

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

Monday, March 16, 2015
Following the Public Hearing at 6:00 p.m.

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

Absent: Councillor Sayeed (with notice)

Staff: Chuck Loewen, Acting City Manager
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Shawn Filice, Manager of Electric Dept.
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 6:10 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

164/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on March 16, 2015 as amended and remove item 8.10.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the March 2, 2015 Public Hearing

165/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the March 2, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY

4.2 Minutes of the March 2, 2015 Regular Council Meeting

166/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the March 2, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. **Presentations**

6. **Delegations**

6.1 BC Assessment

Tracy Wall, Deputy Assessor and Ray Nichol, Senior Appraiser, provided Council with an overview of BC Assessment and the 2015 Completed Roll for Penticton.

6.2 Ecole Entre-Lacs

Fariba Daragahi, Principal, Ecole Entre-Lacs requested Council consider City facility usage rates similar to those paid by SD67.

7. **Reconsideration of Bylaws and Permits**

7.1 Zoning Amendment Bylaw No. 2015-12

Re: 115 Kinney Avenue

167/2015

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2015-12".

CARRIED UNANIMOUSLY

7.2 Zoning Amendment Bylaw No. 2015-15

Re: 783 Winnipeg Street

168/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-15".

CARRIED UNANIMOUSLY

8. **Staff Reports**

8.1 Development Variance Permit PL2015-006

Re: 319 Sudbury Avenue

Delegations/Submissions: Nil

169/2015

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2015-006", for Parcel A (Being a consolidation of Lots 6 and 7, see CA2967509), District Lot 189, Similkameen Division Yale District, Plan KAP46960, located at 319 Sudbury Avenue, a permit to vary the maximum height for an accessory building from 4.5m to 5m and vary the maximum floor area for an accessory buildings from 75m² to 82m².

AND THAT Council direct staff to issue "Development Variance Permit PL2015-006".

CARRIED UNANIMOUSLY

8.2 Section 57 Notice on Title and Injunctive Action

Re: 2385 Barnes Street

170/2015

It was MOVED and SECONDED

THAT Council resolve to place a Notice on Title under Section 57 of the *Community Charter* with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot B, District Lot 251 SDYD, Plan 31870 located at 2385 Barnes Street, stating the following:

"Failure to control of surface water which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45"; AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced; AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7, 2015 Council meeting.

CARRIED UNANIMOUSLY

8.3 Section 57 Notice on Title and Injunctive Action

Re: 2360 Government Street

171/2015

It was MOVED and SECONDED

THAT Council resolve to place a Notice on Title under Section 57 of the *Community Charter* with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot A, District Lot 251 SDYD, Plan 31870 located at 2360 Government St, stating the following:

"Failure to complete a building permit which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45"; AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced; AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7, 2015 Council meeting.

CARRIED UNANIMOUSLY

8.4 Graffiti Management Strategy Endorsement and Pilot Removal Program Agreement

172/2015

It was MOVED and SECONDED

THAT Council endorse the Graffiti Management Policy; AND THAT Council enter into the Partnership Agreement with the Downtown Penticton Association for the pilot graffiti removal program for a one-year term; AND THAT the Mayor and Corporate Officer are authorized to execute the document.

CARRIED UNANIMOUSLY

8.5 Council Benefits

173/2015

It was MOVED and SECONDED

THAT Council choose to participate in the UBCM Extended Health and Dental Benefit program; AND THAT Council approve 75% of benefits funded by the elected official and 25% by the City through the labour load.

DEFEATED

Mayor Jakubeit, Councillors Sentes, Picton, and Watt, Opposed

- 174/2015 **It was MOVED and SECONDED**
THAT Council chooses to participate in the UBCM Extended Health and Dental benefit program; AND THAT Council approves 100% benefits to be funded through the labour load budget.
- DEFEATED**
Councillors Watt, Konanz and Martin, Opposed
- 175/2015 **It was MOVED and SECONDED**
THAT Council chooses to participate in the UBCM Extended Health and Dental benefit program; AND THAT Council approves 50% of the benefits to be funded through the labour load budget with the remaining 50% funded by the participating Elected Officials.
- CARRIED**
Councillors Watt and Martin, Opposed
- Councillor Konanz left the meeting at 7:10 p.m.
- 8.6 SILGA and UBCM Resolution
Re: Confined Space Entry for Waste Water Treatment Plants
- 176/2015 **It was MOVED and SECONDED**
THAT Council support and submit the following resolution for consideration at the 2015 SILGA and UBCM Conventions:
- WHEREAS WorkSafe BC amended its confined space regulation in 2011;
- AND WHEREAS the current WorkSafe BC regulations and guidelines with respect to confined space within waste water treatment plants are challenging design standards;
- THEREFORE BE IT RESOLVED that UBCM lobby the Minister of Jobs, Tourism and Skills Training to direct WorkSafeBC to provide an exemption to waste water treatment plants until a confined space regulations rewrite, with input from waste water treatment plant owners and operators, can be completed.
- CARRIED UNANIMOUSLY**
- 8.7 Westminster Substation – Outage Plans
- 177/2015 **It was MOVED and SECONDED**
THAT Council receive for information the March 16, 2015 report titled “Westminster Substation – Outage Plans”.
- CARRIED UNANIMOUSLY**
- 8.8 Disconnect – Reconnect Fees
- 178/2015 **It was MOVED and SECONDED**
THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 with the following: “Non-Payment: Site Visit without a Disconnect”: \$34.00.
- CARRIED**
Mayor Jakubeit, Opposed

8.9 Electrical Service Payment Plan

179/2015

It was MOVED and SECONDED

THAT Council approve the establishment of an Electrical Service Payment Plan for new electrical services and/or service upgrades as described in Attachment "A"; AND FURTHER THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 by adding the following Note:

4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure that supplies power to their properties. The details of this program are summarized as follows:

- Payment Plan range: A customer can put a minimum amount of \$5,000 up to a maximum amount of \$50,000 on a Payment Plan;
- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calculated at the Prime Interest Rate +0.5%. (Prime rate at the time of signing the Payment Plan agreement);
- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty;
- Eligibility Requirements:
 - Must be for a new or an upgrade to an Electrical Service;
 - Must be a City of Penticton Electric Utility customer;
 - Must have a minimum credit score of 650;
 - Must have a maximum of 19 City of Penticton Utility Credit Point;
 - The customer must own both the land and building where the service is required; and
- Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

CARRIED UNANIMOUSLY

8.11 OCP Amendment Bylaw No. 2015-16 and Zoning Amendment Bylaw No. 2015-17

Re: South Beach Drive and Sudbury Avenue

180/2015

It was MOVED and SECONDED

THAT "OCP Amendment Bylaw No. 2014-16", being a bylaw to amend OCP Bylaw 2002-20, changing the land use designation of the following properties:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

from PR (Parks and Recreation) to MR (Medium Density Residential), be given first reading and forwarded to the April 7, 2015, Public Hearing;

AND THAT Schedule H of the OCP be amended to include the subject lands in the General Multiple Family Development Permit Area.

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 in addition to the required Public Hearing is necessary with:

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

AND THAT it is determined that the Public Hearing is sufficient consultation.

THAT "Zoning Amendment Bylaw No. 2015-17", being a bylaw to amend Zoning Bylaw 2011-23, rezoning Lot1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 7, 2015, Public Hearing.

CARRIED UNANIMOUSLY

8.12 Zoning Amendment Bylaw No. 2015-18
Re: Housekeeping

181/2015

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw 2015-18", a housekeeping bylaw to amend Zoning Bylaw 2011-23; AND THAT Council forward the bylaw to the April 7, 2015 Public Hearing.

CARRIED UNANIMOUSLY

8.13 Ontario Street Improvements

182/2015

It was MOVED and SECONDED

THAT Council support the proposed street improvements on Ontario Street and the reorganization of the intersection between Ontario Street and the lane; AND THAT Council direct staff to include the works in the 2016 Capital Budget.

CARRIED UNANIMOUSLY

8.14 Fees and Charges Amendment Bylaw No. 2015-11

183/2015

It was MOVED and SECONDED

THAT Council give three readings to "Fees and Charges Amendment Bylaw No. 2015-11".

CARRIED UNANIMOUSLY

8.15 Invitation to host the "55+ BC Games"

184/2015

It was MOVED and SECONDED

THAT Council support and endorse a Bid Application for the City of Penticton to host the 2018 or 2019 "55+ BC Games"; AND THAT Council approves the commitment of a minimum of \$60,000 cash and \$55,000 in-kind services and facilities for the planning and staging of the Games.

CARRIED UNANIMOUSLY

9. Correspondence

10. Committee and Board Reports

10.1 Downtown Revitalization Sub-Committee Meeting of March 5, 2015

185/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Downtown Revitalization Sub-Committee Meeting of March 5, 2015.

CARRIED UNANIMOUSLY

11. Notice of Motion

12. Other Business

13. RDOS Update

14. Business Arising from In-Camera

15. Media and Public Question Period

16. Adjournment

186/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, March 16, 2015 at 8:34 p.m.

CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor