

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

Monday, March 2, 2015
Following the Public Hearing at 6:00 p.m.

Present: Mayor Jakubeit
Councillor Sentes
Councillor Konanz
Councillor Sayeed
Councillor Martin
Councillor Watt
Councillor Picton

Staff: Chuck Loewen, Acting City Manager
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Mitch Moroziuk, Director of Operations
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 6:04 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

141/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on March 2, 2015 as amended. Remove item 6.1 and 8.8 and add 8.8 Peachfest float.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the February 16, 2015 Public Hearing

142/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the February 16, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY

4.2 Minutes of the February 16, 2015 Regular Council Meeting

143/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 16, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

6. Delegations

6.1 Community Policing Recruitment

Staff Sgt. Lozinski and Cpl. Wrigglesworth provided Council with an update regarding Community policing recruitment efforts.

6.2 Three Mile Beach

Kevin Proteau and Judy Williams, representing Three Mile Naturist Beach Committee, requested Council support "naturist" use of Three Mile Beach. They are recommending the installation of advisory signs at the top and the bottom of stairs and that Council develop a comprehensive plan for the beach based on the economic, cultural, and social needs of the Community with input from the public.

7. Reconsideration of Bylaws and Permits

7.1 Fire and Life Safety Amendment Bylaw No. 2015-10

144/2015

It was MOVED and SECONDED

THAT Council adopt "Fire and Life Safety Amendment Bylaw No. 2015-10".

CARRIED UNANIMOUSLY

7.2 Zoning Amendment Bylaw No. 2015-12

Re: 115 Kinney Avenue

145/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-12".

CARRIED UNANIMOUSLY

8. Staff Reports

8.1 Three Mile Beach

Main Motion:

It was MOVED and SECONDED

THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach and option E: Investigate making provisions by way of special facilities at Three Mile Beach (e.g., berms, landscaping, etc.) that would segregate uses such as a clothing optional area.

146/2015 Amendment:
It was MOVED and SECONDED
THAT Council add and that staff investigate option F: Encourage clothing optional behavior to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists.

CARRIED
Councillors Martin, Picton and Sentes, Opposed

147/2015 Motion as Amended:
It was MOVED and SECONDED
THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach, option E: Investigate making provisions by way of special facilities at Three Mile Beach (e.g., berms, landscaping, etc.) that would segregate uses such as a clothing optional area, and that staff investigate option F: Encourage clothing optional behavior to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists.

CARRIED
Councillors Martin and Sentes, Opposed

Due to a misunderstanding with the previously amended motion, Council agreed to revote.

148/2015 **It was MOVED and SECONDED**
THAT Council reconsider motion 147/2015 to investigate options D, E and F.

CARRIED
Mayor Jakubeit and Councillor Watt, Opposed

149/2015 **It was MOVED and SECONDED**
THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach, and option E: Investigate making provisions by way of special facilities at Three Mile Beach (e.g., berms, landscaping, etc.) that would segregate uses such as a clothing optional area.

CARRIED UNANIMOUSLY

8.2 Brewery Lounge Endorsement – The Cannery Brewing Company
Re: 198 Ellis Street

Delegations/Submissions: James Brown, Skaha Lake Road, spoke in support of the application.

Mr. Dyck, owner The Cannery Brewing Company, commented that they have never had any issues in their current location. They expect patrons will walk or ride their bikes to their new downtown location.

150/2015 **It was MOVED and SECONDED**
THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from The Cannery Brewing Company located at 198 Ellis Street for a Brewery Lounge Endorsement Licence.

CARRIED UNANIMOUSLY

8.3 2015 Special Occasion Licence Applications

Re: Beer/Wine Garden

151/2015

It was MOVED and SECONDED

THAT Council, subject to the approval of the RCMP and Liquor Control and Licensing Branch, approve the following Special Occasion (Beer/Wine Garden) Licenses:

<i>Organization</i>	<i>Event Location & Establish Attendance</i>	<i>Beer Garden or Whole Site License</i>	<i>Event Dates Requested</i>	<i>Event Operating Hours</i>	<i>Number of Event Days</i>
Okanagan Fest of Ale (19th Annual) (re-occurring event)	Penticton Trade and Convention Center (7500) (300 outdoor)	Indoor and outdoor vendors	April 10 April 11	1:00pm to 3pm (industry) 3:00pm to 9pm (public) 12:00pm to 6:00pm	02
South Okanagan Little League (2nd year event)	Lions Park (500)	Beer Garden	May 16 May 17 May 18	10:00am to 10:00pm 10:00am to 10:00pm 10:00 to 10:00pm	03
Penticton Harlequins RFA Re: Rugby Tournament (reoccurring event)	McNicoll Park (200)	Beer Garden	June 13 June 14	10:00am to 6:00pm 10:00am to 6:00pm	02
Lions Club of Penticton Re: Elvis Festival (reoccurring event)	Okanagan Lake Park (500+)	Beer Garden	June 26 June 27	5:00pm to 10:00pm 11:00am to 8:00pm	02
Peach City Beach Cruise (reoccurring event)	Okanagan Lake (4000)	Beer Garden	June 26 June 27 June 28	11:00am to 11:00pm* 11:00am to 11:00pm* 11:00am to 11:00pm*	03
Canada Day Downtown Penticton Association (2nd yr. liquor event – Cue's catering license)	Gyro Park (3000)	Beer Garden	July 01	12:00pm to 10:00pm	01
Penticton Scottish Festival Society	Kings Park (2000)	Beer Garden	July 4	10:00am to 10:00pm	01
Prospera Granfondo Axel Merckx Events (reoccurring event)	Gyro Park (3000)	Whole Site (see map attachment C)	July 12	11:00am to 4:30pm	01
Rotary Club of Penticton Car Show (new SOL to event)	Rotary Park (2500)	Whole Site (see map attachment D)	Aug 1	11:00am to 4:00pm	01
Challenge Penticton (reoccurring with new location)	Okanagan Park (3000) Gyro Park	Whole Site (see map attachment E)	Aug 28 Aug 30 Aug 31 Aug 30	5:00pm to 9:00pm 12:00pm to 12:00am* 12:00pm to 7:00pm 12:00pm to 9:00pm	03
Penticton Harlequins RFA Rugby Tournament (reoccurring event)	McNicholl Park (200)	Beer Garden	Sept 12 Sept 13	10:00am to 6:00pm 10:00am to 6:00pm	02
Total Days					21

AND THAT Okanagan Fest of Ale work with the Fire Department to accommodate, if possible, a larger outdoor venue up to 500 attendees.

CARRIED UNANIMOUSLY

8.4 Electrical Disconnect – Reconnect Fees and Options

Council would like staff to investigate options for a lower disconnect fee if electric bill is less than \$100 and a proportionate charge for a disconnect if staff only make one visit to the home.

152/2015

It was MOVED and SECONDED

THAT Council receive for information the report titled "Disconnect-Reconnect Fees and Options".

CARRIED UNANIMOUSLY

8.5 OCP Amendment Bylaw No. 2015-13 & Zoning Amendment Bylaw No. 2015-14
Re: BMX Track – Expansion/Relocation – 630 Munson Mt Rd

153/2015

It was MOVED and SECONDED

THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road and recommend that the Penticton BMX Club work with PACA to develop a multi use bike area.

CARRIED

Councillor Martin, Opposed

154/2015

It was MOVED and SECONDED

THAT "OCP Amendment Bylaw 2015-13," a bylaw to amend Schedule B of Official Community Plan 2002-20 to change the future land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission;

AND THAT Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with: One or more persons, organizations or authorities, The Regional District of Okanagan Similkameen, Local First Nations School District #67, and, the provincial or federal government and their agencies;

AND THAT it is determined that consultation only with the Agricultural Land Commission is required.

CARRIED

Councillor Martin, Opposed

155/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2015-14," a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to P2 (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission.

CARRIED

Councillor Martin, Opposed

156/2015

It was MOVED and SECONDED

THAT the OCP Amendment and Rezoning Amendment Application fees of \$2,130 be charged to the Community Grants budget as value in kind.

CARRIED

Councillor Martin, Opposed

157/2015

It was MOVED and SECONDED

THAT Subject to adoption of "Zoning Amendment Bylaw 2015-14", Council authorize the termination of the existing BMX Club lease at 198 Warren Ave;

AND THAT a new License to Use be authorized for a portion of City property not to exceed 1.12 hectares (2.5 acres) in area, located at 630 Munson Mountain Road, for the development of a BMX Track with the terms and conditions as noted in Attachment "C",

AND THAT the new License to Use be executed by the Mayor and Corporate Officer.

CARRIED

Councillor Martin, Opposed

158/2015

It was MOVED and SECONDED

THAT subject to the adoption of "Zoning Amendment Bylaw 2015-14", the Five Year Financial Plan Bylaw No. 2015-08 be amended to include a provision of \$10,000 for the provision of water and electricity to service the site and an additional \$1,500 to pay for the annual water and power consumption.

CARRIED

Councillor Martin, Opposed

8.6 Asset Management Infrastructure Planning Grant Application

159/2015

It was MOVED and SECONDED

THAT Council support an application for \$10,000 for grant funding to the Ministry of Community and Rural Development under the Infrastructure Planning Grant Program to complete an Asset Management Assessment.

CARRIED UNANIMOUSLY

8.7 Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010
Re: 783 Winnipeg Street

160/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No.2015-15", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 16th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw that a 0.9m road dedication along the Winnipeg Street road frontage be registered with the Land Title Office;

AND THAT Council support "Development Variance Permit PL2015-010" for Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, a permit to reduce the front yard setback from 3.0m to 2.0m;

AND THAT staff are directed to issue DVP PL2015-010, subject to adoption of "Zoning Amendment Bylaw No. 2015 -15".

CARRIED UNANIMOUSLY

8.8 Peachfest Float

161/2015

It was MOVED and SECONDED

THAT Council advance \$1500 from 2016 Community Grants to Peachfest Society for refurbishment of the parade float sound system.

CARRIED UNANIMOUSLY

9. Correspondence

9.1 Messner Kenney LLP, Re: 3 Mile Beach Hearing – March 2, 2015

162/2015

It was MOVED and SECONDED

THAT Council receive for information the correspondence dated February 24, 2015 from Messner Kenney LLP, regarding 3 Mile Beach Hearing, March 2, 2015.

CARRIED UNANIMOUSLY

10. Committee and Board Reports

11. Notice of Motion

12. Other Business

13. RDOS Update

14. Business Arising from In-Camera

15. Media and Public Question Period

16. Adjournment

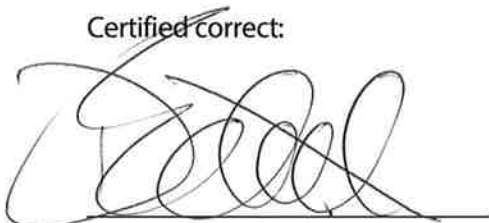
163/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, March 2, 2015 at 9:01 p.m.

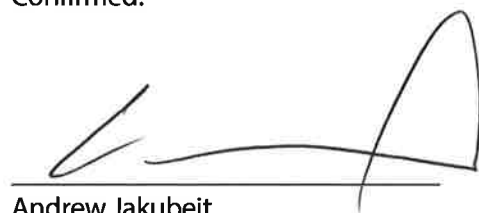
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor