

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

Tuesday, December 20, 2016
at 1:00 p.m.

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

Absent: Councillor Sayeed (with notice)

Staff: Mitch Moroziuk, Acting Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 1:02 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

558/2016

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on December 20, 2016 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:03 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:05 p.m.

6. Adoption of Minutes:

6.1 Minutes of the December 6, 2016 Committee of the Whole Meeting

559/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the December 6, 2016 Committee of the Whole meeting as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the December 6, 2016 Regular Council Meeting

560/2016

It was MOVED and SECONDED

THAT Council adopt the minutes of the December 6, 2016 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Development Services Advisory Committee Minutes of November 9, 2016

561/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Development Services Advisory Committee Meeting of November 9, 2016.

CARRIED UNANIMOUSLY

7.2 Parks & Recreation Master Plan Steering Committee Minutes of November 18, 2016

562/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee Minutes of November 18, 2016.

CARRIED UNANIMOUSLY

7.3 Parks & Recreation Master Plan Steering Committee Minutes of November 29, 2016

563/2016

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Parks & Recreation Master Plan Steering Committee Minutes of November 29, 2016.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Okanagan Fest of Ale

Re: Request Letter of Endorsement

564/2016

It was MOVED and SECONDED

THAT Council send a letter of endorsement for the 22nd Annual Okanagan Fest-of-Ale event, April 7-8, 2017.

CARRIED UNANIMOUSLY

8.2 Royal Canadian Legion

Re: Thank you for free parking

Council acknowledge letter of thank you from Royal Canadian Legion for free parking.

9. Staff Reports:

9.1 Snow and Ice Control Policy

565/2016

It was MOVED and SECONDED

THAT Council after full consideration, including budgetary restrictions, endorse the revised Snow and Ice Control Policy as attached in Attachment A;

And THAT the Snow Removal Budgets be amended as follows:

- Parking Lot – Snow Removal Budget , OPR576-003 be increased by \$1,550 to accommodate the snow and ice control for the additional parking lots.
- Transit Snow Removal Budget, OPR594-004 be increased by \$750 to accommodate the snow and ice control for the additional 11 transit stops.

CARRIED UNANIMOUSLY

9.2 Resident Only Parking Program Changes Implementation - Reconsideration

566/2016

It was MOVED and SECONDED

THAT Council direct staff to put full implementation of the resident only parking program expansion on hold, until further public engagement on the issue can be completed.

DEFEATED

Councillors Konanz, Sentes, Martin, Opposed

567/2016

It was MOVED and SECONDED

THAT Council defer discussions to cancel the resident only parking program and remove all resident only signage in the existing resident only areas to the February 7, 2017 Council Meeting.

CARRIED

Councillors Watt and Picton, Opposed

9.3 Campbell Mountain Provincial Recreational Lease

568/2016

It was MOVED and SECONDED

THAT Council direct staff to enter into a recreational licence or lease agreement for a term of ~30 years with the Province of BC over the Untitled Crown Lands known as:

- Remainder DL 1032s, SDYD
- DL2740s, SDYD
- DL2741s, SDYD
- Undetermined - 997 or 2741s, SDYD Excelsior M.C.
- Remainder DL 2742s, SDYD
- That ~ 200 m. portion of "Unsurvey" Crown Land east of DL2514s, SDYD

as shown outlined in red in the attached sketch (Attachment B) and containing approximately 301 hectares (746 ac.), for parks and recreational purposes;

AND THAT the Mayor and Corporate Officer be authorized to sign the Provincial lease agreement;

AND THAT Council direct that \$45,000 be included in the 2017 budget for the work related to the lease from the province;

AND FURTHER THAT Council direct staff to negotiate a sub-license agreement with PACA for the administration of the trails in the area and that once a negotiated agreement is in place it be brought back to Council for approval.

DEFEATED

Councillors Watt, Konanz, Martin, Opposed

569/2016

It was MOVED and SECONDED

THAT Council direct staff to enter into a recreational licence or lease agreement for a term of ~30 years with the Province of BC over the Untitled Crown Lands known as:

- Remainder DL 1032s, SDYD
- DL2740s, SDYD

- DL2741s, SDYD
- Undetermined - 997 or 2741s, SDYD Excelsior M.C.
- Remainder DL 2742s, SDYD
- That ~ 200 m. portion of "Unsurvey" Crown Land east of DL2514s, SDYD

as shown outlined in red in the attached sketch (Attachment B) and containing approximately 301 hectares (746 ac.), for parks and recreational purposes;
AND THAT the Mayor and Corporate Officer be authorized to sign the Provincial lease agreement;

AND THAT Council direct that \$45,000 be included in the 2017 budget for the work related to the lease from the province;

AND FURTHER THAT Council direct staff to undertake public consultation to determine the best use for the recreational land before moving forward with any sub-license agreements.

CARRIED

Councillor Watt, Opposed

9.4 Closure and Disposal of a portion of Government Street east of Hospital

570/2016

It was MOVED and SECONDED

THAT Council direct Staff to close the +-20.0 sq.m. portion of Government Street east of the Penticton Regional Hospital and swap that portion of land for +-20.0 sq.m. of land owned by Interior Health required for road widening and that the City agree to accept at no cost the +-220.55 sq.m balance of land from Interior Health to be dedicated as Road that is required for proper hospital access. Survey, legal costs and initial road construction are at the cost of Interior Health. The future maintenance and repair of the area dedicated as road will become the responsibility of the City in to perpetuity.

AND THAT consultation required for the road closure bylaw be carried out in accordance with Section 40(3) and 40(4) of the Community Charter (advice to utilities and Public Notification (including opportunity to address Council by those affected));

AND THAT the proposed disposition of City lands be advertised pursuant to Section 26(3) of the Community Charter;

AND FURTHER THAT the Mayor and Corporate Officer be authorized to execute the necessary documents.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Martin declared a conflict of interest and left the meeting at 3:40 p.m. Deputy Mayor Konanz chaired the meeting.

9.5 Advertising Expenditure

571/2016

It was MOVED and SECONDED

THAT Council direct staff to enlist a broader range of media channels including newspapers, online, social media and radio and avoid the limitations of an exclusive contract which may adversely affect the choice of a more appropriate and/or cost effective media for the communication task at hand.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Martin returned to the meeting at 3:48 p.m.

9.6 Records Management and Retention Policy

572/2016

It was MOVED and SECONDED

THAT Council approves the Records Management and Retention Policy.

CARRIED UNANIMOUSLY

Mayor Jakubeit declared a conflict of interest and left the meeting at 3:51 p.m.

9.7 Tourism Fee

573/2016

It was MOVED and SECONDED

THAT Council approve 50% of the Tourism Fee collected from Vacation Rental and Bed and Breakfast be provided to Travel Penticton Society (TPS) for the sole purpose of destination marketing initiatives as provided for in the service agreement between TPS and the City of Penticton (City) for the term as specified in the service agreement.

CARRIED

Deputy Mayor Konanz, Opposed

Mayor Jakubeit returned to the meeting at 4:03 p.m.

9.8 Two Year Skaha Lake Marina Lease Agreement

574/2016

It was MOVED and SECONDED

THAT Council accept the Two Year Skaha Lake Marina Lease Agreement, Attachment "A" to this Council Report and authorize the Mayor and Corporate Officer to execute the said document once provincial approval has been granted.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

575/2016

It was MOVED and SECONDED

THAT Council recess at 4:44 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(a) personal information about an identifiable individual who is being considered for a municipal position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

12. Public Hearing at 6:00 p.m.

13. Reconvene the Regular Council Meeting following the Public Hearing

Council reconvened the Regular Council Meeting at 6:14 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Records Management and Retention Bylaw No. 2016-61

576/2016

It was MOVED and SECONDED

THAT Council adopt "Records Management and Retention Bylaw No. 2016-61".

CARRIED UNANIMOUSLY

14.2 Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64

577/2016

It was MOVED and SECONDED

THAT Council adopt "Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64".

CARRIED UNANIMOUSLY

14.3 Street Naming (Hawthorn Drive) Bylaw No. 2016-66

578/2016

It was MOVED and SECONDED

THAT Council adopt "Street Naming (Hawthorn Drive) Bylaw No. 2016-66".

CARRIED UNANIMOUSLY

14.4 Fees and Charges Amendment Bylaw No. 2016-67
Re: Marijuana Dispensaries

579/2016

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2016-67".

CARRIED
Councillor Watt, Opposed

14.5 Fees and Charges Amendment Bylaw No. 2016-70
Re: Tag a Bag Coupons

580/2016

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2016-70".

CARRIED UNANIMOUSLY

14.6 Zoning Amendment Bylaw No. 2016-69
Re: 1786 Fairford Drive

581/2016

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-69".

CARRIED UNANIMOUSLY

15. Land Matters:

- 15.1 Development Variance Permit PL2016-7779
Re: 424 & 436 Braid Street

Delegations/Submissions:

- Nil

582/2016

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2016-7779" for Lot 3, Block 12, District Lot 202, SDYD, Plan 774, located at 424 Braid Street, and Lot 4, Block 12, District Lot 202, SDYD, Plan 774, located at 436 Braid Street, a permit to decrease the minimum required front yard from 4.5m to 3.5m;

AND THAT staff be directed to issue "Development Variance Permit PL2016-7779."

CARRIED UNANIMOUSLY

- 15.2 Development Variance Permit PL2016-7793
Re: 530 Okanagan Avenue East

Delegations/Submissions:

- Chris Peterson, Barns Street, for Okanagan Ave East, trying to sell to raise funds for future project that may not require water upgrade, not building on that parcel, selling piece off, don't have budget for \$280,000 of work.
- Art Iceded, Brooks Place, if 8" water line for fire suppression is required, is the 5" at residential enough.

583/2016

It was MOVED and SECONDED

THAT Council approve "DVP PL2016-7793", a permit that waives the requirement to upgrade the City's water main system to achieve 225 l/s at 530 Okanagan Avenue E and to waive the requirement to upgrade the water mains fronting 530 Okanagan Avenue East from 150 mm water mains to 200 mm water mains;

AND THAT Council place Notice on Title or a covenant to make future purchasers aware of water main upgrade requirements.

DEFEATED

Councillors Watt, Konanz, Martin, Sentes, Opposed

584/2016

It was MOVED and SECONDED

THAT Council approve "DVP PL2016-7793", a permit that waives the requirement to upgrade the City's water main system to achieve 225 l/s at 530 Okanagan Avenue E and to waive the requirement to upgrade the water mains fronting 530 Okanagan Avenue East from 150 mm water mains to 200 mm water mains.

CARRIED

Councillor Picton, Opposed

- 15.3 Temporary Use Permit PL2016-7741
Re: 1875 Chatham Street

Delegations/Submissions:

- Nil

585/2016

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2016-7741", a permit to allow the industrial use: 'sign manufacturing' at Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502, located at 1875 Chatham Street, for a three month period starting on January 1, 2017, subject to the sign business being conducted within the single detached dwelling and the west 10m of the property and with a maximum of two deliveries per week; AND THAT staff are directed to issue Temporary Use Permit PL2016-7741.

CARRIED UNANIMOUSLY

15.4 175 Kinney Avenue

586/2016

It was MOVED and SECONDED

THAT adopt "Housing Agreement (175 Kinney Avenue) Bylaw No. 2016-68".

CARRIED UNANIMOUSLY

587/2016

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw 2016-62";

AND THAT Council approve "Development Permit PL2016-7652" on Lot 1, District Lots 115 and 116, Similkameen Division Yale District, Plan 25981, located at 175 Kinney Avenue, a permit to develop two six (6) storey apartment buildings;

AND THAT Council direct staff to issue "DP PL2016-7652";

AND THAT Council direct staff to issue "Development Variance Permit PL2016-7651".

CARRIED

Mayor Jakubeit and Councillor Watt, Opposed

15.5 Zoning Amendment Bylaw No. 2016-71
Re: 750 Kamloops Avenue

588/2016

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2016-71," a bylaw that amends Zoning Bylaw 2011-23 changing the zoning district for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 8381, located at 750 Kamloops Avenue from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing;

AND THAT delegations and submissions for "Development Variance Permit PL2016-7729" on Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan, located at 750 Kamloops Avenue, a permit to vary the minimum lot width from 13m to 12m; to vary the minimum lot area from 390m² to 290m² ; and decrease the minimum rear yard setback from 6m to 3.5m to construct 3 side-by-side duplexes, be heard at the January 17th Public Hearing; AND THAT Council consider "DVP PL2016-7729" following the adoption of "Zoning Amendment Bylaw No. 2016-71".

CARRIED UNANIMOUSLY

15.6 Amend Development Permit PL2015-067
Re: 3388 Skaha Lake Road

589/2016

It was MOVED and SECONDED

THAT Council approve amended "Development Permit PL2015-067", a permit that adds phase II and phase III to the original permit on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, shown on Attachment 'A' of this report and located at 3388 Skaha Lake Road; AND THAT Staff are directed to issue the permit.

CARRIED UNANIMOUSLY

15.7 Development Cost Charges Amendment Bylaw No. 2016-72
DCC Program Review

590/2016

It was MOVED and SECONDED

THAT "Development Cost Charges Amendment Bylaw 2016-72", being a housekeeping bylaw to amend "Development Cost Charges Bylaw 2007-79", be given first reading, second and third reading; AND THAT in accordance with Section 560 of the Local Government Act, the bylaw be forwarded to the Inspector of Municipalities for approval.

AND THAT Council support the beginning of a comprehensive review of the City's Development Cost Recovery Program in 2017.

CARRIED UNANIMOUSLY

15.8 Zoning Amendment Bylaw No. 2016-73
Re: 1220, 1228 & 1236 Government Street

591/2016

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2016-73," a bylaw to amend City of Penticton Zoning Bylaw 2011-23 for Lot 69, District Lot 250, SDYD, Plan 881, Except Plan KAP67713, located at 1220 Government Street, Lot 70, District Lot 250, SDYD, Plan 881, Except Plan KAP67896, located at 1228 Government Street & Lot 71, District Lot 250, SDYD, Plan 881, Except Plan KAP67896, located at 1236 Government Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing.

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising from In-Camera

THAT Council appoints the following members to the Arena Task Force:

(6) User Group Representatives:

- Jamie Materi (Minor Hockey)
- Pam MacDonald (Dry Floor, Lacrosse)
- Trevor Buttenham (Glengarry Figure Skating)
- Mike Hopkin (Adult Hockey Leagues)
- Fred Harbinson (Penticton Veas)
- Andy Oakes (OHG)

(8) Community members:

- Stewart Ladyman
- Frank Regehr
- Bruce Millington
- Larry Lund
- Ryan Schulz
- Garth Astles
- Neil Jamieson
- Larry Kenyon

AND THAT the Penticton Arena Task Force terms of reference be amended to include 14 voting members.

Councillor Max Picton and Councillor Helena Konanz will be the Council liaison to the committee.

17. Public Question Period

18. Adjournment

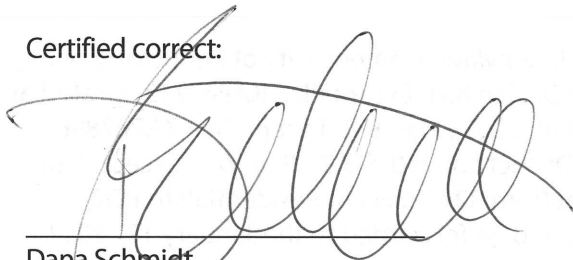
592/2016

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 20, 2016 at 7:41 p.m.

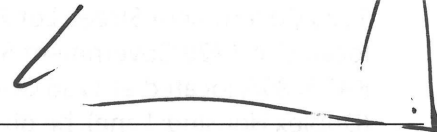
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor