Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, June 18, 2019
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Mitch Morozliuk, General Manager of Infrastructure
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order
The Mayor called the Regular Council Meeting to order at 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

288/2019
It was MOVED and SECONDED
THAT Council adopt the agenda for the Regular Council Meeting held on June 4, 2019 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole
Council recessed to a Committee of the Whole Meeting at 1:00 p.m.

5. Reconvene the Regular Council Meeting
Council reconvened then recessed the Regular Council Meeting at 2:22 p.m. The Council meeting reconvened at 2:31 p.m.
6. Adoption of Minutes:

6.1 Minutes of the June 4, 2019 Regular Meeting of Council

It was MOVED and SECONDED
THAT Council adopt the minutes of the June 4, 2019 Regular Meeting of Council as presented.
CARRIED UNANIMOUSLY

7. Consent Agenda:

It was MOVED and SECONDED
THAT Council approve the Consent Agenda.
CARRIED UNANIMOUSLY

8. Committee and Board Reports:

8.1 Parks and Recreation Advisory Committee Minutes of April 11, 2019

It was MOVED and SECONDED
THAT Council receive into the record the Parks and Recreation Advisory Committee Minutes of April 11, 2019.
CARRIED UNANIMOUSLY

It was MOVED and SECONDED
THAT Council include the Penticton Oxbows in the master planning process for the 2020 budget.
CARRIED UNANIMOUSLY

It was MOVED and SECONDED
THAT Council consider additional safety lighting for Gyro Park as part of the 2020 budget deliberations; AND THAT Council consider the installation of permanent washrooms instead of the temporary mobile washrooms as part of the 2020 budget.
CARRIED UNANIMOUSLY

It was MOVED and SECONDED
THAT should future funding become available for outdoor fitness equipment, that staff, in consultation with the Parks and Recreation Advisory Committee, identify a suitable location for the installation.
CARRIED UNANIMOUSLY

9. Correspondence:

9.1 Penticton Lawn Bowling Club – letter of support

It was MOVED and SECONDED
THAT Council send a letter of support for the Penticton Lawn Bowling Club revitalization program grant-funding request with New Horizons.
CARRIED UNANIMOUSLY
10. **Staff Reports:**

10.1 **2018 Annual Report**

Submissions/Questions: nil

296/2019

**It was MOVED and SECONDED**
THAT Council receive into the record the 2018 Annual Report as circulated.

**CARRIED UNANIMOUSLY**

10.2 **Statement of Financial Information**

297/2019

**It was MOVED and SECONDED**
THAT Council accepts the Statement of Financial Information for the fiscal year ending December 31, 2018.

**CARRIED UNANIMOUSLY**

10.3 **Procurement Policy Update**

298/2019

**It was MOVED and SECONDED**
THAT Council rescind the Purchasing Policy dated May 4, 2015;
AND THAT Council endorse the new Procurement Policy dated June 18, 2019.

**CARRIED UNANIMOUSLY**

10.4 **Budget Amendment – Revitalization of Reach 3A Upper and 3B of Penticton Creek**

299/2019

**It was MOVED and SECONDED**
THAT Council amend the 2019 budget to provide $159,000 as matching funds for the design for the revitalization of Penticton Creek Reach 3A Upper and 3B with the funds coming from capital reserve.

**CARRIED UNANIMOUSLY**

10.5 **Climate Action Reporting for 2018 and updates on future Climate Action works**

300/2019

**It was MOVED and SECONDED**
THAT Council receive into the record the report titled “Climate Action Reporting for 2018 and updates on future Climate Action works” dated June 18, 2019.

**CARRIED UNANIMOUSLY**

10.6 **Mayor and Council Remuneration Task Force Recommendations**

301/2019

**It was MOVED and SECONDED**
THAT Council adjust the rate of remuneration for Mayor and Council each year to offset the additional 1/3 taxation being incurred since January 1, 2019, and that Mayor and Council be retroactively compensated to January 1, 2019;
THAT benefits continue to be made available to Council, but that 100% of the cost be borne by the individual Councillors;
THAT Council adjust the gross remuneration of the Mayor by five percent (5%) (an increase of $275.00 mo.) and that the adjustment be made retroactive to January 1, 2019;
THAT Council adjust the gross remuneration of Councillors by eight percent (8%) (an increase of $148.00 mo.) and that the adjustment be made retroactive to January 1, 2019;
THAT Council direct staff to amend ‘Council Indemnity Bylaw No. 2002-35’ so that subsequent to any adjustments being made to the gross remuneration of Mayor and Council, that Council rates of remuneration continue to be tied to the Consumer Price Index (CPI) annually;
THAT Council direct a review of the base remuneration of Mayor and Councillors again before the end of 2025;
THAT Council implement the meal per diem scale outlined in Appendix ‘A’ and amend ‘Council Indemnity Bylaw No. 2002-35’ to reflect this change, and that no retroactive action be applied to this recommendation;
THAT Council direct staff to amend ‘Council Indemnity Bylaw No. 2002-35’ to round Expense Account dollars each year to the nearest $100;
THAT Council direct staff to amend ‘Council Indemnity Bylaw No. 2002-35’ to eliminate the current practice of paying out any remaining surplus to Councillors;
THAT Council make a recommendation to UBCM to undertake a study to determine the appropriate issues to be considered in determining the remuneration for mayors and councillors throughout British Columbia and to create guidelines to assist councils with making informed decisions on this challenging topic;
THAT Council direct staff to design a process whereby attendance of the City of Penticton’s Mayor and Councillors at Council and committee meetings be reported in open Council on a quarterly basis.

CARRIED
Councillors Regehr, Watt and Bloomfield, Opposed

302/2019

10.7 Traffic Amendment Bylaw No. 2019-23
Re: Cycling Without Age – request to utilize sidewalks

It was MOVED and SECONDED
THAT Council support the request from ‘Cycling Without Age’ to use the City’s Multi-Use Pathways such as the KVR, Trail Penticton Creek Trail, Okanagan lake multi-use path, Skaha Lake Park and all Bike lanes;
AND THAT Council deny the request from ‘Cycling Without Age’ for permission to utilize City sidewalks, boulevards and pathways for cycling;
AND THAT Council direct staff to work with ‘Cycling Without Age’ to identify the best on-road routes available to accommodate their desired routing;
AND THAT Council give first, second and third reading to “Traffic Amendment Bylaw 2019-23”, bylaw that amends Traffic Bylaw 94-39 to include the definition of Motor Assisted Cycle and updates the definition of Cycle to include Motor Assisted Cycle.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to a Closed Meeting:

303/2019

It was MOVED and SECONDED
THAT Council recess at 4:32 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:
(c) labour relations or other employee relations;
(g) litigation or potential litigation affecting the municipality;
information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

13. Reconvene the Regular Council Meeting at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:00 p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2019-03
   Development Variance Permit PL2018-8274
   Re: 964 Dynes Avenue

   304/2019
   It was MOVED and SECONDED
   THAT Council adopt “Zoning Amendment Bylaw No. 2019-03”;
   AND THAT Council approve “Development Variance Permit PL2018-8274”.
   CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2019-12
   Re: 434 Lakeshore Drive West

   305/2019
   It was MOVED and SECONDED
   THAT Council adopt “Zoning Amendment Bylaw No. 2019-12”.
   CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2019-17
   Re: 1652 Fairview Road

   306/2019
   It was MOVED and SECONDED
   THAT Council adopt “Zoning Amendment Bylaw No. 2019-17”.
   CARRIED UNANIMOUSLY

14.4 Fees and Charges Amendment Bylaw No. 2019-22
   Re: Appendix 27 Transit

   307/2019
   It was MOVED and SECONDED
   THAT Council adopt “Fees and Charges Amendment Bylaw No. 2019-22”.
   CARRIED UNANIMOUSLY
15. **Land Matters**

15.1 **Local Government Support for Cannabis Retail Stores**

**It was MOVED and SECONDED**

THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
- 101 – 437 Martin Street (Green Essence)

AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

**CARRIED**

*Mayor Vassilaki, Opposed*

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**309/2019**

**It was MOVED and SECONDED**

THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
- 465 Main Street (Greenery Cannabis Boutique)

AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

**CARRIED**

*Mayor Vassilaki and Councillor Robinson, Opposed*

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**310/2019**

**It was MOVED and SECONDED**

THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
- 101 – 130 Nanaimo Avenue W (Bluewater Cannabis)

AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

**DEFEATED**

*Mayor Vassilaki, Councillors Regehr, Kimberley and Robinson, Opposed*
It was MOVED and SECONDED
THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
• 101 - 94 Ellis Street (Green Light Cannabis)
AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley, Sentes and Watt, Opposed

312/2019

It was MOVED and SECONDED
THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
• 103 – 2050 Main Street (Zen Canna)
AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

CARRIED
Mayor Vassilaki, Opposed

313/2019

It was MOVED and SECONDED
THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
• 103 – 3502 Skaha Lake Road (Southside Cannabis Market)
AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley and Bloomfield, Opposed
314/2019

It was MOVED and SECONDED
THAT Council direct staff to send recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:
• 104 – 1652 Fairview Road (Fairview Cannabis Corner)
AND THAT the recommendation include the following comments:
- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

CARRIED
Mayor Vassilaki, Opposed

15.2 Development Variance Permit PL2019-8537
Re: 253 Norton Street

Delegations/Submissions:
• No one spoke.

315/2019

It was MOVED and SECONDED
THAT Council approve “Development Variance Permit PL2019-8537”, for Lot A District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street, a permit to decrease the minimum lot area for each of the four proposed phases of the townhouse development on the subject property from 1400m² to 437m²; AND THAT staff be directed to issue “Development Variance Permit PL2019-8537”;
THAT Council direct funds in the 2020 Capital Budget to extend the sidewalk being installed by the developer to connect to the existing sidewalk on the south side of Westminster Avenue East at approximately $20,000.

CARRIED UNANIMOUSLY

15.3 Zoning Amendment Bylaw No. 2018-24
Re: 468 Lower Bench Road

316/2019

It was MOVED and SECONDED
THAT Council refer “Zoning Amendment Bylaw No. 2018-24” to the new Agricultural Advisory Committee for advice prior to consideration of bylaw adoption.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley, Sentes and Watt, Opposed

317/2019

It was MOVED and SECONDED
THAT Council adopt “Zoning Amendment Bylaw No. 2018-24”.

CARRIED
Councillors Kimberley and Bloomfield, Opposed
The meeting recessed at 7:26 p.m. and reconvened at 7:32 p.m.

15.4 Zoning Amendment Bylaw No. 2019-24  
Re: cash in lieu

318/2019

It was MOVED and SECONDED
THAT “Zoning Amendment Bylaw No. 2019-24”, a bylaw that amends the ‘cash-in-lieu of parking’ and ‘parking reductions for providing co-operative cars’ provisions of the zoning bylaw, be given first reading;
AND THAT Council refer “Zoning Amendment Bylaw No. 2019-24” to the “Economic Prosperity and Development Services Advisory Committee” for comment prior to second reading.

CARRIED UNANIMOUSLY

15.5 Zoning Amendment Bylaw No. 2019-25  
Re: 1050 Churchill Avenue

319/2019

It was MOVED and SECONDED
THAT “Zoning Amendment Bylaw No. 2019-25”, a bylaw to add the following section to the R1 (Large Lot Residential) zone: 10.1.3.8 – “In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted”, be given first reading and be forwarded to the July 2, 2019 Public Hearing;
AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2019-25”, frontage works including curbing and stormwater management are secured;
AND THAT Council direct funds in the 2020 Capital Budget to extend the curb and gutter being installed by the developer to connect to the infrastructure on Riverside Drive at approximately $11,000.

CARRIED UNANIMOUSLY

16. Notice of Motion:

16.1 From Councillor Sentes on June 4, 2019

320/2019

It was MOVED and SECONDED
THAT Council direct staff to research and report back in the fall with the steps to reduce the use of plastic bags in Penticton.

CARRIED UNANIMOUSLY

17. Business Arising:

17.1 From the June 18 Committee of the Whole delegation - $10aDay Child Care Plan

321/2019

It was MOVED and SECONDED
THAT Council send a letter of support for the $10aDay Child Care Plan initiative.

CARRIED UNANIMOUSLY

18. Council Round Table

19. Public Question Period
20. Adjournment

322/2019

It was MOVED and SECONDED
THAT Council adjourn the Regular Council meeting held on Tuesday, June 18, 2019 at 8:17 p.m.
CARRIED UNANIMOUSLY

Certified correct:

[Signature]
Angie Collison
Corporate Officer

Confirmed:

[Signature]
John Vassilaki
Mayor