.

Moved by Councillor Hobson/Seconded by Councillor Stack

R971/11/10/03 THAT Bylaw No. 10594 be amended at first reading to include a revised “Diagram A” as shown in the Report of the Land Use Management Department dated September 28, 2011;

AND THAT Bylaw No. 10568 be amended at first reading to include “Diagram 5.1” as shown in the Report of the Land Use Management Department dated September 28, 2011.

Carried

- (b) **BYLAWS PRESENTED FOR AMENDMENT AT FIRST READING**

- (i) Bylaw No. 10568 (OCP11-0006) – City of Kelowna – Official Community Plan Bylaw No. 10500 – Text Amendment – Amendments to Chapter 5 – Development Process – Requires a majority of all Members of Council (5)

Moved by Councillor Stack/Seconded by Councillor Reid-Nagy

R972/11/10/03 THAT Bylaw No. 10568 be amended at first reading by adding “Diagram 5.1” to the proposed Building Height Policy (5.5.1).

Carried

- (ii) Bylaw No. 10594 (TA11-0009) – City of Kelowna – Downtown Plan Charrette

Moved by Councillor Reid-Nagy/Seconded by Councillor Hobson

R973/11/10/03 THAT Bylaw No. 10594 be amended at first reading by deleting “Diagram A” in its entirety and replacing it with a new “Diagram A”.

Carried

- 3.9 Land Use Management Department, dated September 7, 2011, re: Agricultural Land Reserve Appeal Application No. A11-0007 – Barney & Kirby Kitaura (Jackie Yates) – 1687 Teasdale Road

Moved by Councillor Hobson/Seconded by Councillor Reid-Nagy

R974/11/10/03 THAT Agricultural Land Reserve appeal A11-0007 for Lot 6, Block 19, Section 14, Township 26, Osoyoos Division Yale District Plan 1380, located at 1687 Teasdale 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 Municipal Council forward the subject application to the Agricultural Land Commission.

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- 3.10 Manager, Long Range Planning, dated September 28, 2011, re: OCP 2030 Bylaw 10500 – Housekeeping Amendments

Staff:

- Provided clarification with the respect to the proposed housekeeping amendments.

Moved by Councillor Rule/Seconded by Councillor Craig

R975/11/10/03 THAT Council receives, for information, the report from the Long Range Planning Manager dated September 28, 2011 with respect to Council directed and staff initiated housekeeping amendments to OCP 2030 Bylaw 10500;

AND THAT Council directs staff to refer the proposed OCP 2030 Bylaw 10500 changes to the Advisory Planning Commission as the required public consultation prior to introduction of the amendment bylaw.

Carried

4. BYLAWS (ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR ADOPTION)

- 4.1 Bylaw No. 10474 (Z10-0089) – Jennifer Hindle – 5560 Lakeshore Road

Moved by Councillor Stack/Seconded by Councillor Hobson

R976/11/10/03 THAT Bylaw No. 10474 be adopted.

Carried

- 4.2 Bylaw No. 10581 (Z11-0040) – Scott & Allyson Graf (Scott Graf) – 1275 Rodondo Place

Moved by Councillor Hobson/Seconded by Councillor Stack

R977/11/10/03 THAT Bylaw No. 10581 be adopted.

Carried

5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Airport Director, dated September 7, 2011, re: Amendment to Airport Fees Bylaw No. 7982 – Kelowna International Airport

Moved by Councillor Hobson/Seconded by Councillor James

R978/11/10/03 THAT Council receives for information the Report of the Airport Director dated September 7, 2011 outlining recommended increases to the fees in the Airport Fees Bylaw;

AND THAT Bylaw No. 10608 being Amendment No. 25 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

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- 5.2 Director, Financial Services, dated September 20, 2011, re: Modification to the Host Financial Assistance Agreement (Casino Revenues)

Moved by Councillor Hobson/Seconded by Councillor Craig

R979/11/10/03 THAT Council authorizes the City to enter into the Host Financial Assistance Agreement Modification Agreement with the Province of British Columbia in the form attached to the Report of the Director, Financial Services dated September 20, 2011;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the Modification Agreement.

Carried

- 5.3 Manager, Cultural Services, dated September 28, 2011, re: Loan to Sunshine Theatre Society

Staff:

- Provided a synopsis with respect to the loan to the Sunshine Theatre Society.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R980/11/10/03 THAT Council acknowledges the financial assistance loan of \$50,000.00 that was granted to the Sunshine Theatre Society by resolution of Council on March 7, 2005;

AND THAT Council directs staff to advise the Sunshine Theatre Society that all terms of the Letter of Agreement between the Sunshine Theatre Company and the City of Kelowna as appended to the report dated March 7, 2005 from the Director of Parks and Leisure Services and the Cultural Services Manager are considered extinguished;

AND FURTHER THAT the Financial Plan be amended to apply the sum of \$49,700.00 from the Arts Development Reserve to extinguish the outstanding amount of the financial assistance loan to Sunshine Theatre Society.

Carried

- 5.4 Manager, Strategic Projects, dated September 26, 2011, re: John Hindle Drive Funding

Moved by Councillor Hobson/Seconded by Councillor Craig

R981/11/10/03 THAT Council receives, for information, the Report from the Strategic Projects Manager dated September 26, 2011, with respect to John Hindle Drive Funding.

AND THAT Council directs staff to report back in 2012 with the preliminary design and cost estimates for Phases 2-4 of the road, a status report on the financial balances in the DCC program, and projections regarding the anticipated timing of construction;

AND FURTHER THAT Council directs staff to identify external grant funding for completion of the road in the 2010-2015 timeframe identified in the 20-year Servicing Plan and Financing Strategy.

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- 5.5 Manager, Parks & Public Places, dated September 28, 2011, re: Landfill Trail

Moved by Councillor Stack/Seconded by Councillor Hodge

R982/11/10/03 THAT Council receives, for information, the Report from the Parks & Public Places, Manager dated September 28, 2011 with respect to Landfill Trail;

AND THAT the letter dated September 2, 2011 from the Quail Ridge Residents Association to rename the Landfill Trail to Eagle View Trail be received;

AND THAT Council approves the renaming of the Landfill Trail as Eagle View Trail;

AND FURTHER THAT Council officially designates the Eagle View Trail for use by Equestrians.

Carried

- 5.6 Manager, Regional Programs, dated September 28, 2011, re: Transit Expansion Request – Fall 2011 Passenger Overloads

Staff:

- Advised that the additional buses will be in service by the end of the week.

Moved by Councillor Hodge/Seconded by Councillor Craig

R983/11/10/03 THAT Council approves the addition of transit service to comprise two (2) additional buses and their operation as passenger overload relief at a cost of \$21,565.00 per month, less the provincial share, for an approximate City of Kelowna cost of \$11,496.00 per month with a corresponding revenue increase for the remainder of 2011 and January 2012;

AND THAT the 2011 budget be amended to accommodate this transaction.

Carried

- 5.7 Deputy City Clerk, dated September 22, 2011, re: Amendments to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Craig/Seconded by Councillor Stack

R984/11/10/03 THAT Council receives, for information, the Report dated September 22, 2011 from the Deputy City Clerk to amend the Council Remuneration and Expenses Bylaw No. 7547 as directed by Council at the September 12, 2011 meeting;

AND THAT Council give reading consideration to Bylaw No. 10610 – Being Amendment No. 9 to Council Remuneration and Expense Bylaw No. 7547.

Carried

6. RESOLUTIONS

- 6.1 City Clerk, Draft Resolution, re: 2012 Council Meeting Schedule

Moved by Councillor Hodge/Seconded by Councillor Hobson

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R985/11/10/03 THAT the 2012 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings
 January 9, 12*, 16, 23 and 30
 February 6, 13, 20 and 27
 March 5, 12, 19 and 26
 April 2, 16, 23 and 30
 May 7, 14 and 28
 June 11, 18 and 25
 July 9 and 23
 August 7* and 20
 September 10 and 17
 October 1, 15, 22 and 29
 November 5, 19 and 26
 December 3, 10, 13* and 17

Public Hearing/Regular Meetings
 January 10 and 24
 February 7 and 21
 March 6 and 20
 April 3 and 17
 May 1, 15 and 29
 June 12 and 26
 July 10 and 24
 August 7* and 21
 September 4 and 18
 October 2, 16 and 30
 November 13 and 27
 December 11

- * January 12 - 2012 Budget Deliberations
- * August 7 - Regular Council Meetings (8:15 am/1:30 pm) and Public Hearing/Regular Meeting (6:00 pm)
- * December 13 - 2013 Budget Deliberations

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.1 Bylaw No. 10608 - Amendment No. 25 to Airport Fees Bylaw No. 7982
- 7.2 Bylaw No. 10610 - Amendment No. 9 to Council Remuneration and Expense Bylaw No. 7547

Moved by Councillor Stack/Seconded by Councillor Hobson

R986/11/10/03 THAT Bylaw Nos. 10608 and 10610 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.3 Bylaw No. 10597 - Road Closure Bylaw - Portion of Cross Road - Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected by the proposed road closure to come forward. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Stack

R987/11/10/03 THAT Bylaw No. 10597 be adopted.

Carried

8. MAYOR & COUNCILLOR ITEMS

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

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Mayor Shepherd:

- Acknowledged the Students & Faculty, Fashion Design Program, Centre for Arts & Technology as the latest recipient of the “Spirit of Kelowna” Acknowledgement for presenting the “Fashionable Autumn” event at the Kelowna Community Theatre on September 24, 2011.

8.2 COUNCILLOR ITEMS

Councillor Stack:

- Advised that the City of Kasugai was recently hit by a typhoon and that he will update Council on the status of the City once he hears back from the Kelowna-Kasugai Sister City Association.

Councillor Rule:

- Reminded the public that the Okanagan International Marathon is taking place on Sunday, October 9, 2011 and that there will be road closures in effect.

City Clerk:

- Confirmed that the Nomination Period for the upcoming Civic Election commences at 9:00 am on Tuesday, October 4, 2011.

9. TERMINATION

The meeting was declared terminated at 4:04 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk