

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

**Tuesday, February 7, 2017**  
**at 1:00 p.m.**

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

**Staff:** Peter Weeber, Chief Administrative Officer  
Mitch Moroziuk, General Manager of Infrastructure  
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**

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on February 7, 2017 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 2:36 p.m.

**6. Adoption of Minutes:**

- 28/2017 6.1 Minutes of the January 17, 2017 Public Hearing  
**It was MOVED and SECONDED**  
THAT Council receive the minutes of the January 17, 2017 Public Hearing as presented.  
**CARRIED UNANIMOUSLY**
- 29/2017 6.2 Minutes of the January 17, 2017 Regular Council Meeting  
**It was MOVED and SECONDED**  
THAT Council adopt the minutes of the January 17, 2017 Regular Council Meeting as presented.  
**CARRIED UNANIMOUSLY**
7. **Committee and Board Reports**
- 30/2017 7.1 Parks & Recreation Master Plan Steering Committee Minutes of December 14, 2016  
**It was MOVED and SECONDED**  
THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of December 14, 2016.  
**CARRIED UNANIMOUSLY**
- 31/2017 7.2 Development Services Committee Minutes of January 11, 2017  
**It was MOVED and SECONDED**  
THAT Council receive the draft minutes of the Development Services Committee meeting of January 11, 2017.  
**CARRIED UNANIMOUSLY**
- 32/2017 7.3 Downtown Revitalization Sub-Committee Minutes of January 18, 2017  
**It was MOVED and SECONDED**  
THAT Council receive the draft minutes of the Downtown Revitalization Sub-Committee meeting of January 18, 2017.  
**CARRIED UNANIMOUSLY**
- 33/2017 **It was MOVED and SECONDED**  
THAT Council direct staff to locate the Gyro Park mobile washroom unit to the back portion of the parking lot located at the north side of City Hall.  
**CARRIED UNANIMOUSLY**
- 34/2017 7.4 Development Services Committee Minutes of October 19, 2016  
**It was MOVED and SECONDED**  
THAT Council receive the minutes of the Development Services Committee meeting of October 19, 2016.  
**CARRIED UNANIMOUSLY**
- 35/2017 7.5 Community Sustainability Committee Minutes of December 14, 2016  
**It was MOVED and SECONDED**  
THAT Council receive the minutes of the Community Sustainability Committee meeting of December 14, 2016.  
**CARRIED UNANIMOUSLY**

36/2017

**It was MOVED and SECONDED**

THAT Council direct staff to arrange for a booth at the Energy – Our Present, Our Future Symposium on April 21-22 and to become a major sponsor in the amount of \$1,000 with those funds paid from the Climate Action Revenue Incentive Program (CARIP) Fund.

**CARRIED UNANIMOUSLY**

**8. Correspondence**

- 8.1 McNaughton Support Services Ltd.  
Re: Okanagan Cannabis Solutions, 575 Main Street

Staff advised Council that they have been actively enforcing, issuing fines and may request Council proceed with injunctive action.

- 8.2 BC Association of Farmers' Market  
Re: Request letter of support

37/2017

**It was MOVED and SECONDED**

THAT Council send a letter to Honourable Terry Lake, Minister of Health and request the continuance of the BC Farmers' Market Nutrition Coupon Program (FMNCP) in Penticton.

**CARRIED UNANIMOUSLY**

- 8.3 Okanagan Nation Alliance  
Re: Requesting support for grant proposal to OBWB

38/2017

**It was MOVED and SECONDED**

THAT Council support the submission by Okanagan Nation Alliance to Okanagan Basin Water Board requesting funding for water quality insurance during restoration work of the salmon spawning habitat within the Penticton Channel.

**CARRIED UNANIMOUSLY**

**9. Staff Reports:**

- 9.1 Appeal of Denial Non-Profit Registration  
Re: Association of Medical Marijuana Awareness

Owner: Jukka Laurio or representative were not in attendance.

39/2017

**It was MOVED and SECONDED**

THAT Council receive this report for the purpose of considering whether to uphold the decision of the City's Building and Permitting Manager to deny the non-profit registration application for the Association for Medical Marijuana Awareness (Society #S0066324), as set out in the December 23, 2016 letter;

AND THAT after providing Mr. Jukka Laurio, owner and operator, or his representative with an opportunity to be heard regarding the denial of his non-profit registration application: Council denies the appeal for a non-profit registration to the Association for Medical Marijuana Awareness.

**CARRIED UNANIMOUSLY**

- 9.2 Short Term Rental Program

40/2017

**It was MOVED and SECONDED**

THAT Council support the proposed amendments to the Zoning Bylaw, Business Licence, Fees and Charges, and Enforcement Bylaws in regard to the regulations and licensing of vacation rentals in Penticton as outlined in the Short Term Rental Program report dated February 7, 2017;

AND THAT Council direct staff to bring back bylaw amendments in support of the proposed regulatory changes for the March 7, 2017 regular meeting of Council;  
AND THAT Council direct staff to begin efforts to bring greater compliance to the vacation rental industry.

**CARRIED UNANIMOUSLY**

Council agreed by consensus to alter the order of the Agenda and address item 9.8 ITU Agreement.

Mayor Jakubeit declared a conflict of interest and left the meeting at 3:39 p.m.

9.8 International Triathlon Union (ITU) Agreement

Michael Brown, spoke in support of the ITU World Championships Festival being held August 18 - 27, 2017 and thanked Council for supporting the event.

41/2017

**It was MOVED and SECONDED**

THAT formalize the agreement with Michael Brown and Penticton 2017 ITU Multisport World Championships Ltd. to host the 2017 International Triathlon Union (ITU) Multisport World Championships Festival in Penticton;

AND THAT the Mayor and Corporate Officer are directed to execute this agreement on behalf of the City;

AND THAT Council direct staff to negotiate with Michael Brown and Penticton 2017 ITU Multisport World Championships Ltd. on five-year rights of first refusal should either party bid on ITU or other multisport events.

**CARRIED UNANIMOUSLY**

Mayor Jakubeit returned to the meeting at 3:51 p.m.

9.3 Cross Connection Program – Add Annual Backflow Test Filing Fees  
Re: Fees and Charges Amendment Bylaw No. 2017-05

42/2017

**It was MOVED and SECONDED**

THAT upon confirmation that the data collected by BSI Online is not duplicated in the United States;

THAT Council endorse the Development Services Division's implementation of the Backflow Solutions Incorporated online program to improve efficiencies for customers and staff;

AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-05" a bylaw to create Cross Connection Program annual testing filing fees.

**CARRIED UNANIMOUSLY**

9.4 South Okanagan Performing Arts Centre Society's Council Request

43/2017

**It was MOVED and SECONDED**

THAT Council defer the report titled "South Okanagan Performing Arts Centre Society's Council Request" for 30 days.

**CARRIED**  
**Councillor Sayeed, Opposed**

9.5 SILGA Resolutions

44/2017

**It was MOVED and SECONDED**

THAT Council submit the following resolution to Southern Interior Local Government Association (SILGA) for consideration at UBCM:

Advertising

WHEREAS section 94 of the *Community Charter* prescribes public notice provisions through a newspaper distributed at least weekly;

AND WHEREAS other forms of media have a far greater reach than newspaper publications;

NOW THEREFORE BE IT RESOLVED that the Ministry of Community, Sport and Cultural Development be requested to conduct a comprehensive review and evaluation of the statutory advertising provisions with a view to amending such provisions in response to the technological advances of recent years.

**CARRIED UNANIMOUSLY**

45/2017

**It was MOVED and SECONDED**

THAT Council submit the following resolution to Southern Interior Local Government Association (SILGA) for consideration at UBCM:

Business Registry

WHEREAS local governments wish to improve economic drivers and help local and BC companies grow in our region;

AND WHEREAS a listing of all registered businesses as collected by BC Registries and Online Services would facilitate as a mechanism to understand the existing businesses and potential economic opportunities;

THEREFORE BE IT RESOLVED that UBCM lobby the Ministry of Technology, Innovation & Citizens' Services, the Ministry responsible for BC Registries and Online Services and request that a business registry census be provided to municipal and regional governments annually.

**CARRIED UNANIMOUSLY**

Council agreed by consensus to review a resolution supporting recall legislation at the February 21, 2017 Council meeting.

**10. Public Question Period**

**11. Recess to In-Camera Meeting**

46/2017

**It was MOVED and SECONDED**

THAT Council recess at 5:13 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (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.

**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 6:57 p.m.  
Councillor Sayeed was absent.

- 9.6 Okanagan Basin Water Board Grant Application  
Re: Phase II Drought Management Plan

47/2017

**It was MOVED and SECONDED**

THAT Council support staff making an application to the Okanagan Basin Water Board Water Conservation and Quality Improvement (WCQI) grant program for a grant in the amount of \$12,500 for Phase II of our Drought Management Plan;  
AND THAT Council commits matching funds from the water reserve to complete the study, as included in the Water Treatment Plant 2017 budget.

**CARRIED UNANIMOUSLY**

- 9.7 Okanagan Basin Water Board Grant Application  
Re: Microbial Survey

48/2017

**It was MOVED and SECONDED**

THAT Council endorses an application to the Okanagan Basin Water Board Water Conservation and Quality Improvement (WCQI) grant program for an in kind grant in the amount of \$3,500 for a Microbial Survey of Biological Nutrient Removal (BNR) Treatment Plant Sludge.

**CARRIED UNANIMOUSLY**

- 9.9 Canada 150 Grant for replacement of Leir House windows

49/2017

**It was MOVED and SECONDED**

THAT Council direct staff to apply for the Provincial Canada 150 grant in the amount of \$100,000 for replacement of the windows at Leir House;  
AND THAT Council commits to fund 20% of the grant amount, to a maximum of \$25,000 from the general operating surplus and that the Financial Plan Bylaw be amended accordingly.

**CARRIED UNANIMOUSLY**

**14. Reconsideration of Bylaws and Permits**

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

50/2017

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2016-71";  
AND THAT Council approve Development Variance Permit PL2016-7729 for 750 Kamloops Avenue.

**CARRIED UNANIMOUSLY**

- 14.2 Zoning Amendment Bylaw No. 2017-02  
Re: 457 & 461 Nelson Avenue

51/2017

**It was MOVED and SECONDED**

THAT Council give second reading as amended and third reading to "Zoning Amendment Bylaw No. 2017-02";  
AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-02".

**CARRIED UNANIMOUSLY**

- 14.3 Zoning Amendment Bylaw No. 2017-04  
Re: 251 Rigsby Street

52/2017

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-04".

**CARRIED UNANIMOUSLY**

- 14.4 OCP Amendment Bylaw No. 2017-06  
Re: The Ridge

53/2017

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-06";  
AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-06".

**CARRIED UNANIMOUSLY**

- 14.5 Zoning Amendment Bylaw No. 2017-07  
Re: The Ridge

54/2017

**It was MOVED and SECONDED**

THAT Council refer "Zoning Amendment Bylaw No. 2017-07" to staff for more information.

**CARRIED UNANIMOUSLY**

**15. Land Matters:**

- 15.1 Road Closure Bylaw (Government Street) No. 2017-01  
Re: Part of Government Street beside Hospital

Delegations/Submissions: Nil

55/2017

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Road Closure Bylaw(Government Street) No. 2017-01", a bylaw that closes a portion of Government Street east of the Penticton Regional Hospital to facilitate the land swap with Interior Health for required road widening.

**CARRIED UNANIMOUSLY**

15.2 Development Variance Permit PL2016-7783

Re: 1198 Government Street

Delegations/Submissions: Birte Decloux, agent, expansion to zero lot line removes dark gaps, crime prevention through design, consistent with existing laneway.

56/2017

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2016-7783" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 39066, located at 1198 Government Street, a permit to decrease the minimum interior yard from 4.5m to 0m and to decrease the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

AND THAT staff be directed to issue "Development Variance Permit PL2016-7783."

**CARRIED UNANIMOUSLY**

15.3 Temporary Use Permit Renewal

Re: 1830 Ridgedale Avenue

57/2017

**It was MOVED and SECONDED**

THAT Council extend the time frame of "Temporary Use Permit No. PL2016-7765", a permit to allow for the operation of a "rock crusher", on Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 21103, located at 1830 Ridgedale Avenue, for an additional one and a half month period, ending on the 14<sup>th</sup> of March 2017, subject to the same conditions as the original permit:

- No processed materials are to leave the site
- The rock crusher is only permitted to be operated between the hours of 8 AM and 4 PM, Monday to Friday
- Appropriate dust control measures are to be taken at all times
- That a sound barrier (earth berm) is created to reduce noise around the crusher

**CARRIED UNANIMOUSLY**

**16. Notice of Motion**

**17. Business Arising from Committee of the Whole**

58/2017

**It was MOVED and SECONDED**

THAT Council support the bid and commit to hosting a 2019 FCM Board Meeting in Penticton.

**CARRIED UNANIMOUSLY**

59/2017

**It was MOVED and SECONDED**

THAT Council provide Current Taxi Ltd. with a letter of support to accompany their application to the Passenger Transportation Board.

**CARRIED UNANIMOUSLY**

- 18. Council Round Table
- 19. Public Question Period
- 20. Adjournment

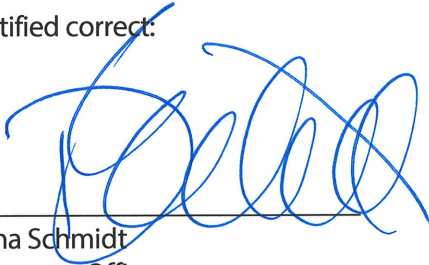
60/2017

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, February 7, 2017 at 7:25 p.m.


**CARRIED UNANIMOUSLY**

Certified correct:



Dana Schmidt  
Corporate Officer

Confirmed:



Andrew Jakubeit  
Mayor