

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

Tuesday, May 2, 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
Ian Chapman, Acting 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 1:01 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 May 2, 2017 as amended to include item 9.3 OCP Update.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:49 p.m.

6. Adoption of Minutes:

6.1 Minutes of the April 18, 2017 Regular Council Meeting

279/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 18, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Penticton Arena Task Force Minutes of March 20, 2017

280/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Penticton Arena Task Force meeting of March 20, 2017.

CARRIED UNANIMOUSLY

7.2 Penticton Creek Restoration Committee Minutes of April 5, 2017

281/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of April 5, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

9.1 2016 Financial Statements

Jonathan McGraw, BDO Canada LLP, provided Council with the 2016 Financial Statements for the City of Penticton.

282/2017

It was MOVED and SECONDED

THAT Council receive the Financial Statements as presented by BDO Canada LLP for the year ending December 31, 2016.

CARRIED UNANIMOUSLY

9.2 Non-Motorized Boat Access Points to Okanagan Lake

283/2017

It was MOVED and SECONDED

THAT Council approves the installation of 3 non-motorized boat launch sites to service Okanagan Lake waterfront as follows:

1. Marina Way Beach – West of the rock groin
2. West of Martin Street Parking Lot – West of Pier Water Sports lease area
3. SS Sicamous – West side of SS Sicamous boat

CARRIED UNANIMOUSLY

9.3 Official Community Plan Update

The Director of Development Services provided Council with an update and invitation to attend the May public sessions for the Official Community Plan.

10. Public Question Period

11. Recess to In-Camera Meeting

284/2017

It was MOVED and SECONDED

THAT Council recess at 2:46 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(c) *labour relations or other employee relations;*

(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;*

(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;*

(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;*

(2) (b) *the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

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 6:31 p.m.

14. Reconsideration of Bylaws and Permits

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

285/2017

It was MOVED and SECONDED

THAT Council adopt "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03".

CARRIED UNANIMOUSLY

14.2 Tax Rates Bylaw No. 2017-25

286/2017

It was MOVED and SECONDED

THAT Council adopt "Tax Rates Bylaw No. 2017-25".

CARRIED UNANIMOUSLY

14.3 Official Community Plan Amendment Bylaw No. 2017-26
Re: 180 Industrial Avenue W

287/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-26";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-26".

CARRIED UNANIMOUSLY

14.4 Zoning Amendment Bylaw No. 2017-27
Re: 180 Industrial Avenue W

288/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-27".

CARRIED UNANIMOUSLY

14.5 Bylaw Notice Enforcement Amendment Bylaw No. 2017-28

289/2017

It was MOVED and SECONDED

THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28".

CARRIED UNANIMOUSLY

14.6 Municipal Ticketing Information Amendment Bylaw No. 2017-29

290/2017

It was MOVED and SECONDED

THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2017-29".

CARRIED UNANIMOUSLY

14.7 Official Community Plan Amendment Bylaw No. 2017-30

Re: 352, 398 Eckhardt Avenue E

291/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-30";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-30".

CARRIED UNANIMOUSLY

14.8 Zoning Amendment Bylaw No. 2017-31

Re: 352, 398 Eckhardt Avenue E

292/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-31".

CARRIED UNANIMOUSLY

13. Land Matters:

13.1 Winery Lounge and Special Event Area (SEA) Endorsement

Re: Township 7 Vineyards and Winery, 1450 McMillan Avenue

Delegations/Submissions:

- Nil

293/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Township 7 Vineyards & Winery (Penticton), located at 1450 McMillan Ave, for the proposed Winery Lounge & Special Event Area (SEA) Endorsement.

CARRIED UNANIMOUSLY

- 15.2 Development Variance Permit PL2017-7907
Development Permit PL2017-7908
Re: 251 Rigsby Street

Delegations/Submissions: Kathy Reese, Spiller Road, developer, application was approved before for three units but price point wouldn't be supported. Decided to move to four units.

294/2017

It was MOVED and SECONDED

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7907" for Lot 25, District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit to decrease the minimum front yard from 3.0m to 2.7m, to decrease the minimum south interior side yard from 3.0m to 1.5m, to decrease the minimum exterior side yard from 4.5m to 4.4m and to decrease the minimum rear yard from 6.0m to 3.5m;

AND THAT Council approve "Development Variance Permit PL2017-7907" and "Development Permit PL2017-7908", for Lot 25 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit that allows for the construction of a 4-unit townhouse.

CARRIED UNANIMOUSLY

- 15.3 Zoning Amendment Bylaw No. 2017-32
Development Variance Permit PL2017-7910
Development Permit PL2017-7911
Re: 747 Government Street

295/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-32," a bylaw to Rezone Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the May 23, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-32," a 1.75m road dedication on the east side of the property (along Government Street) is registered with the Land Title Office.

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7910" for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit to waive the requirement for trees and shrubs to be planted in the landscape buffer area, to waive the visitor parking space requirement for cluster housing, to decrease the minimum interior side yards from 3.0m to 1.5m and to waive the requirements for street frontage upgrades along Bird Street as per Section 9.3 of the City of Penticton Subdivision and Development Bylaw No. 2004-81;
AND THAT "DVP PL2017-7910" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-32".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-32," approve Development Permit PL2017-7911 for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit that allows for the construction of two duplexes.

CARRIED

- 15.4 Zoning Amendment Bylaw No. 2017-33
Development Permit PL2017-7913
Re: 285 Nanaimo Avenue W

296/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-33," a bylaw to amend Zoning Bylaw 2017-08, allowing ground floor residential in the C5 zone, as a site specific allowance, for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, be given first reading and forwarded to the May 23, 2017 Public Hearing;

AND THAT Council, approve Development Permit PL2017-7913, a permit that allows for the construction of a four storey, 52 unit apartment building on Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, subject to adoption of Zoning Amendment Bylaw 2017-33.

CARRIED UNANIMOUSLY

- 15.5 Zoning Amendment Bylaw No. 2017-34
Re: 532/536 Main Street

297/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-34", a bylaw adding section 11.5.4.7: "In the case of Lot 5, Block 19, District Lot 202, Similkameen Division Yale District Plan 269, located at 532/536 Main Street, dwelling units on the first storey behind commercial spaces shall be permitted", be introduced, read a first time and be forwarded to the May 23, 2017 Public Hearing.

CARRIED UNANIMOUSLY

- 15.6 Development Permit PL2017-7882
Re: 32 – 56 Backstreet Boulevard

298/2017

It was MOVED and SECONDED

THAT Council approve "DP PL2017-7882", a permit to allow the construction of an eight (8) storey building on Lot 36, Lot 37, Lot 39, Lot 40, Block 6, District 202, Similkameen Division Yale District, Plan 269, located at 56, 52, 40 and 32 Backstreet Boulevard, The Easterly 15 Feet of Lot 38 Being The Easterly 15 Feet Frontage on Westminster Avenue By The Full Depth of Said Lot; Block 6, District Lot 202, Similkameen Division Yale District, Plan 269 located at 48 Backstreet Boulevard; and Lot 38, Block 6, District 202, Similkameen Division Yale District, Plan 269 Except the Easterly 15 Feet Measured Along Westminster Avenue By The Full Depth of Said Lot located at 44 Backstreet Boulevard; AND THAT the 6 lots be consolidated prior to issuance of the Development Permit.

CARRIED UNANIMOUSLY

- 15.7 Zoning Amendment Bylaw No. 2017-35
Re: Administrative Amendment

299/2017

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-35", an administrative amendment bylaw that fixes a clause in the C5 (City Centre Commercial) zone regarding residential units at the ground floor;

AND THAT Council direct staff to advertise the waiving of the Public Hearing for "Zoning Amendment Bylaw No. 2017-35", in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

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

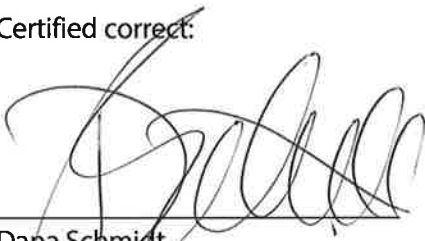
300/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, May 2, 2017 at 7:32 p.m.


CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor