MINUTES OF A REGULAR MEETING
OF THE MUNICIPAL COUNCIL
OF THE CORPORATION OF THE CITY OF PENTICTON
HELD MONDAY, JULY 19, 2010 AT 6:00 P.M.
AT CITY HALL COUNCIL CHAMBERS, 171 MAIN STREET, PENTICTON

PRESENT: Mayor Ashton
Councillors Albas, Jakubeit, Litke, Pearce, Sentes and Vassilaki

ATTENDING: Dennis Back, Chief Administrative Officer
Cathy Ingram, Manager of Legislative Services/City Clerk
Anthony Haddad, Director of Development Services
Doug Leahy, Treasurer

CALL TO ORDER
Mayor Ashton called the Regular Council meeting to order at 6:00 p.m. with approximately 40 members of the public in attendance.

AGENDA ADDENDA
Moved/Seconded:

902/2010 THAT the agenda for Monday, July 19, 2010 Regular Council meeting be amended as follows:
add: 6.3 403 Churchill Avenue
CARRIED UNANIMOUSLY

DELEGATIONS, PETITIONS & HEARINGS:
Petition: Tobacco Ban on Beaches
Moved/Seconded:

903/2010 THAT the 36 name petition from the Canadian Cancer Society regarding Tobacco Ban on Beaches be received.
CARRIED UNANIMOUSLY

Delegation: Chamber of Commerce
Cary Schneiderat, President, of the Chamber of Commerce was in attendance and asked Council to contribute funds toward the implementation of recommendations of the sports tourism strategy.

Delegation –Visitor Center
Sherrie Burechailo, Manager of the Visitor Centre was in attendance to provide an update regarding visitor services.

Delegation –Economic Development
David Arsenault, Economic Development Officer, provided an overview of business retention and expansion in the City.

Delegation - Tourism Development
Jessie Campbell, Marketing Manager for Tourism Development, provided an update regarding visioning sessions and tourism opportunities.

LAND USES
1363 Commercial Way – Zoning Text Amendment Bylaw 2010-59
Moved/Seconded:

904/2010 THAT Bylaw 2010-59 being a bylaw to allow recreation facilities with a floor area greater than 230 square meters on Lot A, District Lot 3821S, Similkameen Division Yale District, Plan KAP51916 located at 1363 Commercial Way be read for the second and third time.
CARRIED UNANIMOUSLY
MINUTES
Regular Council Meeting of Monday, July 5, 2010
Moved/Seconded:

905/2010    THAT the minutes of the Regular Council meeting held on Monday, July 5, 2010 be confirmed as circulated.
            CARRIED UNANIMOUSLY

Public Hearing Minutes of Monday, July 5, 2010
Moved/Seconded:

906/2010    THAT the minutes of the Public Hearing held on Monday, July 5, 2010 be received for information.
            CARRIED UNANIMOUSLY

STAFF REPORTS

Peach Festival Road Closure Permits
Moved/Seconded:

907/2010    THAT the Council Report dated July 19, 2010 regarding 2010 Peach Festival Road Closure Permits be received;
            AND THAT a Road Closure Permit be issued to the Penticton Peach Festival Society to cover the road closures to support the 2010 Peach Festival events as follows:
            - close the City parking lot at the south end of Gyro Park and the west side of the Martin Street extension parking lot for Vendor parking from 6:00 am August 3, 2010 to 12 midnight August 8, 2010;
            - close the Marina Way parking lot between the Japanese Gardens and Okanagan Lake Park for Amusement Park vehicles and Vendor parking from 6:00 am July 28, 2010 to 12 midnight August 8, 2010;
            AND THAT a Road Closure Permit be issued to the Penticton Peach Festival Society for the Grand Parade & Pancake Breakfast from 5:00 am hours to 1:00 pm August 7, 2010 as follows:
            - close Main St. from the north side of Edna Ave. to the north side of Lakeshore Dr. with a manned barricade at the Lakeside Inn entrance to provide access and egress east on Lakeshore Dr.;
            - close Lakeshore Dr. from the west side of Main St. to the west side of Power St.;
            - close Edna Ave, Nelson Ave., Edmonton Ave., and Jermyn Ave. from the east side of Main St. to the west side of Manitoba St. for Parade marshalling area;
            - close Preston Ave. from the east side of Main St. to the east side of Fairview St. for Parade marshalling area;
            - close the Library parking lot for parade registration;
            AND THAT a Road Closure Permit be issued to the Downtown Penticton Association for the Kiddies Day Parade from 9:30am to 11:00am August 8, 2010 as follows:
            - close Wade Ave. from the east side of the lane east of Martin St. to the east side of Main St.
            - close Main St. from the south side of Wade Ave. to the south side of
Lakeshore Dr.;
- close Lakeshore Dr. from the east side of Main St. to the west side of the lane west of Front St.

AND THAT the aforementioned Road Closure Permits be issued subject to the following provisions:

- Compliance with all Terms and Regulations for Special Events;
- Provision of Comprehensive General Liability Insurance in the amount of $2,000,000.00 with the City as a named additional insured;
- Erection of barricades and signage indicating that the roads and parking lots are closed;
- Providing a manned barricade at the entrance to the Lakeside Inn to provide access and egress east on Lakeshore Dr.;
- Advertising in the local papers advising the public of the closures;
- Delivering handbills to affected businesses advising of the pending closure;
- Providing each vehicle that is going to park in the closed area of the street or parking lots a parking pass, provided by the City Engineer, to be displayed in the passenger side front window;
- Providing a Security Guard to direct vehicles with Peachfest parking passes to the west side of the Martin St. extension parking lot;
- Providing access to all closed areas for emergency vehicles;
- Contact organizers of the Farmers’ Market (Cameron Smith, 493-8657) and DPA Community Market (Barb Haynes, 250-493-8540) to advise of road closures.

AND FURTHER THAT the potential lost parking revenue be applied against the 2010 in kind grant.

CARRIED UNANIMOUSLY

Government Street Line Painting for Two Way Left Turn Lanes Reconsideration

Moved/Seconded: 908/2010

THAT Resolution 857/2010 be rescinded;

AND THAT the requirement for raised medians for the two way left turn lanes on Government Street be reconsidered;

AND FURTHER THAT the two way left turn lanes be painted only.

CARRIED

Councillor Albas against.

COUNCIL REPORTS

271 Douglas Avenue – Bylaw Infractions Reconsideration

Moved/Seconded: 909/2010

THAT the letter from Darren and Lisa Rettie of 271 Douglas Avenue dated July 2, 2010 be received;

AND THAT Council Resolution 714/2010 regarding legal proceedings against 271 Douglas Avenue be reconsidered.

CARRIED UNANIMOUSLY

Moved/Seconded:

910/2010

THAT the owners be advised that the legal proceedings against 271 Douglas Avenue be considered at the August 3, 2010 Regular Council meeting.

CARRIED UNANIMOUSLY
BUSINESS:

2010 Permissive Property Tax Exemptions Policy

Moved/Seconded:

911/2010 THAT the Council Report dated July 19, 2010 regarding 2010 Permissive Property Tax Exemptions be received;

AND THAT the Permissive Tax Exemption Policy be rescinded.

DEFEATED

Mayor Ashton and Councillors Sentes, Pearce, Jakubeit and Litke

Moved/Seconded:

912/2010 THAT the matter regarding the Elks, Legion, Annavets and Eagles Permissive Tax Exemptions be referred to staff to provide options for taxation on liquor sales areas.

CARRIED UNANIMOUSLY

Zoning Bylaw Review

Moved/Seconded:

913/2010 THAT the Council Report dated July 19, 2010 regarding Zoning Bylaw Review be received;

AND THAT the matter be postponed to a delegation of Council and staff to review the recommendations.

CARRIED UNANIMOUSLY

Unaudited Financial Statements

Moved/Seconded:

914/2010 THAT the Council Report dated July 19, 2010 regarding June 30, 2010 unaudited Financial Statements be received;

AND THAT the June 30, 2010 unaudited Financial Statements be received.

CARRIED UNANIMOUSLY

Business Licence Bylaw Amendments

Moved/Seconded:

915/2010 THAT the Council Report dated July 19, 2010 regarding Business Licence Bylaw Amendments be received;

AND THAT a new Business Licence Bylaw be prepared making the City of Penticton bylaw consistent with those of the other municipalities participating in the Intercommunity Business Licenses area to implement the removal of Criminal Record Checks for all categories with the exception of Adult Only and Dating Agencies and to eliminate Section 5.4 of the existing Business Licence Bylaw;

AND THAT the new Business Licence Bylaw be effective January 1, 2011;

AND FURTHER THAT in accordance with Section 59(2) of the Community Charter, prior to adoption of the new Business Licence Bylaw public notice be provided of the intended changes and the public be afforded an opportunity to speak to the issue.

CARRIED

Councillors Sentes Litke Jakubeit against.

Councillor Pearce declared an interest in the next order of business and left Council Chambers at this time - 8:25 p.m.
Contracts and Agreements
Moved/Seconded:

916/2010 THAT the Council Report dated July 19, 2010 regarding Contracts and Agreements be received;

AND THAT the following Contacts and Agreements be approved:

1. Modification Agreement between the City and the Province for 1.05 hectares at Skaha Lake Marina which is currently sub-licenced to Penticton Yamaha and Marine Ltd. The modification extends the City’s Lease by 2 years which will now expire on April 21, 2026.

AND FURTHER THAT the Mayor and Clerk be authorized to execute the documents on behalf of The Corporation of the City of Penticton.

CARRIED UNANIMOUSLY

Rescind Bylaw 2010-19 and 2010-20
Moved/Seconded:

917/2010 THAT the Council Report dated July 19, 2010 regarding rescinding Bylaw 2010-19 and Bylaw 2010-20 be received;

AND THAT first, second and third reading of Business Licence Amendment Bylaw 2010-19 being a bylaw to add a definition of “carriage house on a residential property” to restrict the perimeter of the carriage house to not exceed 25% of the principal dwelling and requiring proof of a housing agreement with the City be rescinded and the bylaw abandoned;

AND THAT first, second and third reading of Fees and Charges Bylaw 2010-20 being a bylaw to add a base fee of $145.00 plus $2.00 per room on an annual basis be rescinded and the bylaw abandoned.

CARRIED UNANIMOUSLY

Bylaw Dispute Adjudication
Moved/Seconded:

918/2010 THAT the Council Report dated July 19, 2010 regarding Bylaw Dispute Adjudication be received;

AND THAT a bylaw be prepared to implement Bylaw Notice Enforcement;

AND THAT the Mayor and Clerk be authorized to execute the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement between the City of Penticton, Kelowna, Vernon, District of Lake Country, West Kelowna, Summerland, and Peachland, the Town of Oliver and the Regional District on behalf of The Corporation of the City of Penticton.

CARRIED UNANIMOUSLY

LAND USE (Bylaws and Permits)
1590 & 1630 Naramata Rd. – Application for a Liquor Primary – Black Widow Winery
Moved/Seconded:

919/2010 THAT the Council Report dated July 19, 2010 regarding an Application for a Liquor Primary Licence, Winery Lounge Endorsement Area be received;

AND THAT the application from Black Widow Winery Inc. located at 1590 & 1630 Naramata Road, Penticton, B.C. for a Liquor-Primary Licence – Winery Lounge Endorsement Area to provide additional
services at the Winery for tourists by providing wine by the glass and small food plates to add to their Tasting & Sales Room and Tour Endorsement experiences be referred to the August 3, 2010 Council meeting for consideration;

AND FURTHER THAT the area property owners/tenants be so advised.

CARRIED UNANIMOUSLY

Councillor Pearce returned at this time 8:30 p.m.

403 Churchill Ave. & 422 Lakeshore Dr. W. (Formerly 403, 415 and 427 Churchill Ave.) – Zoning Amendment Bylaw 2010-16

Moved/Seconded:

920/2010 THAT Bylaw 2010-16 being a bylaw to rezone Lot 1, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan KAP91118 located at 403 Churchill Ave. and Part Lot 2, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan KAP911187 located at 422 Lakeshore Dr. W. (Formerly Lot B, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 3188 located at 403 Churchill Avenue) from Single Family Residential (RS3) to Multi Family Residential (RM4) and to rezone (Formerly Lot 2 District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 7266 located at 415 Churchill Avenue) from Multi-Family Residential (RM3) to Multi-Family Residential (RM4) be reconsidered, finally passed an adopted.

CARRIED UNANIMOUSLY

403 Churchill Ave. (Formerly 403 and 415 Churchill Avenue) – Development Permit

Moved/Seconded:

921/2010 THAT a development permit be issued to construct a three storey apartment building on Lot 1, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan KAP91118 located at 403 Churchill Ave. (Formerly Lot B, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 3188 located at 403 Churchill Avenue and Lot 2, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 7266 located at 415 Churchill Avenue).

CARRIED UNANIMOUSLY

422 Lakeshore Dr. W. (Formerly 427 Churchill Avenue) – Development Permit and Development Variance Permit

Moved/Seconded:

922/2010 THAT a Development Permit be issued to Part Lot 2, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan KAP91118 located at 422 Lakeshore Dr. W. (427 Churchill Ave.) (Formerly Lot B, District Lot 4, Group 7 SDY (Formerly Yale-Lytton) District, Plan 3210 located at 427 Churchill Avenue for a parking area associated with the development on Lot 1, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 7266 and Lot A, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan 3210 located at 408 & 422 Lakeshore Drive).

AND THAT a Development Variance Permit be issued to Part Lot 2, District Lot 4, Group 7, SDY (Formerly Yale-Lytton) District, Plan KAP91118 located at 422 Lakeshore Dr. W., (Formerly Lot B, District Lot 4, Group 7 SDY (Formerly Yale-Lytton) District, Plan 3210 located at 427 Churchill Avenue) to vary Section 29, Table III by reducing the required parking spaces from 38 to 36, vary Section 29 h) by reducing the cross aisle width from 6.6m to 6.3m; and to vary Section 29 i) by reducing the distance a parking space in the RM4 zone shall be located.
from a highway from 4.5m to 3.4m.

RECORD OF CORRESPONDENCE

Record of Correspondence

Moved/Seconded:

923/2010 THAT the Record of Correspondence dated Monday, July 19, 2010 be received for information.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Emergency/Protective Services Advisory Committee Minutes of July 7, 2010

Moved/Seconded:

924/2010 THAT the Emergency/Protective Advisory Committee minutes of July 7, 2010 be received for information.

CARRIED UNANIMOUSLY

Change Hospital Signage

Moved/Seconded:

925/2010 THAT the Emergency/Protective Services Advisory Committee recommendation to Council “THAT changes be made to the Hospital Signage as follows: north on Lakeside Road to Dawson Avenue, right on Dawson Avenue, east on Dawson to Government, left on Government, north on Government to the Hospital entrance” be endorsed.

CARRIED UNANIMOUSLY

Downtown Enhancement Advisory Committee Minutes of July 13, 2010

Moved/Seconded:

926/2010 THAT the Downtown Enhancement Advisory Committee minutes of July 13, 2010 be received for information.

CARRIED UNANIMOUSLY

Enforce Development Permits at the end of Project

Moved/Seconded:

927/2010 THAT the Downtown Enhancement Advisory Committee recommendation “THAT staff investigates methods to enforce Development Permits at the end of projects to confirm design elements prior to occupancy” be referred to the Development Services Advisory Committee.

CARRIED UNANIMOUSLY

Control of Pigeon Defecation

Moved/Seconded:

928/2010 THAT the Downtown Enhancement Advisory Committee recommendation “THAT staff investigates methods to control the pigeon defecation problem in the downtown and residential areas and provide recommendations for improvement” be endorsed.

CARRIED UNANIMOUSLY

COUNCIL LIAISON, INTER AGENCY & ADVISORY COMMITTEE REPORTS

Council members were afforded an opportunity to report on activities and actions.

COUNCIL INFORMATION REPORTS:

Council members were afforded an opportunity to report on activities and actions.

MEDIA AND PUBLIC QUESTION PERIOD:
The media and the public were afforded an opportunity to ask questions of Council.

ADJOURNMENT
Moved/Seconded:

929/2010 THAT the Regular Council meeting held on Monday, July 19, 2010 be closed at 9:00 p.m. CARRIED UNANIMOUSLY

CERTIFIED CORRECT: 

Cathy Ingram, CMC
Manager of Legislative Services/City Clerk

CONFIRMED:

Dan Ashton
Mayor