

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

Tuesday, April 4, 2017
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Konanz
Councillor Martin
Councillor Watt
Councillor Sentes
Councillor Picton
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 1:00 p.m.

2. Introduction of Late Items

Correspondence 8.2 - Many Hats Theatre request for chairs
Staff Report 9.8 - Interim Funding Agreement - Travel Penticton Society

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on April 4, 2017 as amended.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:30 p.m.

6. Adoption of Minutes:

6.1 Minutes of the March 21, 2017 Regular Council Meeting

219/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the March 21, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Heritage & Museum Committee Minutes of March 9, 2017

220/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Heritage & Museum Committee meeting of March 9, 2017.

CARRIED UNANIMOUSLY

7.2 Transportation Advisory Committee Minutes of March 14, 2017

221/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of March 14, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Ogopogo Valley Tours Inc.
Re: Letter of Support

222/2017

It was MOVED and SECONDED

THAT Council provide Ogopogo Valley Tours Inc with a letter of support to accompany their application to the Passenger Transportation Board.

CARRIED UNANIMOUSLY

8.2 Late Item – Many Hats Theatre Co-op
Re: Requesting chairs

223/2017

It was MOVED and SECONDED

THAT Council refer the request for 110 chairs from the Many Hats Theatre Co-op to staff for more information.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Loan and grant to SS Sicamous Marine Heritage Society
Re: Construction of a pier like deck

224/2017

It was MOVED and SECONDED

THAT Council approve the attached loan agreement with the S.S. Sicamous Marine Heritage Society for an interest free loan to a maximum amount of \$50,000 with 75% of the amount borrowed to be repaid by March 30, 2019, and the remaining 25% be provided to the Society as a cash grant toward the construction of a pier like deck along the south side of the S.S. Sicamous; AND THAT the Mayor and Corporate Officer be authorized to sign the Document.

CARRIED UNANIMOUSLY

9.2 Energy Retrofit Loan Program Update

225/2017

It was MOVED and SECONDED

THAT Council receive the Energy Retrofit Loan Program Update report dated April 4, 2017 as a status update on the Energy Retrofit Loan Program;
AND THAT Council direct staff to extend the Energy Retrofit Loan Program to the end of 2019.

CARRIED UNANIMOUSLY

9.3 2017 Property Tax Multipliers

226/2017

It was MOVED and SECONDED

THAT Council approve the following tax ratios for 2017:

Class 1 Residential	1.00
Class 2 Utilities	5.93
Class 3 Supportive Housing	1.00
Class 4 Major Industry	1.58
Class 5 Light Industry	1.58
Class 6 Business & Other	1.58
Class 7 Managed Forest Land	1.58
Class 8 Recreation/Non Profit	1.39
Class 9 Farm	2.06

AND THAT Council direct staff to commission a review on the business competitiveness of the City of Penticton.

CARRIED

Councillors Picton, Martin and Konanz, Opposed

9.4 Arena Task Force Update

227/2017

It was MOVED and SECONDED

THAT Council endorses the following in order for the Arena Task Force to continue to work on a recommendation for the future arena needs of Penticton;

- The Arena Task Force findings that Penticton needs four arenas in order to provide the current services and programs to the community;
- The Arena Task Force vision for future arenas that are fully functional, multi-purpose facilities which allow for flexible, efficient and optimized year-round use;
- The Arena Task Force description of a multi-purpose facility including:
 - Regulation size playing surface and ceiling heights to accommodate all user groups;
 - Adequate spectator seating capacity (200-400);
 - Adequate dressing room numbers, sizes and configuration;
 - Dryland/warm up areas (could be multi-functional space, does not need to be a dedicated area);
 - Desired location to be consolidated at SOEC site for sports tourism opportunities including tournaments, championships, etc.; and
 - Multi-purpose facility with capability of offering ice and dry floor surfaces and ability to accommodate all user groups.

- Fully functional facilities should allow for flexible, efficient and optimized year-round use.

AND THAT Council authorizes the Arena Task Force and staff to proceed to complete the Memorial and McLaren Arena Assessment and the Arena Feasibility Study as described in the report.

CARRIED UNANIMOUSLY

9.5 Official Community Plan Task Force Appointment and Program Update

228/2017

It was MOVED and SECONDED

THAT Council amend the 2017 – 2018 Terms of Reference for the Official Community Plan Task Force to increase the number of voting members appointed by Council from seventeen (17) to nineteen (19);

AND THAT Council appoint two members of City Council to the OCP Task Force;

AND THAT Council receive, for information, an update on the OCP engagement process to date and an indication of next steps.

CARRIED UNANIMOUSLY

9.6 Winery Lounge and Special Event Area (SEA) Endorsement Application

Re: Township 7 Vineyards and Winery, 1450 McMillan Avenue

229/2017

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area (SEA) endorsement for Township 7 Vineyards & Winery (Penticton), located at 1450 McMillan Ave. Penticton;

AND THAT staff report back to Council at their meeting on May 2, 2017 with the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

9.7 Remedial Action Order

Re: 175 Cossar Avenue

230/2017

It was MOVED and SECONDED

THAT Council pursuant to Section 74 of the Community Charter, declare that general unkempt condition of the property located at 175 Cossar Avenue, (legally described as LT 5 PL KAP3223 DL 1 SDYD) is offensive to the community and, as a result, is a "declared nuisance" that requires remedial action to clear the debris/garbage at the exterior of the property and the rat infestation inside and around the exterior of the property;

AND THAT typically the owner has 14 days to appeal per. S. 78(2) and at least 30 days to comply per s. 76(2). Under S. 79 Council may set a shorter time limit if "there is a significant risk to health or safety if action is not taken earlier" which applies in this case and as such

Council set shorter time limit of three days to appeal and seven days to comply;

AND THAT after the period of appeal has passed, on March 31, 2017, the Bylaw Services Department pursuant to Section 74 of the Community Charter be authorized to enter the property for cleaning the exterior and remedy the rat infestation inside and around the exterior of the property;

AND THAT Council authorize staff to take all appropriate actions in accordance with Section 17 [Municipal Action at Defaulter's Expense] of the Community Charter to ensure the property is brought into compliance with the Remedial Action specified above subject to the following:

- a) that all costs incurred by the City to bring the property into compliance shall be at the expense of the property owner and, as per Section 17 of the Community Charter, these costs shall be treated as a debt owed to the City of Penticton.

CARRIED UNANIMOUSLY

Mayor Jakubeit declared a conflict of interest and left the meeting at 3:31 p.m. Deputy Picton chaired the meeting. Councillor Sayeed declared a conflict of interest and left the meeting at 3:33 p.m.

9.8 Late Item – Interim Funding Agreement – Travel Penticton Society

231/2017

It was MOVED and SECONDED

That Council approve the Travel Penticton Society Interim Funding Agreement, dated April 4, 2017 between the City and Travel Penticton Society for the provision of visitor information and tourism services for the period of January 1 – June 30, 2017; AND THAT the Mayor and Corporate Officer be authorized to sign the attached funding agreement.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Sayeed returned to the meeting at 3:33 p.m.

10. Public Question Period

11. Recess to In-Camera Meeting

232/2017

It was MOVED and SECONDED

THAT Council recess at 4:04 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(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 8:48 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Business Licence Amendment Bylaw No. 2017-15

Delegations/Submissions: nil

- 233/2017 **It was MOVED and SECONDED**
 THAT Council adopt "Business Licence Amendment Bylaw No. 2017-15".
CARRIED UNANIMOUSLY
- 14.2 Zoning Amendment Bylaw No. 2017-14
- 234/2017 **It was MOVED and SECONDED**
 THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-14".
CARRIED UNANIMOUSLY
- 14.3 Fees and Charges Amendment Bylaw No. 2017-16
 Re: Vacation Rentals
- 235/2017 **It was MOVED and SECONDED**
 THAT Council adopt "Fees and Charges Amendment Bylaw No. 2017-16".
CARRIED UNANIMOUSLY
- 14.4 Bylaw Enforcement Amendment Bylaw No. 2017-17
 Re: Vacation Rentals
- 236/2017 **It was MOVED and SECONDED**
 THAT Council adopt "Bylaw Enforcement Amendment Bylaw No. 2017-17".
CARRIED UNANIMOUSLY
- 14.5 Municipal Ticketing Information Amendment Bylaw No. 2017-18
 Re: Vacation Rentals
- 237/2017 **It was MOVED and SECONDED**
 THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2017-18".
CARRIED UNANIMOUSLY
- 14.6 Zoning Amendment Bylaw No. 2017-19
 Re: 769/777 Ontario Street
- 238/2017 **It was MOVED and SECONDED**
 THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-19";
 AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-19".
CARRIED UNANIMOUSLY
- 14.7 Zoning Amendment Bylaw No. 2017-20
 Re: 708 Revelstoke Avenue/865 Railway Street
- 239/2017 **It was MOVED and SECONDED**
 THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-20".
CARRIED UNANIMOUSLY
- 14.8 Zoning Amendment Bylaw No. 2017-21
 Re: 634 Westminster Avenue W & 201 Maple Street
- 240/2017 **It was MOVED and SECONDED**
 THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-21".
CARRIED UNANIMOUSLY

14.9 Zoning Amendment Bylaw No. 2017-22
Re: 230 Brunswick Street

241/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-22".

CARRIED UNANIMOUSLY

14.10 Zoning Amendment Bylaw No. 2017-23
Re: 453 Winnipeg Street and 232 Wade Avenue

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-23".

242/2017

It was MOVED and SECONDED

THAT Council postpone 30 days second and third reading of "Zoning Amendment Bylaw No. 2017-23".

DEFEATED

Councillors Konanz, Picton, Sentes, Martin, Opposed

243/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-23".

CARRIED

Mayor Jakubeit, Councillors Watt and Sayeed, Opposed

14.11 Official Community Plan Amendment Bylaw No. 2017-24
Re: 135 Front Street

244/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-24";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-24";

CARRIED UNANIMOUSLY

245/2017

It was MOVED and SECONDED

THAT Council approve DVP PL2016-7813 a permit to vary 135 Front Street.

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Brewery Lounge and Special Event Area Endorsement

Re: Highway 97 Brewing Company Ltd., 954 Eckhardt Avenue W

Delegations/Submissions: nil

246/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications for Brewery Lounge & Special Event Area (SEA) Endorsement for Highway 97 Brewing Company Ltd.

CARRIED UNANIMOUSLY

- 16. **Notice of Motion**
- 17. **Business Arising**
- 18. **Council Round Table**
- 19. **Public Question Period**
- 20. **Adjournment**

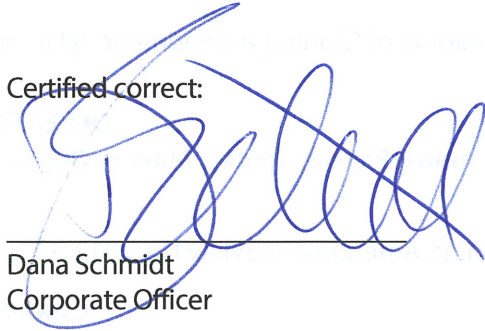
247/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, April 4, 2017 at 9:37 p.m.

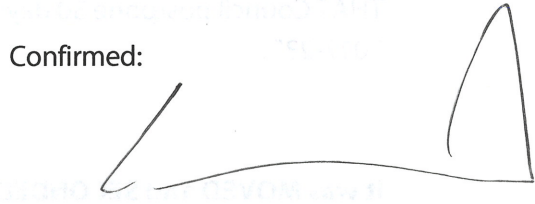
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor