

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

Monday, September 28, 2015
Following the Public Hearing at 6:00 p.m.

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

Staff: Eric Sorensen, City Manager
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Jules Hall, Director of Development Services
Lori Mullin, Recreation and Culture Manager
Mitch Moroziuk, General Manager Infrastructure
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 6:15 p.m.

2. Introduction of Late Items

Add Staff Reports:

8.12 Two Year Materials and Workmanship Warranty Agreement Skaha Hills Sanitary Sewer
8.13 Skaha Lake Marina Development Agreement Conditions Precedent Dates

3. Adoption of Agenda

469/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on September 28, 2015 as amended to include items 8.12 Two Year Materials and Workmanship Warranty Agreement Skaha Hills Sanitary Sewer and 8.13 Skaha Lake Marina Development Agreement Conditions Precedent Dates.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the September 8, 2015 Committee of the Whole

470/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the September 8, 2015 Committee of the Whole meeting as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the September 8, 2015 Public Hearing

471/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the September 8, 2015 Public Hearing as presented.

CARRIED UNANIMOUSLY

4.3 Minutes of the September 8, 2015 Regular Council Meeting

472/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the September 8, 2015 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

5. Presentations

6. Delegations

6.1 PenMar Community Arts Society – Kerri Milton
Re: Update

Kerri Milton and Jennifer Vincent provided Council with an update and introduction of the Penmar Co-operative.

7. Reconsideration of Bylaws and Permits

7.1 Official Community Plan Amendment Bylaw No. 2015-48
Re: 476 Lakeshore Drive W.

473/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2015-48";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2015-48".

CARRIED UNANIMOUSLY

7.2 Zoning Amendment Bylaw No. 2015-49
Re: 476 Lakeshore Drive W.

474/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-49";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2015-49".

CARRIED UNANIMOUSLY

7.3 Zoning Amendment Bylaw No. 2015-50
Re: 619 Burns Street

475/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-50";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2015-50".

CARRIED UNANIMOUSLY

8. Staff Reports

- 8.1 Development Variance Permit PL2015-057
Re: Syer Road

Delegations/Submissions:

- nil

476/2015

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2015-057" for Lot 78 to Lot 87, District Lot 2710, Similkameen Division Yale District, Plan KAP92932, located at 1071-1125 Syer Road (Sendero Canyon), a permit to increase the maximum height of a retaining wall from 1.2m at the property line, to 3.0 m (10 ft.). AND THAT staff are directed to issue "Development Variance Permit PL2015-057".

CARRIED
Councillor Watt, Opposed

Councillor Konanz declared a conflict of interest as her business is in the same block of Westminster Avenue and left the meeting at 6:36 p.m.

- 8.2 Temporary Use Permit PL2015-059
Re: 249 Westminster Avenue West

Delegations/Submissions:

- Applicant, Joe Kirk, spoke in support of the application.

477/2015

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2015-059", a permit to allow the use 'motor vehicles sales and rentals' at Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP92015, located at 249 Westminster Avenue West, for a three year period; AND THAT staff are directed to issue the permit.

CARRIED UNANIMOUSLY

Councillor Konanz returned to the meeting at 6:40 p.m.

- 8.3 Winery Lounge – Quidni Estate Winery
Re: 1465 Naramata Road

478/2015

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Winery Lounge Endorsement for Quidni Estate Winery (1014332 BC Ltd.); AND THAT staff report back to Council at their meeting on October 19, 2015 with the results of the public consultation and the Liquor Licensing Technical Review Committee for Council's consideration.

CARRIED
Councillor Watt, Opposed

- 8.4 Graffiti Management Partnership Agreement

479/2015

It was MOVED and SECONDED

THAT Council support the continuation of the Partnership Agreement with the Downtown Penticton Association for the graffiti removal program for March 2016-March 2017;

AND THAT Council provide direction to staff to budget for half of the annual cost of the program for 2016-2017 of \$28,800.

CARRIED UNANIMOUSLY

8.5 Permissive Tax Exemption Amendment Bylaw No. 2015-46

480/2015

It was MOVED and SECONDED

THAT Council give three readings to "Permissive Tax Exemption Amendment Bylaw No. 2015-46" as amended to include Attachment B – applicants that do not meet policy criteria and the Seniors Drop in Centre.

CARRIED UNANIMOUSLY

8.6 Extension Agreement for Naramata May Pole Sculpture

481/2015

It was MOVED and SECONDED

THAT Council approve the request from the Regional District of Okanagan Similkameen and the Naramata Community School PAC/Centennial Committee to extend the term for displaying the May Pole Sculpture within the Front Street round-about for an additional six months to March 31, 2016; AND THAT Council authorize the Mayor and Corporate Officer to execute the Extension Agreement.

CARRIED UNANIMOUSLY

8.7 Economic Investment Zone Agreements (2015 completions)

482/2015

It was MOVED and SECONDED

THAT Council enter into Revitalization Tax Exemption Agreements for the following properties:

- ☐ 198 Ellis Street
- ☐ 182 Industrial Court
- ☐ 1374 Commercial Way
- ☐ 682 Okanagan Avenue
- ☐ 272 Dawson Avenue
- ☐ 260 and 270 Martin Street
- ☐ 1356 Commercial Way
- ☐ 437 Martin Street
- ☐ 52 Front Street
- ☐ 3475 Wilson Street
- ☐ 1000 Lakeshore Drive

AND THAT the Mayor and Corporate Officer are directed to execute the "Revitalization Tax Exemption Agreements" on behalf of the City.

CARRIED UNANIMOUSLY

8.8 License to Use – Incredible Edible Garden
Re: 2965 South Main Street

483/2015

It was MOVED and SECONDED

THAT Council instruct staff to enter into a short term "License to Use" agreement for a portion of 2965 South Main Street, for the purposes of setting up a Community Garden operated by the Incredible Edible Garden Society; AND THAT the 2015 financial plan be amended for the provision of water and top soil in an amount not to exceed \$2,000.

CARRIED UNANIMOUSLY

8.9 Solid Waste & Recycle Collection – Cart Program

It was MOVED and SECONDED

THAT Council approve the implementation of a cart based solid waste and recycle collection program that does not include yard waste to be implemented in 2016, the design of such ~~will be based on a review of the residential curbside needs and feedback received; AND~~

THAT the city borrow \$500,000 from city surplus reserves for thirteen (13) months, to fund a portion of a cart based solid waste and recycle collection program; AND THAT Council approve the use of Multi Material BC funds for the costs associated with the program; AND FURTHER THAT once the debt for the capital cost of the cart based collection program is retired that the future Multi Material BC incentives be used as follows: \$156,000 be retained in the Solid Waste and Recycle Reserve Fund for the future cart replacement or related use and the remainder be used to offset the recycle fees levied on the rate payers.

484/2015

It was MOVED and SECONDED

THAT Council defer the Solid Waste & Recycle Collection – Cart Program to December 2015 allowing for public consultation.

DEFEATED

Mayor Jakubeit, Councillors Sayeed, Watt, Konanz, Opposed

485/2015

It was MOVED and SECONDED

THAT Council approve the implementation of a cart based solid waste and recycle collection program that does not include yard waste to be implemented in 2016, the design of such will be based on a review of the residential curbside needs and feedback received; AND THAT the city borrow \$500,000 from city surplus reserves for thirteen (13) months, to fund a portion of a cart based solid waste and recycle collection program; AND THAT Council approve the use of Multi Material BC funds for the costs associated with the program; AND FURTHER THAT once the debt for the capital cost of the cart based collection program is retired that the future Multi Material BC incentives be used as follows: \$156,000 be retained in the Solid Waste and Recycle Reserve Fund for the future cart replacement or related use and the remainder be used to offset the recycle fees levied on the rate payers.

CARRIED

Councillors Picton, Sentes, Watt, Opposed

8.10 Committee Terms of Reference

486/2015

It was MOVED and SECONDED

THAT Council approve the Parks and Recreation Masterplan Steering Committee Terms of Reference dated September 28, 2015 as presented.

DEFEATED

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

487/2015

It was MOVED and SECONDED

THAT Council approve the Parks and Recreation Masterplan Steering Committee Terms of Reference dated September 28, 2015 as amended to include 11 voting members consisting of: (1) Penticton School District 67; (1) member of Tourism Penticton; (2) members of an organized field sport (not the same sport); (1) member from a parks Special Event Group;

(1) member from the development community; (4) members of the general public with an interest in parks; and (1) representative from the Penticton Indian Band.

CARRIED UNANIMOUSLY

488/2015

It was MOVED and SECONDED

THAT Council approve the amendment to the Heritage and Museum Committee Terms of Reference to add that organizations may request the addition of alternate appointments to the Committee.

CARRIED

Councillor Konanz, Opposed

8.11 Community Grants

489/2015

It was MOVED and SECONDED

THAT Council replace the existing Community Grants Policy, dated for reference August 18, 2014, with the revised Community Grants Policy included as Attachment A with corrections to minor spelling errors.

CARRIED UNANIMOUSLY

8.12 Two Year Materials and Workmanship Warranty Agreement
Skaha Hills Sanitary Sewer

490/2015

It was MOVED and SECONDED

THAT Council authorize the Mayor and Corporate Officer to execute the City/Penticton Indian Band Materials and Workmanship Warranty Agreement as contained in Attachment "A".

CARRIED UNANIMOUSLY

8.13 Skaha Lake Marina Development Agreement Conditions Precedent Dates

491/2015

It was MOVED and SECONDED

THAT Council, in accordance with paragraph 17.1 of the City Trio Skaha Marina – Marina Development Agreement, authorize staff to extend the conditions precedent dates contained in paragraphs 11.1 and 11.2 of the City Trio Skaha Marina – Marina Development Agreement by one year;

AND THAT Council authorize staff to extend all other dates by one year, in the City Trio Skaha Marina – Marina Development Agreement impacted by the change to the conditions precedent dates;

AND THAT Council authorize staff to work with the Penticton Indian Band to complete an environmental and archaeological impact assessment and undertake further consultation with the Penticton Indian Band;

AND THAT Council authorize staff to extend the duration of the Trio Marine Group Inc. License to Use dated January 1, 2015 for one year;

AND THAT Council authorize staff to extend the grant of period of the Trio Marine Group Inc. Sublicense of Occupation for one year.

CARRIED

Councillor Sayeed, Opposed

9. Correspondence

- 9.1 Petition – 1300 block fo Leir Street
Re: Resident only parking

492/2015

It was MOVED and SECONDED

THAT Council refer to staff the petition requesting residential parking only for the 1300 block of Leir Street.

CARRIED UNANIMOUSLY

10. Committee and Board Reports

- 10.1 Arts, Creative and Cultural Innovations Committee meeting of September 10, 2015

493/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Arts, Creative and Cultural Innovations Committee meeting of September 10, 2015.

CARRIED UNANIMOUSLY

494/2015

It was MOVED and SECONDED

THAT Council support the City of Penticton's membership with the Creative City Network of Canada and the attendance of a representative at the summit being held in Kelowna, BC on October 27-29, 2015; AND THAT Staff be directed to pay the membership fee of \$418.00 and \$645.00 for a representative to attend the summit, with the fees to be paid from the Public Art Reserve.

CARRIED

Councillor Konanz, Opposed

- 10.2 Downtown Revitalization Sub-Committee meeting of September 11, 2015

495/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Downtown Revitalization Sub-Committee meeting of September 11, 2015.

CARRIED UNANIMOUSLY

496/2015

It was MOVED and SECONDED

THAT Council defer the recommendation from the Downtown Revitalization Sub-Committee to October 5, 2015.

CARRIED UNANIMOUSLY

- 10.3 Transportation Advisory Committee meeting of September 15, 2015

497/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Transportation Advisory Committee meeting of September 15, 2015.

CARRIED UNANIMOUSLY

498/2015

It was MOVED and SECONDED

THAT Council support the relocation of the existing parking lane on Government Street from Industrial Avenue to Okanagan Avenue East from the west side of Government to the east side of Government where it will be reconfigured as a parking/loading zone as presented by Staff at the September 15, 2015 Transportation Committee Meeting;

AND THAT Council direct Staff to notify businesses affected by the relocation to adjust the manner in which their deliveries are handled to make use of the allocated loading zone;
AND THAT Council direct the Bylaw Department to enforce the 'no parking in a bike lane' Traffic Bylaw once the parking lane is relocated.

CARRIED

Councillors Picton and Watt, Opposed

10.4 Heritage and Museum Committee meeting of September 17, 2015

499/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the Heritage and Museum Committee meeting of September 17, 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**

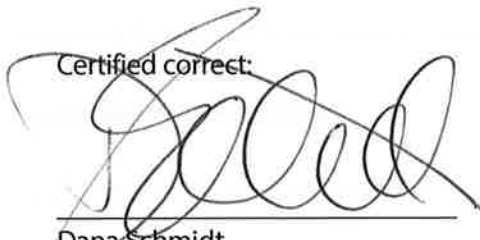
500/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, September 28, 2015 at 9:15 p.m.

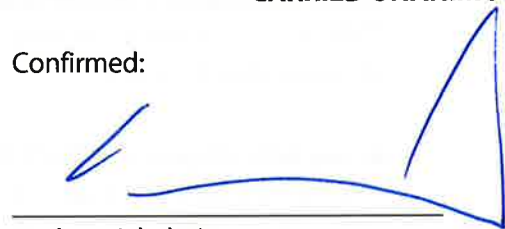
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor