



Minutes

penticton.ca

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

Monday, May 4, 2015
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 6:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

241/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on May 4, 2015 as amended; removing items 6.5 and 8.8.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the April 20, 2015 Public Hearing

242/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the April 20, 2015 Public Hearing as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the April 20, 2015 Regular Council Meeting

243/2015

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

THAT Council adopt the minutes of the April 20, 2015 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

5. **Presentations**

5.1 Mental Health Week – May 4-10

Mayor Jakubeit proclaimed May 4-10 “Mental Health Week” in the City of Penticton.

5.2 Canadian Lyme Disease Foundation

Re: Lyme Disease Awareness Month – May

Mayor Jakubeit proclaimed May as “Lyme Disease Awareness Month” in the City of Penticton.

6. **Delegations**

6.1 Jim Wilson and Sue McDougall

Re: Lyme Disease Awareness – Lyme Sucks Challenge

Jim Wilson and Sue McDougall provided Council with Lyme disease statistics and information to promote awareness. All of Council participated in the Lyme Sucks Challenge and challenged Oliver, Osooyos and Keremos Mayor and Council.

6.2 Jean Mitchell

Re: City Power extra billing for postage

Jean Mitchell expressed her concerns regarding the \$1 postage charge on electric utility bills. Ms. Mitchell has collected 243 signatures on her petition to date.

6.3 Rick McKelvey

Re: Update on progress of Penticton oxbows

Rick McKelvey provided Council with an update regarding the Penticton oxbows at Brandon Avenue.

6.4 Lori Motluk, Health Service Administrator and Susan Brown

Re: Update on local and regional health programs and services

Lori Motluk and Susan Brown, Interior Health, provided Council with an update on local and regional health programs and services.

7. **Reconsideration of Bylaws and Permits**

7.1 Zoning Amendment Bylaw No. 2015-21

Re: 1028 Dynes Avenue

244/2015

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

THAT Council adopt “Zoning Amendment Bylaw No. 2015-21”.

CARRIED UNANIMOUSLY

8. Staff Reports

8.1 Development Variance Permit PL2014-094 Re: 4013 Lakeside Road

Delegations/Submissions:

- Kathleen Dodge, Lakeside Road, neighbouring property, requested eaves and firewall.
- Lauren Calancy, Munson Mt Road, asked about stop work order, eaves can be cut back and gutter put on.
- Brian Volvin, Winnipeg Street, 0.1m, how does a building get this far along before being noticed by the City.

245/2015

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2014-094" for Lot 18A, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4013 Lakeside Road, a permit to decrease the minimum required side yard setback (north) from 1.2m to 0.1m, in order for a portion of the semi-constructed garage to be reconstructed, finished and come into conformance with City regulations; AND THAT staff be directed to issue "Development Variance Permit PL2014-094".

CARRIED UNANIMOUSLY

8.2 Development Permit PL2015-001 and Development Variance Permit PL2015-012 Re: 152, 168 & 184 Power Street

Delegations/Submissions:

- CEI Architecture, developer chose to reduce density typical in this zone and has a desire to fit into neighbourhood.
- James Brown, Skaha Lake Road, spoke in support of the application, where will they put garbage and recycle bin. They have applied for curb side pick up.

246/2015

It was MOVED and SECONDED

THAT the application for development permit approval for the construction of 15 townhouse style strata units on Lots 6,7 and 8, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 3979, located at 152,168, and 184 Power Street; and, be supported by Council;

AND THAT Council approve "Development Variance Permit PL2015-012" for 152,168, and 184 Power Street, a permit to decrease the minimum interior side yard (north) from 4.5m to 3.0m and decrease the minimum rear yard from 6.0m to 3.0m in order to construct a 15 unit townhouse complex on the site;

AND THAT Council pass a Section 939 "excess and extended services" resolution requiring the following additional works not required by Subdivision and Development Bylaw 2004-81:

- The design and construction of the lane for the full width, adjacent to the subject property in both the south and east lanes, as a condition of the building permit;
- The installation of a hydrant on Power Street, in a location approved by the Public Works department; and

- The design and construction of the sidewalk along the frontage of the property to an enhanced standard as shown on the drawings submitted with the development permit application including landscaping and boulevard trees.

AND THAT that a 3m x 3m corner cut at the intersection of the alleys, at the southeast corner of the development lands, be dedicated and registered with the land titles office at the developer's expense.

AND FURTHER THAT staff are directed to issue DP PL2015-011 and DVP PL2015-012 upon consolidation of the three properties.

CARRIED UNANIMOUSLY

8.3 Liquor-Primary Licence Application
Re: 200 Ellis Street

Delegations/Submissions:

- Alan Cronie, Ellis Street, grew up in neighbourhood, aware of concerns raised, willing to address any concerns neighbours may have. Current parking in rear for seven cars, two hour parking in front of building. Promoting walking.
- Ellen Kilda, Van Horne Street, concerned with times 11 am -11 pm, seven days a week.

247/2015

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Cronies Auto Parts Ltd located at 200 Ellis Street for a Liquor-Primary Licence Endorsement; AND THAT staff investigate resident only parking options in this neighbourhood.

CARRIED UNANIMOUSLY

8.4 Winery Lounge and Special Event Area (SEA) Endorsement
Re: 1775 Naramata Road

Delegations/Submissions:

- Trevor Bromer, Vineyard Manager, Bench 1775 Winery, read a statement from the applicant and spoke in support of the application;
- Special Event Coordinator, Bench 1775 Winery, explained that last year they had 14 weddings, special licence, up held 11 pm bylaw, had events in past with no complaints received;
- Debby Swarder, read letter from Vicki and Stephane Brissette, expressing opposition, disturbed by neighbours, music blasting, tranquility now in jeopardy;
- Skyler Lighthall, live 100 m from 1775 Naramata Road, upset because SOL limits them to 23 year, with SEA now unlimited people on site, drink wines from all over BC, beer, drinking until midnight, six nights a week, 12 months a year, keep it a peaceful neighbourhood;
- Lyle Swarder, Naramata Road, put up with noise from property for last two years, haven't complained;
- Paul Araujo, Fleet Road, lived in area for 30 years, concerned with noise and fire that could happen, saw house burn many years ago due to lack of water, ALR meant to grow food, five or six other wineries around there, will they be same, look at urbanized activities in agriculture settings;
- Francois Pacquette, live below winery, sound travels, band sounds like it is in the yard, hardly any police presence, concerned with drinking and driving;

- Maria Wiseman, Naramata Road, closest property, been there since 1967, concerned about the noise, not fair, farm land, go to industrial area, not a business place, can throw stones at home that is burnt;
- Bernd Schales, Midland Road, property joins south end of fence line, same fence, share concerns as previous speakers, unlimited occupant load, licence goes with property, who knows what next owners will do, no notice of open house event in April, safety concerns, fire, medical, never complained in past years, thought one-time event, six days a week to midnight can't tolerate;
- Stefanie Schales, Midland Road, placement of notice sign, don't see it as you go down Fleet Road, regarding the SEA licence, two properties, two parcels, unique advantage, can have wine shop open and wedding with unlimited people, concerned with neighbourhood noise, require two block radius, rural, 8km noise consideration, like to know how plan to deal with noise, food service, more people;
- Nancy Yildiz, Sutherland Road, owner and operator of Arta B&B, complained to applicant about the noise, echoes, guests had to move from outside in, increase safety of entrance/exit, recommend to ALC then back to Council;
- Lauren Calancy, Munson Mt Road, five km from 1775 Bench, can hear those events from where I live late at night;
- Maureen Eckhardt, first year at this address, noise was to excess, being new, not complaining they had special occasion licence, date and time still 11 pm, midnight too late;
- Christos Dikeakos, Sutherland Road, reno orchard house, noticed reverberation, noise coming through, echoes as parties progress,
- Sofie Dikeakos, Sutherland Road, all have children and grandchildren up there, night time good time, optics not good, drinking, music, noise, children want to sleep;
- Jim Forsyth, Sutherland Road, lived there 20 years, residential people and farm activities, cannot see how this can be allowed to happen in that area, enough bad driving and accidents on that road, don't need the noise;
- Anne Ginns, Sutherland Road, km above site being discussed this evening, sorry I didn't complain last year, didn't get a lot of sleep last year in July and August, worried will set a precedent, seven wineries miles from house, what if all decided to do the same, little boonstock, will complain if any noise this summer;
- Skyler Lighthall, development sign not visible, don't think many are aware, most affected not aware of this change, doesn't fit with future, existing or proposed neighbourhood use;
- Colleen Pennington, EDO, addressed economic impact and jobs associated with the industry;
- James Brown, Skaha Lake Road, no opinion, neighbours say noise is issue, two questions for applicant, noise buffering measures and any non-alcoholic beverages for designated drivers?
- Applicant representatives spoke to concerns raised by the neighbours.

248/2015

It was MOVED and SECONDED

THAT Council support the application from Bench 1775 Winery (0988081 BC) for a Winery Lounge Endorsement and defer the decision for a Special Event Area (SEA) Endorsement for 30 days.

CARRIED
Councillors Watt and Konanz, Opposed

8.5 Amended Purchasing Policy

249/2015

It was MOVED and SECONDED

THAT Council defer the purchasing policy until September when we have a CAO in place.

DEFEATED

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

250/2015

It was MOVED and SECONDED

THAT Council approve the amended Purchasing Policy attached as Schedule A to the Purchasing Manager's report to Council titled 'Amended Purchasing Policy'.

CARRIED

Councillors Konanz and Martin, Opposed

8.6 Strata Conversion

Re: 483 Maurice Street

251/2015

It was MOVED and SECONDED

THAT Council, after giving consideration to the following issues:

- (a) the priority of rental accommodation over privately owned housing in the area,
- (b) any proposals for the relocation of persons occupying a residential building,
- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building,
- (e) any other matters that, in its opinion, are relevant, approve the strata-conversion application for Lot A, District Lot 2, Group 7, Similkameen Yale (Formerly Yale Lytton) District, Plan KAP84808, Except Strata Plan KAS3627(Phase 1), located at 483 Maurice Street;

AND THAT prior to final approval, confirmation be received from the Building and Permitting Department that the building substantially complies with the BC Building Code.

CARRIED UNANIMOUSLY

8.7 Fees and Charges Amendment Bylaw No. 2015-22

252/2015

It was MOVED and SECONDED

THAT Council give three readings to "Fees and Charges Amendment Bylaw No. 2015-22".

CARRIED UNANIMOUSLY

8.8 Tax Rate Bylaw No. 2015-25

Removed from Agenda.

8.9 Penticton Creek Restoration

253/2015

It was MOVED and SECONDED

THAT Council endorse moving forward with Penticton Creek Restoration project in accordance with the following Plan of Action:

1. Use an Instantaneous 1 in 200 year design flow of 60 cubic meters per second for detail design purposes;
2. That the showcase project be designed with a "No-Rise" philosophy adjusted where possible to enhance fish habitat while not significantly increasing the risk of flooding;
3. Utilize privately owned lands contained within the M-178 Plan in the construction of the Flood Control / Habitat restoration measures;
4. Proceed with permit applications for the showcase project and with public consultation;
5. Following permit approvals proceed with construction of an 80m showcase project directly upstream of the Ellis Street Bridge in 2015;
6. Include in the 2016 Budget a Master Plan for Flood Protection and Aquatic Habitat Restoration for the length of Penticton Creek from Okanagan Lake to the Penticton Creek II Dam by the Water Treatment Plant; and
7. Actively seek out funding sources for the Master Plan work.

CARRIED UNANIMOUSLY

254/2015

It was MOVED and SECONDED

THAT Council extend the Council meeting past 11:00 p.m.

CARRIED UNANIMOUSLY

9. **Correspondence**

- 9.1 Skaha Benches Strata Plan KAS 1543
Re: \$1 postal charge for electrical bill

It was MOVED no SECONDER

THAT Council defer \$1 postal charge for electric bill for one year.

10. **Committee and Board Reports**

- 10.1 Affordable Community Task Force Meeting of March 31, 2015

255/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Affordable Community Task Force Meeting of March 31, 2015.

CARRIED UNANIMOUSLY

- 10.2 Affordable Community Task Force Meeting of April 28, 2015

256/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Affordable Community Task Force Meeting of April 28, 2015.

CARRIED UNANIMOUSLY

257/2015

It was MOVED and SECONDED

THAT Council engage Urban Matters as facilitator to create a strategy and framework for affordable housing, costing no more than \$10,000 from the Short Term Opportunity Fund.

CARRIED UNANIMOUSLY

10.3 Waterfront Committee Meeting of April 28, 2015

258/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Waterfront Committee Meeting of April 28, 2015.

CARRIED UNANIMOUSLY

259/2015

It was MOVED and SECONDED

THAT Council direct staff to suspend construction of the Okanagan Lake walkway, short of the Kiwanis Pier Park until September, in order to develop options for the design of the Kiwanis Pier Park.

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

260/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, May 4, 2015 at 11:41 p.m.

CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor