

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

Tuesday, April 18, 2017
at 1:00 p.m.

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

Absent: Councillor Sayeed (with notice)

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

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on April 18, 2017 as amended and consider items 12.1 – 12.4, 13.5 and 13.6 after item 8.9.

CARRIED UNANIMOUSLY

4. Proclamation:

4.1 "Red Hat Day" – April 25, 2017

Mayor Jakubeit proclaimed April 25, 2017 as "Red Hat Day" in the City of Penticton.

5. **Adoption of Minutes:**

5.1 Minutes of the April 4, 2017 Committee of the Whole

249/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the April 4, 2017 Committee of the Whole Meeting as presented.

CARRIED UNANIMOUSLY

The meeting recessed at 1:05 p.m. due to technical difficulties. The meeting reconvened at 1:07 p.m.

5.2 Minutes of the April 4, 2017 Public Hearing

250/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the April 4, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

5.3 Minutes of the April 4, 2017 Regular Council Meeting

251/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 4, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

5.4 Minutes of the April 11, 2017 Parcel Tax Roll Review Panel

252/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the April 11, 2017 Parcel Tax Roll Review Panel as presented.

CARRIED UNANIMOUSLY

6. **Committee and Board Reports**

6.1 Penticton Creek Restoration Committee Minutes of March 10, 2017

253/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Penticton Creek Restoration Committee meeting of March 10, 2017.

CARRIED UNANIMOUSLY

6.2 Affordable Community Task Force Minutes of March 31, 2017

254/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Affordable Community Task Force meeting of March 31, 2017.

CARRIED UNANIMOUSLY

6.3 Agriculture Advisory Committee Minutes of March 31, 2017

255/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Agriculture Advisory Committee meeting of March 31, 2017.

CARRIED UNANIMOUSLY

7. Correspondence

- 7.1 Peach City Beach Cruise
Re: Request free parking for registrants, June 23 – 25, 2017

256/2017

It was MOVED and SECONDED

THAT Council approve the request made by Peach City Beach Cruise and provide free parking in city controlled lots to registrants, June 23 – 25, 2017.

CARRIED
Councillors Martin and Konanz, Opposed

8. Staff Reports:

- 8.1 Tax Rates Bylaw No. 2017-25

257/2017

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2017-25", a bylaw that establishes property taxation rates for the 2017 tax year.

CARRIED UNANIMOUSLY

- 8.2 Service Agreement between Penticton Public Library and Penticton Indian Band

258/2017

It was MOVED and SECONDED

THAT Council approves the service agreement between Penticton Public Library and the Penticton Indian Band and authorize the Library Board and Chief Librarian to execute the agreement.

CARRIED UNANIMOUSLY

- 8.3 Proposed Asset Disposal
Re: Penmar Community Arts Society (PCAS) Theatre Seats

259/2017

It was MOVED and SECONDED

THAT Council direct Staff work cooperatively with the Penmar Community Arts Society to dispose of the assets held as security without formally seizing the assets;
AND THAT Council waive the Purchasing Policy allowing for negotiations with local parties that express interest in the projectors and theatre seats;
AND FURTHER THAT staff be directed to maximize the recovery of the loan proceeds through disposition of the assets through the various options permitted under the section 25 of the *Community Charter*.

CARRIED UNANIMOUSLY

- 8.4 2017/2018 Annual Operating Agreement Conventional and Custom Transit

260/2017

It was MOVED and SECONDED

THAT Council authorize the Mayor and Corporate Officer to execute the 2017 / 2018 Annual Operating Agreement for the Conventional and Custom Transit System as contained in Attachment "A".

CARRIED UNANIMOUSLY

8.5 Transit Service Agreement

261/2017

It was MOVED and SECONDED

THAT Council authorize the Mayor and Corporate Officer to execute the Transit Service Agreement as contained in Attachment "A".

CARRIED UNANIMOUSLY

8.6 City Yards Roof Replacement

Re: Budget Amendment

262/2017

It was MOVED and SECONDED

THAT Council direct staff to implement the replacement of the roof at the City Yards mechanics garage;
AND THAT Council approves a budget amendment of \$140,000 from the City's Asset Emergency Reserve to fund the capital improvements.

CARRIED UNANIMOUSLY

8.7 Winery Lounge Endorsement

Re: Perseus Winery

263/2017

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Winery Lounge endorsement for Perseus Winery (Penticton), located at 134 Lower Bench Road;
AND THAT staff report back to Council at their meeting on May 23, 2017 with the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

Councillor Konanz left the meeting at 2:13 p.m.

8.8 Downtown Business Improvement Area Bylaw No. 2017-12

264/2017

It was MOVED and SECONDED

That Council approve the Certificate of Sufficiency for the "Downtown Business Improvement Area Bylaw No. 2017-12";

AND THAT Council adopt "Downtown Business Improvement Area Bylaw No. 2017-12".

CARRIED UNANIMOUSLY

Councillor Konanz returned to the meeting at 2:15 p.m.

8.9 Bylaw Notice Enforcement Amendment Bylaw No. 2017-28 & Municipal Ticketing Information Amendment Bylaw No. 2017-29
Re: for new Zoning Bylaw and Solid Waste Collection Bylaw

265/2017

It was MOVED and SECONDED

That Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-29".

CARRIED UNANIMOUSLY

12. Reconsideration of Bylaws and Permits

12.1 Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03

266/2017

It was MOVED and SECONDED

THAT Council rescind third reading and give third reading as amended to “Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03”.

CARRIED UNANIMOUSLY

12.2 Zoning Amendment Bylaw No. 2017-14

Re: Vacation Rentals

267/2017

It was MOVED and SECONDED

THAT Council adopt “Zoning Amendment Bylaw No. 2017-14”.

CARRIED UNANIMOUSLY

12.3 Zoning Amendment Bylaw No. 2017-22

Re: 230 Brunswick Street

268/2017

It was MOVED and SECONDED

THAT Council adopt “Zoning Amendment Bylaw No. 2017-22”.

CARRIED UNANIMOUSLY

12.4 Zoning Amendment Bylaw No. 2017-23

Re: 453 Winnipeg Street and 232 Wade Avenue

269/2017

It was MOVED and SECONDED

THAT Council adopt “Zoning Amendment Bylaw No. 2017-23”.

**CARRIED
Mayor Jakubeit, Opposed**

13.5 OCP Amendment Bylaw No. 2017-26 &

Zoning Amendment Bylaw No. 2017-27 & DVP PL2017-7878

Re: 180 Industrial Avenue W

270/2017

It was MOVED and SECONDED

THAT prior to consideration of “OCP Amendment Bylaw No. 2017-26” and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that in addition to the Public Hearing proposed for May 2, 2017, the Public Consultation completed to date is sufficient;

AND THAT “OCP Bylaw No. 2002-20” be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in

Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27".

CARRIED UNANIMOUSLY

13.6 OCP Amendment Bylaw No. 2017-30
Zoning Amendment Bylaw No. 2017-31 & DVP PL2017-7914
Re: 352, 398 Eckhardt Avenue E

271/2017

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.4m road widening along Eckhardt Avenue East is registered with the Land Title Office.
- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the *Local Government Act*, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

THAT delegations and submissions for "Development Variance Permit PL2017-7914" include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2 , 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7914" following the adoption of "Zoning Amendment Bylaw No. 2017-31".

CARRIED UNANIMOUSLY

9. Public Question Period

10. Recess Meeting until 6:00 p.m.

The Regular Council meeting recessed at 3:11 p.m.

11. Reconvene the Regular Council Meeting at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:01 p.m.

13. Land Matters:

- 13.1 Winery Lounge and Special Event Area (SEA) Endorsement
Re: Time Winery, 361 Martin Street

Delegations/Submissions:

- Kristalee McWaters-Bond, Summerland, read submission from Harry McWaters, spoke in support of application.
- Walter Pole, Winnipeg Street, live behind Time Winery, read letter of concern that was submitted to Council. Crush pad of great concern along with late night hours, sounds, and parking.

272/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications from Time Winery (Encore Vineyards Ltd) for the proposed Winery Lounge and Special Event Area (SEA) Endorsements.

CARRIED UNANIMOUSLY

- 13.2 Winery Lounge Endorsement
Re: Little Engine Wines, 851 Naramata Road

Delegations/Submissions: nil

273/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Little Engine Wines (Little Engine Wines Ltd.) for the proposed Winery Lounge Endorsement.

CARRIED UNANIMOUSLY

- 13.3 Development Variance Permit PL2017-7876
Re: 426 Churchill Avenue

Delegations/Submissions: nil

274/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-7884" for Lot 19 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 426 Churchill Avenue, a permit to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m and to decrease the minimum south front yard from 4.5m to 3.0m; AND THAT staff be directed to issue "Development Variance Permit PL2017-7884."

CARRIED UNANIMOUSLY

- 13.4 Development Variance Permit PL2017-7890
Re: 3598 South Main Street

Delegations/Submissions: nil

275/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-7890" for Lot 5 District Lot 197 Similkameen Division Yale District Plan 20373, located at 3598 South Main Street, a permit to increase the maximum floor area of all accessory buildings from 75m² to 89m²; AND THAT staff be directed to issue "Development Variance Permit PL2017-7890."

CARRIED UNANIMOUSLY

16. Notice of Motion

17. Business Arising

276/2017

It was MOVED and SECONDED

THAT Council amend the Official Community Plan Task Force Terms of Reference to three non voting members of Council and appoint Mayor Jakubeit, Councillor Sentes and Councillor Martin.

CARRIED UNANIMOUSLY

18. Council Round Table

19. Public Question Period

20. Adjournment

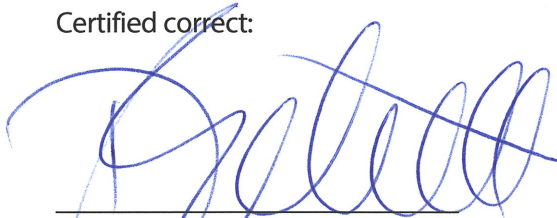
277/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, April 18, 2017 at 6:36 p.m.

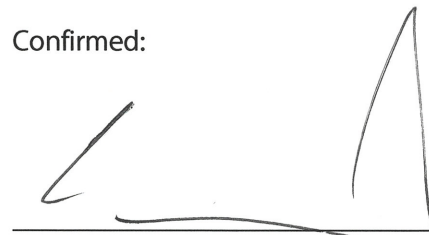
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor