

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

Tuesday, April 7, 2015
Following the Public Hearing at 6:00 p.m.

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

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

1. Call to Order

The Mayor called the Regular Council meeting to order at 9:14 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

189/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on April 7, 2015 as amended and remove item 8.3 Rocky Mountain Ridged Mussel Stewardship Agreement.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the March 16, 2015 Public Hearing

190/2015

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

4.2 Minutes of the March 16, 2015 Regular Council Meeting

191/2015

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

4.3 Minutes of the March 23, 2015 Special Council Meeting

192/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the March 23, 2015 Special Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

5.1 BC Transplant Society Organ and Tissue Donor Awareness Month - April

Mayor Jakubeit proclaimed April as BC Transplant Society Organ and Tissue Donor Awareness Month.

5.2 Canadian Cancer Society National Daffodil Month - April

Mayor Jakubeit proclaimed April as Canadian Cancer Society National Daffodil Month.

6. Delegations

6.1 CTQ Consultants – Ed Grifone

Ed Grifone, CTQ Consultants, provided Council with an overview of the SS Sicamous Area Master Plan.

7. Reconsideration of Bylaws and Permits

Councillor Picton declared a conflict of interest and left the meeting at 9:54 p.m.

7.1 Zoning Amendment Bylaw No. 2015-02
Re: 96 Yorkton Avenue

193/2015

It was MOVED and SECONDED

THAT Council amend "Zoning Amendment Bylaw No. 2015-02" to include hours of operation restrictions of 6:00 a.m. to 7:00 p.m. and read a second time as amended;

AND THAT Council give third reading and adopt "Zoning Amendment Bylaw No. 2015-02".

CARRIED

Councillor Watt, Opposed

Councillor Picton returned to the meeting at 10:12 p.m.

7.2 Zoning Amendment Bylaw No. 2015-06
Re: 264 Wade Avenue West

194/2015

It was **MOVED** and **SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2015-06".

CARRIED
Councillor Konanz, Opposed

7.3 Fees and Charges Amendment Bylaw No. 2015-11

195/2015

It was **MOVED** and **SECONDED**
THAT Council adopt "Fees and Charges Amendment Bylaw No. 2015-11".

CARRIED UNANIMOUSLY

7.4 OCP Amendment Bylaw No. 2015-16
Re: South Beach Drive and Sudbury Avenue

196/2015

It was **MOVED** and **SECONDED**
THAT Council close and abandon "OCP Amendment Bylaw No. 2015-16".

CARRIED UNANIMOUSLY

7.5 Zoning Amendment Bylaw No. 2015-17
Re: South Beach Drive and Sudbury Avenue

197/2015

It was **MOVED** and **SECONDED**
THAT Council close and abandon "Zoning Amendment Bylaw No. 2015-17".

CARRIED UNANIMOUSLY

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

198/2015

It was **MOVED** and **SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-18";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2015-18".

CARRIED UNANIMOUSLY

8. Staff Reports

8.1 Development Variance Permit PL2014-104
Re: 1901 Carmi Avenue & 1682 Lawrence Avenue

Delegations/Submissions: Nil

199/2015

It was **MOVED** and **SECONDED**
THAT Council approve "Development Variance Permit PL2014-104", a permit to vary the minimum lot size for a property in the FG (Forestry Grazing) zone from 16 ha to 4.5 ha, to accommodate a lot line adjustment subdivision application between Lot A, District Lot 2710, Similkameen Division Yale District, Plan KAP92935 located at 1901 Carmi Avenue and Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP73304, located at 1682 Lawrence Avenue; AND THAT staff are directed to issue the permit.

CARRIED UNANIMOUSLY

8.2 Development Variance Permit PL2015-021

Re: 2465 Baskin Street

Delegations/Submissions: Nil

200/2015

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2015-021" for Lot 9, District Lot 198, Similkameen Division Yale District, Plan 25119, located at 2465 Baskin Street, a permit to decrease the minimum required side yard from 4.5m to 0.75m and the minimum rear yard setback from 4.5m to 2.0m, in order to build a garage/workshop on the property; AND THAT staff be directed to issue "Development Variance Permit PL2015-021".

CARRIED UNANIMOUSLY

8.3 Rocky Mountain Ridged Mussel Stewardship Agreement

Item 8.3 was removed from the Agenda.

8.4 Section 57 Notice on Title and Injunctive Action

Re: 2385 Barnes Street

Mike Nixon, President of Action Steel Sales, Nixon Brothers Holdings, provided Council with a chronological list of the history of the property.

8.5 Section 57 Notice on Title and Injunctive Action

Re: 2360 Government Street

Dennis Meakin, Self Storage, provided Council with an overview of the steps he has taken to date and stated that if the fill was removed, he would build a wall to natural grade of approximately three feet or height determined by geotechnical engineer.

201/2015

It was MOVED and SECONDED

THAT Council postpone placing Section 57 Notice on Titles of 2385 Barnes Street and 2360 Government Street for 30 days to allow Mr. Nixon, Mr. Meakin, city staff and legal counsel an opportunity to meet.

DEFEATED

Councillors Sayeed, Watt, Picton, Sentes, Opposed

202/2015

It was MOVED and SECONDED

THAT Council, having given the owners an opportunity to be heard, 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 surface water which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45";

AND THAT further injunctive action (Community Charter Division 12 – Remedial Action Requirements) be commenced by staff within 30 days of Section 57 Notice on Title being registered if building permit for storm drainage control and to repair the retaining wall is not commenced.

DEFEATED

Mayor Jakubeit, Councillors Watt, Sayeed, Konanz, Martin, Opposed

203/2015

It was **MOVED** and **SECONDED**

THAT Council postpone placing Notice on Titles of 2385 Barnes Street and 2360 Government Street to give both property owners, staff and legal counsel an opportunity to meet; AND THAT if not resolved, these items come forward to the April 20th Regular Meeting of Council.

CARRIED

Councillors Picton, Sayeed, Sentes, Opposed

204/2015

It was **MOVED** and **SECONDED**

THAT Council extend the Regular Council Meeting of April 7, 2015 past 11:00 p.m.

CARRIED UNANIMOUSLY

8.6 Three Mile Beach

205/2015

It was **MOVED** and **SECONDED**

THAT Council direct staff to take no action with respect to changes at Three Mile Beach and that the Status Quo be maintained.

CARRIED

Councillors Sayeed and Martin, Opposed

8.7 2015 Special Occasion (Beer/Wine Garden) Licence Applications

206/2015

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:

Organization	Event Location & est. attendance	Beer Garden or Whole Site License	Event Dates Requested	Event Operating Hours	Number of Event Days
Penticton Soccer Club Tournament (re-occurring event)	Kings Park (400)	Beer Garden	May 16, 2015 May 17, 2015 May 18, 2015	10:00am to 10:00pm 10:00am to 7:00pm 10:00am to 2:00pm	03
Penticton & Wine Country Chamber of Commerce (new event)	Rotary Park (400 to 450)	Beer Garden	May 20, 2015	4:30am to 7:00pm	01
Graham Tournaments Father's Day Slo-Pitch (new event)	Lions Park (120 to 180)	Beer Garden	June 19, 2015 June 20, 2015 June 21, 2015	6:00pm to 9:30pm 11:00am to 6:00pm 11:00am to 3:00pm	03
Rotary Club of Penticton Family Rib Festival (new event)	Okanagan Lake Park (10 000)	Beer Garden	July 3, 2015 July 4, 2015 July 5, 2015	11:00am to 9:00pm 11:00am to 9:00pm 11:00am to 9:00pm	03
Sheila Bishop Memorial Slo-pitch Tournament (re-occurring event)	Lions Park (100 to 120p)	Beer Garden	Aug 08, 2015 Aug 09, 2015	10:00am to 9:00pm 10:00am to 9:00pm	02
Survivorship Dragon Boat Team Society (re-occurring event)	Skaha Lake Park (800 to 1000p)	Beer Garden	Sept 12, 2015 Sept 13, 2015	11:00am to 6:00pm 11:00am to 6:00pm	02
Total Days					14

CARRIED UNANIMOUSLY

- 8.8 Liquor-Primary Licence Application
Re: Cronies Auto Parts Ltd.

207/2015

It was MOVED and SECONDED

THAT staff be directed to commence public notification of the proposed Liquor-Primary for Cronies Auto Parts Ltd.; AND THAT staff report back to Council at their meeting May 4, 2015 the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

- 8.9 Application for a Winery Lounge and a Special Event Area (SEA) Endorsement
Re: 1775 Naramata Road

208/2015

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area (SEA) Endorsement for Bench 1775 Winery;
AND THAT staff report back to Council at their meeting on May 4, 2015 with the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

- 8.10 Zoning Amendment Bylaw No. 2015-20 and DVP 2015-19
Re: 1473 Duncan Avenue East

209/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-20", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP90597, located at 1473 Duncan Avenue E, from R1 (Large Lot Residential) to R2 (Small Lot Residential), be given first reading and be forwarded to the April 20th, 2015 Public Hearing;
AND THAT Council support "Development Variance Permit PL2015-019" for Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP90597 located at 1473 Duncan Avenue E, a permit to reduce the minimum lot width from 13m to 12m;
AND THAT staff are directed to issue DVP PL2015-019, subject to adoption of "Zoning Amendment Bylaw No. 2015 -20".

CARRIED UNANIMOUSLY

- 8.11 Zoning Amendment Bylaw No. 2015-21
Re: 1028 Dynes Avenue

210/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-21", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 26, District Lot 3, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1017, located at 1028 Dynes Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the April 20th, 2015 Public Hearing.

CARRIED UNANIMOUSLY

- 8.12 OCP Amendment Bylaw No. 2015-23
Re: SS Sicamous Master Plan

211/2015

It was MOVED and SECONDED

THAT Council endorse the SS Sicamous Area Master Plan;

AND THAT "OCP Amendment Bylaw 2015-23", being a bylaw to amend Official Community Plan 2002-20 to include the SS Sicamous Area Master Plan in the OCP, be read a first time and be forwarded to the April 20th, 2015 Public Hearing for comment from the public; AND THAT Council consider whether early and ongoing consultation in addition to the public hearing 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;

AND THAT it is determined that no additional consultation is required;

AND THAT Council direct staff to begin work on an Economic Investment Zone (EIZ) bylaw for the Lakeshore Drive and Riverside Drive area once the first Phase of construction of the SS Sicamous Master Plan has occurred.

CARRIED UNANIMOUSLY

8.13 Gas Tax Strategic Priorities Fund Grant Application

212/2015

It was MOVED and SECONDED

THAT Council support a grant application for the Main Street Reconstruction and Revitalization Project from Lakeshore Drive to Nanaimo Avenue to the capital infrastructure projects stream of the "Gas Tax Strategic Priorities Fund";

AND FURTHER THAT the Director of Operations, Mitch Moroziuk, and the Chief Financial Officer, Colin Fisher, be authorized to sign any required forms related to the application.

CARRIED UNANIMOUSLY

Councillor Picton declared a conflict of interest and left the meeting.

8.14 Fire Services Agreement between the Penticton Indian Band and the City

213/2015

It was MOVED and SECONDED

THAT Council approve the attached Fire Services Agreement and attached schedules and authorize the Mayor and Corporate Officer to sign on behalf of the City of Penticton.

CARRIED UNANIMOUSLY

Councillor Picton returned to the meeting.

9. Correspondence

9.1 Victoria Leaf Club

Re: Legislation Changes to Improve Electric Vehicle Charging Infrastructure

214/2015

It was MOVED and SECONDED

THAT Council receive for information the correspondence from Victoria Leaf Club regarding legislation changes to improve electric vehicle charging infrastructure.

CARRIED UNANIMOUSLY

10. Committee and Board Reports

10.1 Agriculture Advisory Committee Meeting of March 11, 2015

215/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Agriculture Advisory Committee Meeting of March 11, 2015.

CARRIED UNANIMOUSLY

216/2015

It was MOVED and SECONDED

THAT Council support the application to the ALC for an amendment to the current approval for 630 Munson Mountain Road to allow for a BMX track instead of a ball diamond subject to conditions to minimize the impact to neighbouring agriculture properties.

CARRIED UNANIMOUSLY

10.2 Arts, Creative & Cultural Innovations Committee Meeting of March 12, 2015

217/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Arts, Creative & Cultural Innovations Committee Meeting of March 12, 2015.

CARRIED UNANIMOUSLY

10.3 Heritage & Museum Committee Meeting of March 18, 2015

218/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Heritage & Museum Committee Meeting of March 18, 2015.

CARRIED UNANIMOUSLY

10.4 Waterfront Revitalization Sub-Committee Meeting of March 27, 2015

219/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Waterfront Revitalization Sub-Committee Meeting of March 27, 2015.

CARRIED UNANIMOUSLY

220/2015

It was MOVED and SECONDED

THAT Council authorize staff to remove the flag poles located at the Kiwanis Pier park and be stored until a final design of the Kiwanis Pier park area is completed.

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

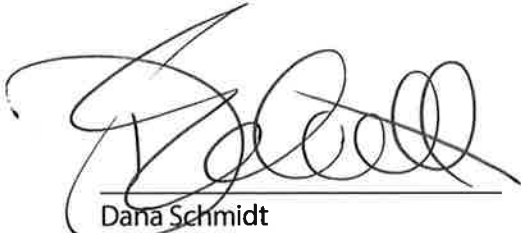
221/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, April 7, 2015 at 12:27 a.m.

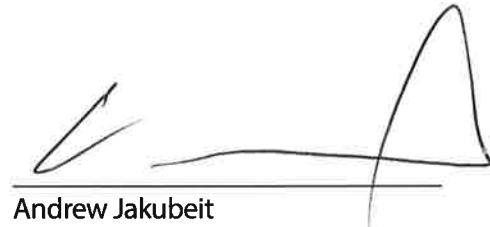
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor

