



City of Kelowna Regular Council Meeting Minutes

Date: Monday, February 24, 2014
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Given and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Robert Hobson, Mohini Singh*, Luke Stack and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray

Staff Present: Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; City Clerk, Stephen Fleming*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Divisional Director, Corporate & Protective Services, Rob Mayne*; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin*; Manager, Bylaw Services, Greg Wise*; and Council Recording Secretary, Sandi Horning

(*denotes partial attendance)

1. Call to Order

Deputy Mayor Given called the meeting to order at 1:31 p.m.

Deputy Mayor Given 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. Development Application Reports & Related Bylaws

2.1. Zoning Bylaw Text Amendment No. TA14-0002 - Proposed Text Amendment to Zoning Bylaw No. 8000 to permit Medical Marihuana Production Facilities in the I2, I3 and I4 Zones.

City Clerk:

- Introduced the proposed text amendment application.
- Provided background information with respect to the changes proposed by Health Canada.
- Responded to questions from Council.
- Advised that Health Canada will not provide staff with the location of the current growers.
- Confirmed that Health Canada did provide the current growers with a letter advising them of the new rules and regulations.
- Advised that the RCMP and Bylaw Enforcement staff are working on an enforcement plan.

Staff:

- Displayed a PowerPoint presentation and responded to questions from Council.
- Provided the rationale for not including the I1 zone in the proposed Text Amendment.

Divisional Director, Community Planning & Real Estate:

- Clarified the rationale for not including the I1 zone in the proposed Text Amendment.
- Responded to questions from Council.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R116/14/02/24 THAT Zoning Bylaw Text Amendment No. TA14-0002 to amend City of Kelowna Zoning Bylaw No. 8000 by adding a definition for Medical Marihuana Production Facilities (MMPF) and adding Medical Marihuana Production Facilities (MMPF) as a Principal Use in the I2 - General Industrial, I3 - Heavy Industrial and I4 - Central Industrial Zones, as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated February 24, 2014, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

Deputy City Clerk:

- Advised that the application will be forwarded to the March 18, 2014 Public Hearing.

2.1.1. Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marihuana Production Facilities - Industrial Zones

Moved By Councillor Blanleil/Seconded By Councillor Basran

R117/14/02/24 THAT Bylaw No. 10917 be read a first time.

Carried

2.2. Zoning Bylaw Text Amendment Application No. TA14-0003 - Proposed Zoning Bylaw Amendment to Prohibit Medical Marihuana Production Facilities in the Agriculture 1 (A1) Zone

Staff:

- Displayed a PowerPoint Presentation and responded to questions from Council.

City Clerk:

- Responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Singh

R118/14/02/24 THAT Zoning Bylaw Text Amendment No. TA14-0003 to amend City of Kelowna Zoning Bylaw No. 8000, by amending the definition of Agriculture, as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated February 24, 2014, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Carried

Deputy City Clerk:

- Advised that the application will be forwarded to the March 18, 2014 Public Hearing.

2.2.1. Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones

Moved By Councillor Basran/Seconded By Councillor Blanleil

R119/14/02/24 THAT Bylaw No. 10919 be read a first time.

Carried

3. Non-Development Reports & Related Bylaws

3.1. Medical Marihuana Producer Business Licence and Regulation Bylaw

Staff:

- Displayed a PowerPoint Presentation.

Councillor Singh left the meeting at 2:17 p.m.

Staff:

- Responded to questions from Council.

City Clerk:

- Responded to questions from Council regarding enforcement of the Bylaw.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R120/14/02/24 THAT Council receives, for information, the Report from the Bylaw Services Manager dated February 19 2014 with respect to the Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920;

AND THAT Bylaw No. 10920, being Medical Marihuana Producer Business Licence and Regulation Bylaw, be forwarded for reading consideration;

AND THAT Bylaw No. 10921 being amendment No.8 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to give notice by way of advertising in a local newspaper and on the City web site, and to provide notice directly to identified MMPR

producers of their opportunity to make representations to Council regarding the proposed bylaw prior to adoption.

Carried

Deputy City Clerk:

- Advised that the opportunity for public input will be provided at the March 18, 2014 Public Hearing.

3.1.1. Bylaw No. 10920, Medical Marihuana Producer Business Licence and Regulation Bylaw

Moved By Councillor Hobson/Seconded By Councillor Basran

R121/14/02/24 THAT Bylaw No. 10920 be read a first, second and third time.

Carried

3.1.2. Bylaw No. 10921 - Amendment No. 8 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R122/14/02/24 THAT Bylaw No. 10921 be read a first, second and third time.

Carried

4. Bylaws for Adoption (Development Related)

4.1. Bylaw No. 10389 (OCP08-0011) - 5007 Chute Lake Road, Kathleen Mooney

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R123/14/02/24 THAT Bylaw No. 10389 be adopted.

Carried

4.2. Bylaw No. 10390 (Z07-0079) - 5007 Chute Lake Road, Kathleen Mooney

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R124/14/02/24 THAT Bylaw No. 10390 be amended at third reading by deleting the words "RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite" and replacing the words "RU1h - Large Lot Housing (Hillside Area);

AND THAT Bylaw No. 10390 be adopted.

Carried

4.3. Bylaw No. 10779 (Z12-0063) - 836 Solly Court, Kamalpreet & Gurdev Gill

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R125/14/02/24 THAT Bylaw No. 10779 be adopted.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1. Bylaw No. 10911 - Amendment No. 3 to Development Applications Procedures Bylaw No. 10540

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R126/14/02/24 THAT Bylaw No. 10911 be adopted.

Carried

6. Mayor and Councillor Items

Councillor Zimmermann:

- Acknowledged the great job by our Canadian Athletes at the 2014 Winter Olympics in Sochi, Russia.

7. Termination

This meeting was declared terminated at 2:27 p.m.

Deputy Mayor Given

Deputy City Clerk

/slh