

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

Tuesday, May 23, 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 (left at 3:43 p.m.)
Mitch Moroziuk, General Manager of Infrastructure (left at 3:43 p.m.)
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

301/2017

It was **Moved** and **Seconded**

THAT Council adopt the agenda for the Regular Council meeting held on May 23, 2017 as presented.

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 2:16 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 2, 2017 Committee of the Whole Meeting

302/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the May 2, 2017 Committee of the Whole Meeting as presented.
CARRIED UNANIMOUSLY

6.2 Minutes of the May 2, 2017 Public Hearing

303/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the May 2, 2017 Public Hearing as presented.
CARRIED UNANIMOUSLY

6.3 Minutes of the May 2, 2017 Regular Council Meeting

304/2017 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the May 2, 2017 Regular Council Meeting as presented.
CARRIED UNANIMOUSLY

Council agreed by consensus to alter the order of the Agenda and address item 9.7.

9.7 Upper Carmi Fire Protection

305/2017 **It was MOVED and SECONDED**
THAT Council support adding Upper Carmi area, up to the 11.5km mark from Fire Station 202, into the RDOS Fire Protection Agreement with conditions outlined in this report.
CARRIED UNANIMOUSLY

7. **Committee and Board Reports**

7.1 Official Community Plan Task Force Minutes of April 20, 2017

306/2017 **It was MOVED and SECONDED**
THAT Council receive the draft minutes of the Official Community Plan Task Force meeting of April 20, 2017.
CARRIED UNANIMOUSLY

7.2 Arts, Creative and Cultural Innovations Committee Minutes of April 21, 2017

307/2017 **It was MOVED and SECONDED**
THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of April 21, 2017.
CARRIED UNANIMOUSLY

308/2017 **It was MOVED and SECONDED**
THAT Council approve the allocation of \$18,000 from the Public Art Reserve Fund to the Valley First Public Sculpture project.
CARRIED UNANIMOUSLY

8. **Correspondence**

8.1 Petition – Atkinson Street safety concerns

309/2017 **It was MOVED and SECONDED**

THAT Council receive the petition from Atkinson Street residents requesting pedestrian crossing and forward the Transportation Safety Policy to the Transportation Committee for review.

CARRIED UNANIMOUSLY

8.2 First Coyote Hills Girl Guides - concerns

Council acknowledged the submissions from First Coyote Hills Girl Guides outlining their concerns with the number of cigarette butts on the ground.

8.3 World Ocean Day

By consensus, Council requested staff provide an update regarding the smoking bylaw and any enforcement measures.

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

9. Staff Reports:

9.8 Mobile Retail Vending

310/2017

It was **MOVED** and **SECONDED**

THAT Council support an amendment to the one-year pilot program for Mobile Retail Vending endorsed on March 21, 2017 to include: a location for one Mobile Retail Vending truck at a time along the north-west corner of Power Street and Lakeshore Drive; and two locations for Mobile Retail Vending trucks in the Gyro Hub location.

CARRIED
Councillor Sentes, Opposed

9.1 Fees and Charges Amendment Bylaw No. 2017-36
Re: Transit Fares

311/2017

It was **MOVED** and **SECONDED**

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-36", a bylaw to amend Fees and Charges Bylaw No. 2014-07 to set new Transit Fares effective July 1, 2017.

CARRIED UNANIMOUSLY

9.2 Gas Tax Strategic Priorities Fund Grant Application – Facilities GIS

312/2017

It was **MOVED** and **SECONDED**

THAT Council endorses a grant application to the Capacity Building Stream of the Gas Tax Strategic Priorities Fund to create a Building Facility GIS Database;
AND THAT the Building Facility GIS Database project be included in the 2018 budget showing 100% grant funding;
AND FURTHER THAT the General Manager of Infrastructure and the Chief Financial Officer be authorized to sign any required forms related to the grant application.

CARRIED UNANIMOUSLY

9.3 Gas Tax Strategic Priorities Fund Grant Application - Arena

313/2017

It was **MOVED** and **SECONDED**

THAT Council endorses a grant application to the Capital Infrastructure Project Stream of the Gas Tax Strategic Priorities Fund to either upgrade Memorial Arena or to build a new arena; AND THAT once the Penticton Arena Task Force has made their recommendation to Council on how to proceed with arena upgrading or replacement that the grant application be updated to reflect the recommendation; AND THAT the Arena upgrade / replacement project be included in the 2018 budget and that any funding required in excess of \$6,000,000 be funded by the City of Penticton through reserves, other grants, borrowing, donations and/or funding partners as recommended by the Arena Task Force and endorsed by Council; AND FURTHER THAT the Manager of Facilities and the Chief Financial Officer be authorized to sign any required forms related to the grant application.

CARRIED UNANIMOUSLY

9.4 Amendment to the Warren Oxbow Servicing Agreement

314/2017

It was MOVED and SECONDED

THAT Council approve the Warren Avenue Oxbow Servicing Termination Agreement with the Penticton Indian Band as contained in Attachment "B"; AND THAT Council approve the Warren Avenue Oxbow Servicing Agreement with Warren Avenue Development Corporation to provide City electricity, sanitary sewer and water services to the Warren Avenue Oxbow lands as contained in Attachment "C"; AND THAT the Mayor and Corporate Officer be authorized to execute both of these agreements.

CARRIED UNANIMOUSLY

9.5 Development Cost Charges Amendment Bylaw No. 2016-72

315/2017

It was MOVED and SECONDED

THAT Council rescind third reading of "Development Cost Charges Amendment Bylaw No. 2016-72", a bylaw to amend "Development Cost Charges Bylaw No. 2007-79"; AND THAT Council give third reading as amended to "Development Cost Charges Amendment Bylaw No. 2016-72", amending Section 8 as recommended by the Inspector of Municipalities; AND THAT in accordance with Section 560 of the *Local Government Act*, the bylaw be forwarded to the Inspector of Municipalities for approval.

CARRIED UNANIMOUSLY

9.6 Provincial Licence of Occupation
Re: Howard Lake Dam Access

316/2017

It was MOVED and SECONDED

THAT Council authorize the Mayor and the Corporate Officer to enter into a License of Occupation, Attachment "A" with the Province of British Columbia for the purposes of constructing an access road to Howard Lake Dam.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

317/2017

It was **MOVED** and **SECONDED**

THAT Council recess at 3:43 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 7:34 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2017-21

Re: 634 Westminster Avenue W & 201 Maple Street
DVP PL 2016-7826 & DP PL2016-7825

318/2017

It was **MOVED** and **SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2017-21";

AND THAT Council approve DVP PL2016-7826 & DP PL2016-7825.

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2017-27

Re: 180 Industrial Avenue W
DVP PL2017-7878

319/2017

It was **MOVED** and **SECONDED**

THAT Council adopt "Amendment Bylaw No. 2017-27";

AND THAT Council approve DVP PL2017-7878.

CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2017-32

Re: 747 Government Street

320/2017

It was **MOVED** and **SECONDED**

THAT Council refer "Zoning Amendment Bylaw No. 2017-32" to staff for further work with the developer.

DEFEATED

Mayor Jakubeit, Councillors Konanz, Martin, Picton, Opposed

321/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-32".

CARRIED

Councillors Sayeed, Sentes, Watt, Opposed

Councillor Sayeed declared a conflict of interest and left the meeting at 7:49 p.m.

14.4 Zoning Amendment Bylaw No. 2017-33

Re: 285 Nanaimo Avenue W

322/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-33".

CARRIED UNANIMOUSLY

Councillor Sayeed returned to the meeting at 7:51 p.m.

14.5 Zoning Amendment Bylaw No. 2017-34

Re: 532/536 Main Street

323/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-34";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-34".

CARRIED

Councillors Watt and Sayeed, Opposed

14.6 Zoning Amendment Bylaw No. 2017-35

Re: Administrative Amendment

324/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-35".

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Liquor-Primary Licence Permanent Amendment and Structural Change

Re: Mile Zero Wine Bar, 200 Ellis Street

Delegations/Submissions:

- Lynn Kelsey, Oakville Street, asked about the 2 am closure.
- Brigit Kemp, Warren Ave W, across street from Cannery Brewing, they have an outdoor patio.
- Ellen Kildaw, VanHorne Street, concerned with proposal, increase people, extension of hours, every day until 2 am, not in my neighbourhood. These hours contravene the city good neighbour bylaw, neighbourhood will be noisy and parking issues.
- Sharon Devlin, Abbot Street, live around corner, don't see a demand to be out until 2 am every night of the week, applicant should host an open house.
- Val Ritchie, VanHorne Street, read letter of concern.

- Christie and Alan Kronie, applicants, current liquor service up until 11 pm, Sunday to Thursday close at 10:30 pm. Would like liquor to 1:30 am on special occasions only, extend on last minute basis and used a few time a year.
- Ellen Kildaw, VanHorne Street, concerned with promise won't open late every night.
- Sharon Devlin, Abbot Street, there is a process in place for special occasions licences.

325/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Mile Zero Wine Bar located at 200 Ellis Street for a Permanent change for:

- hours of service (interior) from 11:00am to 12:00am (midnight) Sunday to Saturday, and
 - an interior occupant load increase from 60 persons to 100 persons;
2. AND THAT Council supports the structural change application to add an exterior licensed patio with:
- Maximum occupant load of 40 persons,
 - Hours of service from 11:00am to 10:00pm, with
 - No exterior amplified music.

CARRIED

Mayor Jakubeit, Councillors Sayeed and Watt, Opposed

15.2 Liquor-Primary Licence Permanent Change

Re: LUSO Canadian Multicultural Club (Portuguese Sporting Club of Penticton)

Delegations/Submissions: Nil

326/2017

It was MOVED and SECONDED

THAT Council recommends to the Liquor Control and Licensing Branch (LCLB) that it supports the application from the LUSO Canadian Multicultural Club (Portuguese Sporting Club of Penticton) located at 135 Winnipeg Street for a Permanent change of hours of service:

- From: 4:00pm to 1:00am Monday, Tuesday, Thursday and Friday;
- To 2:00pm to 1:00am, Monday, Tuesday, Thursday and Friday.

CARRIED UNANIMOUSLY

15.3 Temporary Use Permit Application PL2016-7761

Re: 1704 Government Street

Delegations/Submissions: Nil

327/2017

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2016-7761", a permit to allow for 'temporary offices in portable trailers' on Lot A, District Lot 3429S, Similkameen Division Yale District, Plan 23195, Except Plan 37288, located at 1704 Government Street, for a period of 3 years.

CARRIED UNANIMOUSLY

15.4 Re-issuance of Development Variance Permit PL2016-7608

Re: 838 Oakville Street (formerly 798 Revelstoke Avenue)

Delegations/Submissions: Lynn Kelsey, Oakville Street, don't recall any other discussion other than sidewalks. Tidy construction site.

328/2017

It was MOVED and SECONDED

THAT "Development Variance Permit PL2016-7608" for Lot A, Plan EPP65038, District Lot 2, Similkameen Division Yale District, Group 7, located at 838 Oakville Street (formerly 798 Revelstoke Avenue), be re-issued with a drawing outlining the off-site works required as part of the development.

CARRIED UNANIMOUSLY

15.5 Adoption of Zoning Amendment Bylaw No. 2017-07

Re: 1830 Ridgedale Avenue

329/2017

It was MOVED and SECONDED

THAT Council amend the conditions for approval of "Zoning Amendment Bylaw No. 2017-07", outlined in Council Resolution 25/2017, as follows:

- Amending Condition 2 (off site traffic calming) and Condition 3 (tree replacement) removing the requirement to bond for the works prior to zoning adoption; and
- Removing Condition 5 (geotechnical covenant) in its entirety;

AND THAT Council rescind third reading and give third reading as amended to "Zoning Amendment Bylaw No. 2017-07", changing the Zoning Bylaw number from 2011-23 to 2017-08; AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-07".

CARRIED UNANIMOUSLY

15.6 Zoning Amendment Bylaw No. 2017-37

DVP PL2017-7904 & DP PL2017-7905

Re: 380 White Avenue East

330/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-37" a bylaw to add Section 10.6.4.6: "In the case of that part of Lots 18-20 shown on Plan B4556; Block 30 District Lot 202 Similkameen Division Yale District Plan 755, located at 380 White Avenue East, two duplexes with a combined Floor Area Ratio of 1.15 are permitted," be given first reading and forwarded to the June 6, 2017 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-37," a 4.0m x 4.0m corner cut on the North East portion of the property is registered with the Land Title Office; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-37," a lot consolidation of Lots 18-20 shown on Plan B4556; Block 30 District Lot 202 Similkameen Division Yale District Plan 755, is registered with the land title office.

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7904" for that part of Lots 18-20 shown on Plan B4556; Block 30 District Lot 202 Similkameen Division Yale District Plan 755, located at 380 White Avenue East, a permit to waive the requirement to provide on-site parking for four duplex suites, to decrease the minimum front yard from 4.5m to 3.0m and to decrease the minimum rear yard from 6.0m to 3.0m; AND THAT "DVP PL2017-7904" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-37".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-37," approve "Development Permit PL2017-7905", for Lots 18-20 shown on Plan B4556; Block 30 District Lot 202 Similkameen Division Yale District Plan 755, located at 380 White Avenue East, a permit that allows for the construction of two duplexes.

CARRIED UNANIMOUSLY

15.7 Zoning Amendment Bylaw No. 2017-38

Official Community Plan Amendment Bylaw No. 2017-39

DVP PL2017-7900

Re: 1498 Leir Street

331/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-38", a bylaw to amend Zoning Bylaw No. 2017-08 to rezone Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, from R1 (Large Lot Residential) to C1 (Commercial Transition) be introduced, read a first time and be forwarded to the June 6, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7900" for Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, a permit to reduce the required parking from 11 stalls to 4 stalls and, to reduce the minimum distance from the driveway to the flanking street curb from 10 metres to 7 metres, be heard at the June 6, 2017 Public Hearing;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-39" being a bylaw to include Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, in the General Tourist Commercial Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20 be introduced, read a first time and forwarded to the June 6, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7900" following the adoption of "Zoning Amendment Bylaw No. 2017-38".

CARRIED UNANIMOUSLY

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

332/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, May 23, 2017 at 9:44 p.m.

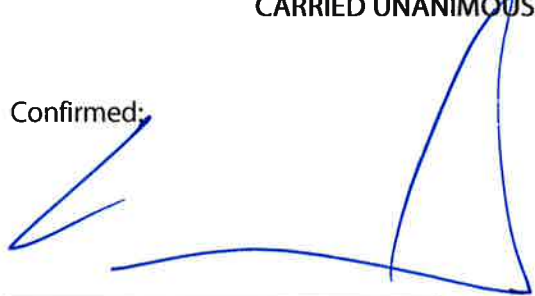
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor