

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

**Monday, June 15, 2015**  
**at 6:00 p.m.**

**Present:** Mayor Jakubeit  
Councillor Konanz  
Councillor Martin  
Councillor Watt  
Councillor Picton  
Councillor Sayeed  
Councillor Sentes (arrived at 7:34 p.m.)

**Staff:** Chuck Loewen, Acting City Manager  
Dana Schmidt, Corporate Officer  
Colin Fisher, Chief Financial Officer  
Jules Hall, Director of Development Services  
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 6:01 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

316/2015

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on June 15, 2015 as presented.

**CARRIED UNANIMOUSLY**

**4. Adoption of Minutes**

**4.1 Minutes of the June 1, 2015 Regular Council Meeting**

317/2015

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the June 1, 2015 Regular Council Meeting as presented.

**CARRIED UNANIMOUSLY**

**5. Presentations**

**6. Delegations**

- 6.1 SOWINS – Debbie Scarborough  
Re: Update and Strategic Plan for 2<sup>nd</sup> Stage Housing

Debbie Scarborough provided Council with an update on what South Okanagan Women in Need Society (SOWINS) is doing to respond to the women and children faced with homelessness or unsafe housing and an update on the "Walk a Mile in her Shoes" event.

**7. Reconsideration of Bylaws and Permits**

- 7.1 Responsible Dog Owner Bylaw No. 2015-27

318/2015

**It was MOVED and SECONDED**

THAT Council adopt "Responsible Dog Owner Bylaw No. 2015-27".

**CARRIED UNANIMOUSLY**

- 7.2 Municipal Ticketing Information Amendment Bylaw No. 2015-28

319/2015

**It was MOVED and SECONDED**

THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2015-28".

**CARRIED UNANIMOUSLY**

- 7.3 Bylaw Notice Enforcement Amendment Bylaw No. 2015-29

320/2015

**It was MOVED and SECONDED**

THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2015-29".

**CARRIED UNANIMOUSLY**

- 7.4 Fees and Charges Amendment Bylaw No. 2015-30

321/2015

**It was MOVED and SECONDED**

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2015-30".

**CARRIED UNANIMOUSLY**

- 7.5 Business Licence Amendment Bylaw No. 2015-31

322/2015

**It was MOVED and SECONDED**

THAT Council adopt "Business Licence Amendment Bylaw No. 2015-31".

**CARRIED UNANIMOUSLY**

- 7.6 Fees and Charges Amendment Bylaw No. 2015-32

323/2015

**It was MOVED and SECONDED**

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2015-32".

**CARRIED**  
**Councillor Konanz, Opposed**

## 8. Staff Reports

### 8.1 Liquor Application for Special Event Area (SEA) Endorsement Re: 1775 Naramata Road

#### Delegations/Submissions:

- Applicant: Val Tait, General Manager, Bench 1775 Winery, spoke in favor of the application and explained the Special Event Endorsement purpose. Hosting 9 special events in 2015.
- Debby Sworder, Naramata Road, spoke against the application, sound complaints are coming from area A, concerned with bylaw compliances not being met, recommend Alternate 2 and further restrict the occupancy load;
- Lyle Sworder, Naramata Road, spoke against the application, clarified the report, there are seven wineries, not five. LCLB recommended one common letter, why is the public notification limited to 500 metres, ask for map of neighbouring residents of 8 km;
- Jim Forsythe, Sutherland Road, not trying to stop any winery from making a profit, have to be a balance with residents;
- Jason Cox, President, Chamber of Commerce, spoke in support of the application;
- Doug Cox, Riddle Road, operate a B&B and modest vineyard, heard loud music from Bench 1775 Winery, what permit would allow an establishment to project music audible above the Marina, knew from the schedule that there was an event going on,
- Joyce Cox, Riddle Road, feel B&B are major player in our tourism industry, many guests travel for retreat, loud music can destroy the high rating we have achieved;
- Nancy Yildiz, Sutherland Road, B&B owner, spoke against the application, concerned with the number of events planned, would like a restriction on occupancy load and noise, come up with noise abatement plan, bylaw aware of complaints and response not encouraging, fire safety issues, recommend no decision made until hear from ALC and ACLB; bring all stakeholders to the table, all have to compromise, city needs to update its policy related to noise, improve plan for monitoring noise in the evening, don't rush decision making process;
- Irene Garnet, Upper Bench North, Misconduct Winery and Popular Grove nearby, speak from experience and proximity, should share, if had a problem would discuss with winery, communicate and all can get along;
- Ann Ginns, Sutherland Road, now eight wineries within mile of house, on Saturday heard bongo drums and soul singer from Bench 1775 Winery, called today and bylaw unavailable, ask that noise be kept on their premises, guarantee scene and not heard;
- Stephanie Schales, Midland Road, have winery, spoke against the application, Bench 1775 Winery wants amplified noise and tasting outside;
- Bernd Schales, Midland Road, neighbour, we can hear conversations from their deck, found out wind is coming from north, recap forth of May, 14 letters, listened to 17 plus opposition, loud music, late at night, too many days a week, own a winery, how often plan to play music outdoors, how will responses/complaints handled in future, liability for overserved;
- Jim Forsythe, Sutherland Road, application asking for max 200 people for special events, concerned with buses and number of cars;
- Midland Road, have an orchard, all about families, proponent for more families in the area, protect the land for agriculture purposes;
- Mark Bodrey, Naramata Road, concerned with the music, will become the party central for Naramata bench;
- Martin Lewis, Fairview Road, Special Event endorsement pouring outside, if host event, go through third party process and sell wine prior to the event, from hospitality point of view not conducive to driving tourism in Penticton, tourism is lifeblood in Penticton;

- Applicant: Val Tait, not about having parties, doing decibel readings/levels, not playing music so people can't have a conversation, collecting information for my knowledge, don't want to do music all the time, yet to hold an event more than 110 people, encourage neighbours to come and see us, have shuttle services and make guest sign up for transportation.

324/2015

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Bench 1775 Winery (0988081 BC) for the proposed Winery Special Event Area (SEA) Endorsement for Bench 1775 Winery with maximum hours of service and music:

- Weddings – 11:00 pm service with non-amplified music to 10:00 pm;
- Private Parties – 10:00 pm service with non-amplified music to 9:00 pm;
- Ticketed events - 9:00 pm service with no amplified music;

AND THAT the Bench 1775 Winery business licence restrict the exterior SEA endorsement to a maximum of 150 persons; AND FURTHER THAT the LCLB review with the Agricultural Land Commission (ALC) and confirm the permitted ancillary use of a SEA endorsement on ALR land.

**DEFEATED**

**Mayor Jakubeit, Councillors Picton, Watt, Konanz, Sentes, Martin, Opposed**

Main Motion:

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Bench 1775 Winery (0988081 BC) for the proposed Winery Special Event Area (SEA) Endorsement for Bench 1775 Winery with maximum hours of service and music:

- Weddings – 11:00 pm service with amplified or non-amplified music to 10:00 pm;
- Private Parties – 10:00 pm service with amplified or non-amplified music to 9:00 pm;
- Ticketed events - 9:00 pm service with no amplified music;

AND THAT the Bench 1775 Winery business licence restrict the exterior SEA endorsement to a maximum of 200 persons; AND FURTHER THAT the LCLB review with the Agricultural Land Commission (ALC) and confirm the permitted ancillary use of a SEA endorsement on ALR land.

Amendment:

325/2015

**It was MOVED and SECONDED**

THAT the Bench 1775 Winery business licence restrict the exterior SEA endorsement to a maximum of 150 persons.

**CARRIED UNANIMOUSLY**

Amendment:

326/2015

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Bench 1775 Winery (0988081 BC) for the proposed Winery Special Event Area (SEA) Endorsement for Bench 1775 Winery with maximum hours of service and music:

- Weddings – 11:00 pm service with amplified or non-amplified music to 9:00 pm;
- Private Parties – 10:00 pm service with amplified or non-amplified music to 9:00 pm;
- Ticketed events - 9:00 pm service with no amplified music.

**DEFEATED**

**Councillors Konanz, Picton, Sentes, Martin, Opposed**

**It was MOVED No Seconder**

THAT the Bench 1775 Winery business licence restrict amplified music to Area A only.

Amendment:

327/2015

**It was MOVED and SECONDED**

THAT the Bench 1775 Winery business licence limit the number of SEA occasions to 10 per year.

**DEFEATED**

**Mayor Jakubeit, Councillors Watt, Konanz, Sentes, Picton, Opposed**

Amendment:

328/2015

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Bench 1775 Winery (0988081 BC) for the proposed Winery Special Event Area (SEA) Endorsement for Bench 1775 Winery with maximum hours of service and music:

- Weddings – 11:00 pm service with amplified music to 9:00 pm or non-amplified music to 10:00 pm.

**DEFEATED**

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

Main Motion as Amended:

329/2015

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Bench 1775 Winery (0988081 BC) for the proposed Winery Special Event Area (SEA) Endorsement for Bench 1775 Winery with maximum hours of service and music:

- Weddings – 11:00 pm service with amplified or non-amplified music to 10:00 pm;
- Private Parties – 10:00 pm service with amplified or non-amplified music to 9:00 pm;
- Ticketed events - 9:00 pm service with no amplified music;

AND THAT the Bench 1775 Winery business licence restrict the exterior SEA endorsement to a maximum of 150 persons; AND FURTHER THAT the LCLB review with the Agricultural Land Commission (ALC) and confirm the permitted ancillary use of a SEA endorsement on ALR land.

**CARRIED**

**Councillor Sayeed, Opposed**

8.2 Vacant Building Registration Permit Renewal

Re: 597 Westminster Ave. W

330/2015

**It was MOVED and SECONDED**

THAT Council support the 12 month renewal for the Vacant Building Registration Permit for 597 Westminster Avenue W., Lot 0, Plan B4558.

**CARRIED UNANIMOUSLY**

8.3 Development Permit PL2015-027  
Re: 88 Lakeshore Drive East

331/2015

**It was MOVED and SECONDED**

THAT the application for development permit approval for the construction of a four storey, three unit apartment building on Lot 28, Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, Except Plan B7924, located at 88 Lakeshore Drive East, be supported by Council subject to the following conditions:

1. THAT Council pass a Section 939 "excess and extended services" resolution requiring the relocation of a fire hydrant, currently located on the northeast side of the 86 Lakeshore apartment building, closer to 88 Lakeshore Drive, with the final location to be determined by the Engineering Department; and
2. THAT Council require the applicant to submit a preliminary design solution addressing the facade of the west side of the building, in an effort to mitigate the negative impact of a large concrete wall, AND THAT a security, in the amount of 100% of the mitigation measure(s) are to be paid for at the time of building permit issuance.

**CARRIED UNANIMOUSLY**

8.4 Fees and Charges Amendment Bylaw No. 2015-33  
Re: Local Non-School District 67 (SD67) rates

332/2015

**It was MOVED and SECONDED**

THAT Council give three readings to "Fees and Charges Amendment Bylaw No. 2015-33".

**CARRIED**  
**Councillor Picton, Opposed**

8.5 Statement of Financial Information

333/2015

**It was MOVED and SECONDED**

THAT Council receive the amended Statement of Financial Information for the fiscal year ending December 31, 2014.

**CARRIED UNANIMOUSLY**

8.6 2014 Annual Report

Delegations/Submissions: Nil

334/2015

**It was MOVED and SECONDED**

THAT Council receive the 2014 Annual Report as circulated.

**CARRIED UNANIMOUSLY**

8.7 Canada 150 Community Infrastructure Program Grant Application

335/2015

**It was MOVED and SECONDED**

THAT Council support a grant application for the Lier House Project Upgrade to the Canada 150 Community Infrastructure Program; AND THAT the 2016 Facility Capital Budget include the required City contribution toward the Lier House Project in the amount of \$450,000; AND FURTHER THAT the Facilities Supervisor, Chris Schmidt and the Chief Financial Officer, Colin Fisher, be authorized to sign any required forms related to the grant application.

**CARRIED UNANIMOUSLY**

8.8 Implementation of e-Bill initiatives and customer statement fee

336/2015

**It was MOVED and SECONDED**

THAT Council receive the report titled "Implementation of e-Bill initiatives and customer statement fee" for information.

**CARRIED UNANIMOUSLY**

**9. Correspondence**

**10. Committee and Board Reports**

10.1 Economic Development & Prosperity Task Force Meeting of May 11, 2015

337/2015

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Economic Development & Prosperity Task Force Meeting of May 11, 2015.

**CARRIED UNANIMOUSLY**

10.2 Agriculture Advisory Committee Meeting of May 13, 2015

338/2015

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Agriculture Advisory Committee Meeting of May 13, 2015.

**CARRIED UNANIMOUSLY**

10.3 Arts, Creative & Cultural Innovations Committee Meeting of May 14, 2015

339/2015

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Arts, Creative & Cultural Innovations Committee Meeting of May 14, 2015.

**CARRIED UNANIMOUSLY**

**It was MOVED and SECONDED**

340/2015

THAT Council support the Canada 150 Mosaic Initiative and that the initial \$2,500 deposit be paid from the Contingency Fund for this community project with the remainder of the application fee of \$7,500 to be distributed between participating community groups and the City of Penticton.

**CARRIED UNANIMOUSLY**

10.4 Waterfront Revitalization Sub-Committee Meeting of May 22, 2015

341/2015

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Waterfront Revitalization Sub-Committee Meeting of May 22, 2015.

**CARRIED UNANIMOUSLY**

10.5 Downtown Revitalization Sub-Committee Meeting of May 28, 2015

342/2015

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Downtown Revitalization Sub-Committee Meeting of May 28, 2015.

**CARRIED UNANIMOUSLY**

343/2015

**It was MOVED and SECONDED**

THAT Council approve the design of the 100 Block of Main Street to incorporate:

- A paving stone road surface and paving stone cross walks;
- Asphalt parking areas with contrasting stall delineation;
- Paving stone and concrete sidewalks; and
- Light canopy for the north 2/3 of the 100 block of Main Street and for the Main and Martin connector street.

AND THAT the 2016 budget be structured to include an additional \$394,300 to accommodate these works.

**CARRIED**  
**Councillor Konanz, Opposed**

344/2015

**It was MOVED and SECONDED**

THAT Council authorize staff to provide the owners of Mykonos Restaurant an additional extension period for the renovation of its patio until such time as the 300 Block Downtown Revitalization Plan is implemented.

**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**

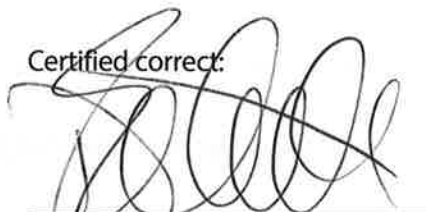
345/2015

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Monday, June 15, 2015 at 9:36 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

  
Dana Schmidt  
Corporate Officer

Confirmed:

  
Andrew Jakubeit  
Mayor