

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

Tuesday, October 3, 2017
at 1:00 p.m.

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

Absent: Councillor Sayeed
Councillor Konanz

Staff: 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 Regular Council meeting to order at 1:00 p.m.

2. Introduction of Late Items

Add item 9.5 – Skaha Bluff Area Boundary Expansion

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on October 3, 2017 as amended to include item 9.5 – Skaha Bluff Area Boundary Expansion.

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 2:01 p.m.

6. Adoption of Minutes:

6.1 Minutes of the September 19, 2017 Committee of the Whole

525/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the September 19, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the September 19, 2017 Public Hearing

526/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the September 19, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the September 19, 2017 Regular Council Meeting

527/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the September 19, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Arts, Creative & Cultural Innovations Committee Minutes of September 12, 2017

528/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Arts, Creative & Cultural Innovations Committee meeting of September 12, 2017.

CARRIED UNANIMOUSLY

529/2017

It was MOVED and SECONDED

THAT Council support the Public Sculpture Program for 2018 and allocate the remaining funds in the Arts Reserve of \$24,000 towards this project.

CARRIED UNANIMOUSLY

7.2 Economic Development Task Force Minutes of September 21, 2017

530/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Economic Development Task Force Committee meeting of September 21, 2017.

CARRIED UNANIMOUSLY

7.3 Transportation Advisory Committee Minutes of September 26, 2017

531/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of September 26, 2017.

CARRIED UNANIMOUSLY

532/2017

It was MOVED and SECONDED

THAT Council support and direct staff to issue a Request for Proposal for Transit Bench Management – Media Space & Maintenance for the City of Penticton's transit stops and benches.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Greyhound Service in the Region

533/2017

It was MOVED and SECONDED

THAT Council send the letter regarding the reduction of Greyhound service in the region to the Passenger Transportation Board with the comments from the Economic Development Task Force and Transportation Advisory Committee.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Permissive Tax Exemption Amendment Bylaw No. 2017-61

534/2017

It was MOVED and SECONDED

THAT Council defer reading "Permissive Tax Exemption Amendment Bylaw No. 2017-61".

DEFEATED

Mayor Jakubeit, Councillors Martin and Picton, Opposed

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting \$229,811 in permissive tax exemptions to all applicants qualifying for permissive tax exemption under the *Community Charter* and City of Penticton policy as listed in Schedule B at 100% of the applied for exemption;
AND THAT BMX and the Penticton Golf Club be given another opportunity to submit financial statements prior to adoption of Bylaw No. 2017-61.

535/2017

It was MOVED and SECONDED

THAT Council defer giving first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting \$229,811 in permissive tax exemptions to all applicants qualifying for permissive tax exemption under the *Community Charter* and City of Penticton policy as listed in Schedule B at 100% of the applied for exemption;
AND THAT BMX and the Penticton Golf Club be given another opportunity to submit financial statements prior to adoption of Bylaw No. 2017-61.

CARRIED

Councillors Martin and Picton, Opposed

9.2 Electric Utility Services Bylaw No. 2017-44

536/2017

It was MOVED and SECONDED

THAT Council give first reading to "Electric Utility Services Bylaw No. 2017-44";
AND THAT Council direct staff to consult with the community on the proposed electrical changes prior to second and third reading of the bylaw.

CARRIED UNANIMOUSLY

9.3 Injunctive Relief – failure to obtain permit and geotechnical covenant
Re: 890 Three Mile Road

537/2017

It was MOVED and SECONDED

THAT Council authorize staff to seek an injunction in Supreme Court via section 274 of the *Community Charter* to enforce the continued violation of the City of Penticton Building Bylaw No. 94-45 (1994) located at 890 Three Mile Road, Penticton, British Columbia, Legally Described As Lot 4 Plan KAP7508 District Lot 199 Similkameen Division Yale District (Parcel Identifier 001-844-571).

CARRIED
Councillor Martin, Opposed

9.4 Sports and Events Project Manager Position

538/2017

It was MOVED and SECONDED

THAT Council approves the Sport and Events Project Manager role as a permanent, full time position.

CARRIED UNANIMOUSLY

9.5 Skaha Bluffs Area Boundary Extension

539/2017

It was MOVED and SECONDED

THAT Council direct staff to proceed with the alternate approval process for the Skaha Bluffs Area Boundary Extension;

AND THAT Council, in accordance with Section 86 (3) of the *Community Charter*, establish a deadline of November 15, 2017 for receipt of elector responses;

AND THAT Council direct the elector response forms to be as displayed in Attachment B to the October 3, 2017 Skaha Bluffs Area Boundary Extension report;

AND THAT Council determine the number of electors to be 26,806 for the number of electors of the area to which the approval process applies.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

540/2017

It was MOVED and SECONDED

THAT Council recess at 4:09 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (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 Regular Council Meeting following the Public Hearing at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:13 p.m.

13. Reconsideration of Bylaws and Permits

- 13.1 Zoning Amendment Bylaw No. 2017-58
Development Variance Permit PL2017-8013
Re: 68 & 76 Roy Avenue

541/2017

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-58";

AND THAT Council approve "Development Variance Permit PL2017-8013" for 68 & 76 Roy Avenue.

CARRIED UNANIMOUSLY

- 13.2 Zoning Amendment Bylaw No. 2017-63
Development Variance Permit PL2017-8026
Re: 295 Abbott Street

542/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-63";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-63".

CARRIED UNANIMOUSLY

543/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-8026" for 295 Abbott Street.

CARRIED UNANIMOUSLY

- 13.3 Zoning Amendment Bylaw No. 2017-64
Re: 168 Kirkpatrick Avenue

544/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-64".

CARRIED UNANIMOUSLY

14. Land Matters

- 14.1 Zoning Amendment Bylaw No. 2017-65
DVP PL2017-8037 & DP PL2017-8038
Re: 461 Eckhardt Avenue West

545/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-65", a bylaw to rezone Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-65", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8037" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing.

AND THAT Council consider "DVP PL2017-8037" following the adoption of "Zoning Amendment Bylaw No. 2017-65".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-65", approve "Development Permit PL2017-8038" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit that allows for the construction of two duplexes.

CARRIED UNANIMOUSLY

14.2 OCP Amendment Bylaw No. 2017-66
Zoning Amendment Bylaw No. 2017-67
DVP PL2017-8041 & DP PL2017-8042
Re: 641 Winnipeg Street

546/2017

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-66" 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 conducted to date is sufficient; AND THAT "OCP Amendment Bylaw No. 2017-66", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2017-67", being a bylaw to Rezone Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-67", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8041" for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-8041" following the adoption of "Zoning Amendment Bylaw No. 2017-67";

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-67", approve Development Permit PL2017-8042 for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit that allows for the construction of two duplexes.

CARRIED UNANIMOUSLY

- 14.3 OCP Amendment Bylaw No. 2017-68
Zoning Amendment Bylaw No. 2017-69
DVP PL2017-8045 & DP PL2017-8046
Re: 681 Winnipeg Street

547/2017

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-68" 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 conducted to date is sufficient; AND THAT "OCP Amendment Bylaw No. 2017-68", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2017-69" being a bylaw to Rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-69", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8045" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT council consider "DVP PL2017-8045" following the adoption of "Zoning Amendment Bylaw No. 2017-69".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-69", approve Development Permit PL2017-8046 for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit that allows for the construction of two duplexes.

CARRIED UNANIMOUSLY

- 14.4 Zoning Amendment Bylaw No. 2017-70
DVP PL2017-8048 & DP PL2017-8049
Re: 1273 Government Street

548/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-70", a bylaw to Rezone Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street from R2 (Small

Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-70," a 2.3m road dedication along the east property line (Government Street) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8048" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum rear yard from 6.0m to 3.0m, be heard at the October 17, 2017 Public Hearing.

AND THAT Council consider "DVP PL2017-8048" following the adoption of "Zoning Amendment Bylaw No. 2017-70."

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-70", approve "Development Permit PL2017-8049" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit that allows for the construction of a four-unit townhouse.

CARRIED UNANIMOUSLY

549/2017

It was MOVED and SECONDED

THAT Council add late item Triathlon - date change.

CARRIED UNANIMOUSLY

14.5 Triathlon - date change

550/2017

It was MOVED and SECONDED

THAT Council approve an amendment to the Challenge Penticton Triathlon Agreement to hold the 2018 event the weekend of August 17-19.

CARRIED UNANIMOUSLY

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

551/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, October 3, 2017 at 6:56 p.m.

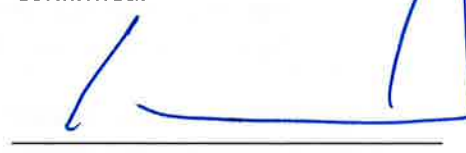
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor