

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

Tuesday, February 28, 2017
at 3:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Mitch Moroziuk, General Manager of Infrastructure
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Special Council meeting to order at 3:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

134/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Special Council meeting held on February 28, 2017 as amended to include late item 16.1 - reconsideration of revitalization work for the 300 block of Main Street.

CARRIED UNANIMOUSLY

4. Proclamation:

4.1 Lymphedema Awareness Day – March 6, 2017

Mayor Jakubeit proclaimed March 6, 2017 as "Lymphedema Awareness Day" in the City of Penticton.

5. Adoption of Minutes:

5.1 Minutes of the February 7, 2017 Committee of the Whole

135/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the February 7, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

5.2 Minutes of the February 7, 2017 Public Hearing

136/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the February 7, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

5.3 Minutes of the February 7, 2017 Regular Council Meeting

137/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 7, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

6. Committee and Board Reports

6.1 Penticton Arena Task Force Minutes of January 9, 2017

138/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Penticton Arena Task Force meeting of January 9, 2017.

CARRIED UNANIMOUSLY

6.2 Penticton Arena Task Force Minutes of January 23, 2017

139/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Penticton Arena Task Force meeting of January 23, 2017.

CARRIED UNANIMOUSLY

7. Delegation:

7.1 SOWINS – Debbie Scarborough

Debbie Scarborough, SOWINS, provided Council with an update on the work to date by South Okanagan Women In Need Society and identified that the okanagan is a place where exploitation is occurring.

8. Staff Reports:

8.1 Reconsideration - Appeal of Denial Non-Profit Registration
Re: Association of Medical Marijuana Awareness, Jukka Laurio

Owner: Jukka Laurio, Association of Medical Marijuana Awareness, spoke in support of the non-profit registration. The Association of Medical Marijuana Awareness has a five member board and is a separate operation and not related to the dispensary. No products are sold, collect information and plan to distribute with pamphlets and on a website.

140/2017

It was MOVED and SECONDED

THAT Council reconsider and 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

8.2 Appeal Suspension/Cancellation of Business Licence

Re: The Whole, 651 Main Street

Owner: Carrie Walker, youth defined as 14-29 years, 73 signature petition of support, report is the first time made aware of nuisance complaints, provided Council youtube video outlining business and neighbour concerns.

141/2017

It was MOVED and SECONDED

THAT Council receive this report for the purpose of considering whether:

- a) the suspension of the City of Penticton business licence for the Whole (City of Penticton Business Licence No. 111395), as set out in the January 25, 2017 letter from the City's Building and Permitting Manager, should be upheld; and
- b) whether the business license for the Whole at 651 Main Street, Penticton, BC, should be cancelled;

AND THAT after providing Ms. Carrie Lee Walker, or other representative of the Whole, with an opportunity to be heard by Council, Council resolve to reinstate the City of Penticton business licence for the Whole (City of Penticton Business Licence No. 111395) and allow operations to continue upon compliance with licencing fees.

CARRIED UNANIMOUSLY

8.3 2017 Transit Workshop

142/2017

It was MOVED and SECONDED

THAT Council support BC Transit having their 2017 Transit Workshop in Penticton;

AND THAT the City of Penticton contribute to the success of the workshop by:

- The Mayor providing the Welcome Delegates Address;
- Hosting a welcome reception;
- Providing volunteer staff to work at the reception and workshop;
- Providing funding to a maximum of \$1,500; and
- Participation in the workshop when possible by the Mayor, Council and staff;

AND THAT the required financial contribution be funded from available surplus;

AND FURTHER THAT The General Manager of Infrastructure be authorized to execute the February 10, 2017 Memorandum as contained in Attachment "A".

CARRIED UNANIMOUSLY

8.4 Regional Transit Integration Project

143/2017

It was MOVED and SECONDED

THAT Council support moving to an integrated Regional Riders Guide for Conventional Transit as contained in Attachment "A";
AND THAT Council support a consistent Fare Strategy in the Region as contained in Table 4 of the Background section of this Council Report;
AND THAT Council support the Service Design Standards and Performance Guidelines as contained in Attachment "B";
AND THAT staff bring back an amendment to the Fees and Charges Bylaw at the appropriate time to support the new Fare Strategy;
AND FURTHER THAT Council authorize the General Manager of Infrastructure to execute the Memorandum of Understanding between the City of Penticton and BC Transit, as contained in Attachment "C", to facilitate the implementation of Regional Transit Guide and new Fare Strategy.

CARRIED UNANIMOUSLY

8.5 Downtown Business Improvement Area Bylaw No. 2017-12

144/2017

It was MOVED and SECONDED

THAT Council direct staff to proceed with the renewal process for the Business Improvement Area (BIA) for a further five year period;
AND THAT Council approve the initiative petition process whereby Council gives notice of its intention to adopt the Business improvement Area bylaw unless it is objected to by a majority of the owners representing at least one-half of the value of the properties in the specified area;
AND THAT Council approve the notice which will be published March 3rd and 8th and sent to each affected property owner;
AND THAT Council give three readings to "Downtown Business Improvement Area Bylaw No. 2017-12.

CARRIED UNANIMOUSLY

9. Reconsideration of Bylaws and Permits

9.1 Fees and Charges Amendment Bylaw No. 2017-05
Re: Cross Connection Program – filing fee

145/2017

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2017-05".

CARRIED UNANIMOUSLY

9.2 Road Closure Bylaw (Government Street) No. 2017-01
Re: part of Government Street beside hospital

146/2017

It was MOVED and SECONDED

THAT Council adopt "Road Closure Bylaw (Government Street) No. 2017-01".

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

147/2017

It was MOVED and SECONDED

THAT Council recess at 4:51 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. Reconvene the Special Council Meeting at 6:00 p.m.

Council reconvened the Special Council Meeting at 6:02 p.m.

13. Land Matters:

- 13.1 Development Variance Permit PL2016-7808
Re: 1685 Carmi Avenue

Delegations/Submissions: Nil

148/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2016-7808" for Lot 1 District Lot 3821S Similkameen Division Yale District Plan KAP51022, located at 1685 Carmi Avenue, a permit to increase the maximum permitted height of a fence from 1.2m to 2.3m and to increase the maximum permitted height of a retaining wall within the front yard from 1.2m to 2.5m.

CARRIED UNANIMOUSLY

- 13.2 Development Variance Permit PL2017-7821
Re: 369 Douglas Avenue

Delegations/Submissions: Nil

149/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-7821" for That Part of Lot 7 Shown on Plan B5486; District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 369 Douglas Avenue, a permit to increase the maximum building footprint of a carriage house from 90m², or 60% of the building footprint area of the

principal residence, whichever is less to 100m² and to decrease the minimum west interior side yard from 1.5m to 0.95m;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7821."

CARRIED
Councillor Sentes, Opposed

13.3 Development Variance Permit PL2016-7815
Re: 408 Waterloo Avenue

Delegations/Submissions: Nil

150/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2016-7815" for Lot A District Lot 196S AND Penticton Indian Reserve No. 1, Similkameen Division Yale District Plan KAP78278, located at 408 Waterloo Avenue, a permit to decrease the minimum west and north interior side yard when abutting a public zone from 6.0m to 3.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2016-7815."

CARRIED UNANIMOUSLY

13.4 Development Variance Permit PL2016-7733
Re: 611/619 Van Horne Street

Delegations/Submissions: applicant explained they are trying to accommodate bike storage in lower space by doors.

151/2017

It was MOVED and SECONDED

THAT Council approve Development Variance Permit PL2016-7733 for Lot 18 and Lot 19, Block 32, District Lot 202, Similkameen Division Yale District, Plan 269, located at 611 and 619 Van Horne Street, a permit to reduce the minimum lot width from 13m to 9.3m; reduce the minimum lot area from 390m² to 285m²; reduce the front yard setback from 4.5m to 3.5m, increase the height of a retaining wall from 1.2m to 1.65m and allow a reduction of the parking requirement from 1 stall to 0 for the secondary suite;

AND THAT staff be directed to issue Development Variance Permit PL2016-7733.

CARRIED UNANIMOUSLY

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

152/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-07" be amended as follows:

- Replace the image "Proposed Zoning" on Schedule A of Bylaw No. 2017-07, with the new image attached as Attachment A to this report, which changes the proposed zoning of the multifamily site adjacent to Sendero Park from RM3 to RM2;

AND THAT Council give second reading as amended to "Zoning Amendment Bylaw No. 2017-07";

AND THAT Council give third reading to "Zoning Amendment Bylaw No. 2017-07".

CARRIED UNANIMOUSLY

- 14. **Notice of Motion**
- 15. **Business Arising from In-Camera**
- 16. **Council Round Table**

16.1 Reconsideration

153/2017

It was MOVED and SECONDED

THAT Council reconsider and approve the design work for the revitalization of the 300 block of Main Street for \$166,000 to be funded by capital carry forward.

CARRIED

Mayor Jakubeit, Councillors Martin and Konanz, Opposed

- 17. **Public Question Period**

- 18. **Adjournment**

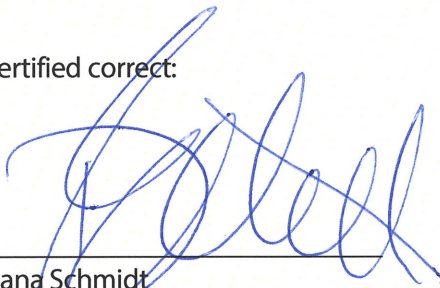
154/2017

It was MOVED and SECONDED

THAT Council adjourn the Special Council meeting held on Tuesday, February 28, 2017 at 7:01 p.m.

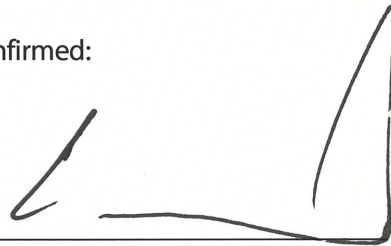
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor