

**REGULAR COUNCIL MEETING MINUTES
CORPORATION OF THE CITY OF PENTICTON
MONDAY, DECEMBER 2, 2013
CITY HALL COUNCIL CHAMBERS, 171 MAIN STREET, PENTICTON, BC**

PRESENT: Mayor Garry Litke
Councillor Hopkin
Councillor Konanz
Councillor Jakubeit
Councillor Sentes
Councillor Vassilaki
Councillor Robinson

STAFF: Annette Antoniak, Chief Administrative Officer
Chuck Loewen, GM Rec. Services
Dana Schmidt, Corporate Officer
Anthony Haddad, Director, Development Services
Mitch Moroziuk, Director of Public Works
Colin Fisher, Chief Financial Officer
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. **CALL TO ORDER**

The Mayor called the Regular Council meeting to order at 6:01 p.m.

2. **INTRODUCTION OF LATE ITEMS**

A proclamation for "Giving Tuesday" was added to the agenda.

3. **ADOPTION OF AGENDA**

Remove item 8.3 – Development Variance Permit for 144 Williamson Place.

776/2013

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on Monday, December 2, 2013 as amended.

CARRIED UNANIMOUSLY

Mayor Litke read a proclamation proclaiming Tuesday, December 3, 2013 as "Giving Tuesday" in the City of Penticton.

4. **ADOPTION OF MINUTES**

777/2013

It was MOVED and SECONDED

THAT Council receive for information the minutes of the November 18, 2013 Public Hearing as presented.

CARRIED UNANIMOUSLY

778/2013

It was MOVED and SECONDED

THAT Council adopt the minutes of the November 18, 2013 Regular Council meeting as presented.

CARRIED UNANIMOUSLY

5. **PRESENTATIONS**

6. **DELEGATIONS**

6.1 **Okanagan Label and Print – James Parker**

Mr. Parker provided Council with a summary of what he would like to propose for Brunswick Street should Council agree to the sale of land for his Label Print facility and affordable housing.

Mr. Parker is looking for a parcel of land that is large enough to house his newly purchased 100 foot long printing machine. The new equipment was commissioned in September; construction to installation of the machine is estimated at eleven months. Half of the lot is more than adequate to house the machine. Affordable housing above the printing facility could be heated by the expelled heat from the printing machines.

Nine jobs have been created over the past three years, if expansion continues; ten to twenty new jobs will be created.

The affordable housing component would proceed after the commercial component is complete.

7. **RECONSIDERATION OF BYLAWS AND PERMITS**

8. **STAFF REPORTS**

8.1 **2014 Electrical Rates**

Delegation: Andre Martin, representing the Board of the Penticton Chamber of Commerce, requested Council select Alternative 1.

James Brown, in support of Alternative 1.

It was MOVED No Seconded

THAT Council support Alternative 1 – Apply the FortisBC and BC Hydro increases (4.50%) at the Wholesale Power Purchase Level and the Revenue Difference increase (-.20%) at the Retail Power Sale level for a Total increase of 3.28%.

779/2013

It was MOVED and SECONDED

THAT Council reduce the transfer from Electrical Department Operational Budget to General Capital by \$500,000 and apply this savings to Alternative 1 to reduce the 2014 rate increase to our citizens and businesses.

DEFEATED

Mayor Litke, Councillors Hopkin, Jakubeit, Sentes and Robinson, Opposed

780/2013

It was MOVED and SECONDED

THAT Council support Alternative 3 – Apply an average of the FortisBC, BC Hydro and Revenue Difference increases at the Retail Power Sale level for a total increase of 4.03% plus a further 0.15% to address the recently announced BC Hydro rate increase.

CARRIED

Councillors Vassilaki, Konanz and Hopkin, Opposed

8.2 Development Variance Permit Re: 1496 Balfour Street

Delegation and Submissions: Nil

781/2013

It was MOVED and SECONDED

THAT "Development Variance Permit PL2013-058" for Lot 4, District Lot 250, Similkameen Division Yale District, Plan 6505, located at 1496 Balfour Street, a permit to vary Section 5.11.1, Table 5.1 of Zoning Bylaw 2011-23 to allow a projection of 0.9 m into side yard for fire escapes, open stairways, landings, steps, ramps and patios be supported and staff be directed to issue the permit.

CARRIED UNANIMOUSLY

8.3 Development Variance Permit
144 Williamson Place was removed from the Agenda

8.4 Development Variance Permit -
Increase permitted projection of a deck Re: 101 Bassett Street

Delegation: James Brown, spoke in favor of the application.

782/2013

It was MOVED and SECONDED

THAT Council support "Development Variance Permit PL2013-055" for Lot 21, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 3467, located at 101 Bassett Street, a permit to increase the permitted projection of a deck into a rear yard from 3.0 m to 4.4 m;

AND THAT staff be directed to issue the permit.

CARRIED UNANIMOUSLY

8.5 Zoning Amendment Bylaw No. 2013-45
Re: C6 – Mixed Use Commercial Zone

Councillor Konanz declared a conflict of interest as a business owner in the area and left the meeting at 7:11 p.m.

783/2013

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2013-45", a bylaw to amend 'Other Regulations' of the C6 – Mixed Use Commercial Zone of Zoning Bylaw 2011-23, be amended by adding:

- 11.6.3.4 Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West and Estabrook Avenue in the downtown.

Be read a first time and forwarded to the December 16, 2013 Public Hearing.

CARRIED UNANIMOUSLY

Councillor Konanz returned to the meeting at 7:13 p.m.

8.6 Zoning Amendment Bylaw No. 2013-46 (260 Martin Street)
Re: Site Specific Rezoning to construct a craft distillery

784/2013

It was MOVED and SECONDED

THAT Zoning Bylaw 2011-23 be amended by adding sub-section 11.5.4.4 on Lot 1 DL202 and 4, Group 7, Similkameen Division Yale District, Plan KAP76035, located at 260 Martin Street, Craft Brewery/Distillery shall be permitted;

AND THAT Zoning Bylaw Amendment Bylaw No. 2013-46 be introduced, given first reading and forwarded to December 16, 2013 Public Hearing.

CARRIED UNANIMOUSLY

8.7 Official Community Plan Amendment Bylaw 2013-47
Re: Amendments to High Density Residential Development Permit Area

785/2013

It was MOVED and SECONDED

THAT "Official Community Plan Amendment Bylaw No. 2013-47", a bylaw to amend the Exemptions section of Section 6.12 High Density Development Permit Area of OCP Bylaw 2002-20, by adding:

13. Commercial development that does not contain residential dwelling units.

Be read a first time and forwarded to the December 16, 2013 Public Hearing;

AND THAT prior to consideration of the Bylaw and in accordance with Section 879 of the Local Government Act, that Council consider whether early and ongoing consultation, is necessary with:

1. One or more persons, organizations or authorities,
2. The Regional District of Okanagan Similkameen,
3. Local First Nations,
4. School District #67, and
5. The provincial or federal government and their agencies.

CARRIED UNANIMOUSLY

8.8 FortisBC Westminster Substation Transformer Upgrade

786/2013

It was MOVED and SECONDED

THAT Council authorize staff to complete negotiations and enter into an agreement with FortisBC for the upgrade to the FortisBC Westminster Substation Transformer in an amount not to exceed \$6,457,100;

AND THAT Council authorize the Mayor and Corporate Officer to execute the Agreement.

CARRIED UNANIMOUSLY

8.9 284 & 296 Brunswick Street

It was MOVED and SECONDED

THAT Council direct staff to pursue sale of *half* the parcel of land at 284 and 296 Brunswick Street to Okanagan Label and Print with the following conditions:

- That development of the land be required to accommodate affordable housing dwelling units above a commercial use on the main floor;
- That Okanagan Label and Print be required to pay all costs associated with development of the lands;

AND THAT staff commence the public process required for disposition of public land;

AND THAT the funds received from the sale of the land be used toward a future affordable housing project.

Amendment

787/2013

It was MOVED and SECONDED

THAT the funds received from the sale of the land be used toward *this* affordable housing project on Brunswick Street.

**DEFEATED
Mayor and all Councillors, Opposed**

788/2013 **Amendment**
It was MOVED and SECONDED

THAT Council direct staff to pursue sale of the *entire parcel* of land at 284 and 296 Brunswick Street *or a portion of the land* to Okanagan Label and Print.

CARRIED
Councillor Vassilaki Opposed

789/2013 **Motion as Amended**
It was MOVED and SECONDED

THAT Council direct staff to pursue sale of the entire parcel of land at 284 and 296 Brunswick Street or a portion of the land to Okanagan Label and Print with the following conditions:

- That development of the land be required to accommodate affordable housing dwelling units above a commercial use on the main floor;
- That Okanagan Label and Print be required to pay all costs associated with development of the lands;

AND THAT staff commence the public process required for disposition of public land;

AND THAT the funds received from the sale of the land be used toward a future affordable housing project.

CARRIED
Councillor Vassilaki Opposed

8.10 Fire Service Review – Depreciation Budget

790/2013 **It was MOVED and SECONDED**

THAT Council defer discussions on an increase to the Fire Department Apparatus Depreciation Account to the operating budget meeting.

CARRIED UNANIMOUSLY

8.11 Railway Heritage Component of Marina Way Lookout Park

791/2013 **It was MOVED and SECONDED**

THAT Council defer discussion on the Railway Heritage component of Marina Way Lookout Park to the December 18 budget meeting.

CARRIED UNANIMOUSLY

8.12 Permissive Tax Exemption Amendment Bylaw No. 2013-48

792/2013 **It was MOVED and SECONDED**

THAT Council give three readings to the "2014 Permissive Tax Exemption Bylaw Amendment No. 2013-48".

CARRIED UNANIMOUSLY

9. **CORRESPONDENCE**

793/2013 **It was MOVED and SECONDED**

THAT Council receive for information the correspondence dated November 19, 2013 from UBCM Gas Tax Program Services regarding the Gas Tax Agreement Community Works Fund Payment.

CARRIED UNANIMOUSLY

10. **COMMITTEE/BOARD REPORTS**

10.1 **SOEC Select Committee Minutes of November 8, 2013**

794/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the SOEC Select Committee meeting of November 8, 2013.

CARRIED UNANIMOUSLY

10.2 **SOEC Select Committee Minutes of November 13, 2013**

795/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the SOEC Select Committee meeting of November 13, 2013.

CARRIED UNANIMOUSLY

796/2013 **It was MOVED and SECONDED**

THAT Council refer the SOEC Complex 2014 Draft Budget as presented by Global Spectrum to the budget process.

CARRIED UNANIMOUSLY

10.3 **Downtown Revitalization Select Committee Minutes of November 13, 2013**

797/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Downtown Revitalization Select Committee meeting of November 13, 2013.

CARRIED UNANIMOUSLY

10.4 **Penticton Creek Restoration Select Committee
Minutes of November 18, 2013**

798/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Penticton Creek Restoration Select Committee meeting of November 18, 2013.

CARRIED UNANIMOUSLY

10.5 Waterfront Oversight Committee Minutes of November 19, 2013

799/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Waterfront Oversight Committee meeting of November 19, 2013.

CARRIED UNANIMOUSLY

10.6 Development Services Advisory Committee Minutes of November 20, 2013

800/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Development Services Advisory Committee meeting of November 20, 2013.

CARRIED UNANIMOUSLY

10.7 Climate Action Advisory Committee Minutes of November 20, 2013

801/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Climate Action Advisory Committee meeting of November 20, 2013.

CARRIED UNANIMOUSLY

802/2013 **It was MOVED and SECONDED**

THAT Council defer the recommendation from the Climate Action Advisory Committee to direct staff to prepare an RFP for two (2) universal and high rate electric car charging stations and include consideration of opportunities for carbon offsets and public education and that funding come from the electrical utility reserve, to the budget session on December 18.

CARRIED
Councillor Konanz Opposed

803/2013 **It was MOVED and SECONDED**

THAT Council direct staff to prepare a preliminary report on a Tree Protection Bylaw;

AND THAT the preliminary report be brought back to the Climate Action Advisory Committee for discussion.

CARRIED UNANIMOUSLY

10.8 Arts & Culture Advisory Committee Minutes of November 21, 2013

804/2013 **It was MOVED and SECONDED**

THAT Council receive for information the minutes of the Arts & Culture Advisory Committee meeting of November 21, 2013.

CARRIED UNANIMOUSLY

805/2013

It was MOVED and SECONDED

THAT Council support receiving the three (3) murals from Guerard's Furniture as per the Public Art Policy and at a fair market value in the form of a gift donation receipt as per the gift and donation policy;

AND THAT this be referred back to the Heritage & Museum Advisory Committee to work with property owners to suggest an appropriate location.

CARRIED UNANIMOUSLY

11. **NOTICE OF MOTION**

12. **OTHER BUSINESS**

13. **RDOS UPDATE**

14. **BUSINESS ARISING FROM IN-CAMERA MEETING**

15. **MEDIA AND PUBLIC QUESTION PERIOD**

16. **ADJOURNMENT**

806/2013

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, December 2, 2013 at 8:38 p.m.


CARRIED UNANIMOUSLY

CERTIFIED CORRECT:



Dana Schmidt
Corporate Officer

CONFIRMED:



Garry Litke
Mayor

