



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

Tuesday, February 6, 2018
at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Dana Schmidt, Corporate 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**

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

THAT Council adopt the agenda for the Regular Council meeting held on February 6, 2018 as amended to add correspondence 8.1 and 8.2.

CARRIED UNANIMOUSLY

4. **Recess to Committee of the Whole**

Council recessed to a Committee of the Whole Meeting at 1:03 p.m.

5. **Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 2:30 p.m.

6. Adoption of Minutes:

6.1 Minutes of the January 23, 2018 Regular Council Meeting

36/2018

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

THAT Council adopt the minutes of the January 23, 2018 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the January 23, 2018 Public Hearing

37/2018

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

THAT Council receive the minutes of the January 23, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Committee Minutes

38/2018

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

THAT Council receive the minutes of the Official Community Plan Task Force meeting of June 5, 2017;

AND THAT Council receive the following draft minutes:

- Agriculture Advisory Committee meeting of November 14, 2017;
- Economic Development & Prosperity Task Force meeting of January 11, 2018;
- Penticton Creek Restoration Committee meeting of January 19, 2018; and
- Heritage and Museum Committee meeting of January 30, 2018.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Late Items 8.1 and 8.2

39/2018

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

THAT Council refer the correspondence from the Public Library requesting a street named after Rory McIvor and the correspondence from the Robins Family to the Heritage and Museum Committee.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Emergency Operations Centre (EOC) Grant

40/2018

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

THAT Council support the application for grant funding from UBCM for Emergency Operations Centre costs for equipment, supplies, & training for the City of Penticton Emergency Operations Centre.

CARRIED UNANIMOUSLY

9.2 Southern Interior Local Government Association (SILGA): 2018 Resolutions

41/2018

It was MOVED and SECONDED

WHEREAS Local Government has become reliant on use of information technologies including the internet, wireless technology and smart devices to advance communications and citizen services and create operational efficiencies;

AND WHEREAS protection of privacy and security of digital and physical assets and services is critical to local government in a situation where rapidly evolving technology poses significant risk of theft and damage to hardware, software and information;

NOW THEREFORE be it resolved that Province of British Columbia establish a program that supports local government and provides grant resources for information technology security audits and information technology security system upgrades.

CARRIED UNANIMOUSLY

9.3 Fees and Charges Amendment Bylaw No. 2018-10

42/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2018-10".

CARRIED UNANIMOUSLY

43/2018

It was MOVED and SECONDED

THAT Council direct staff to provide a report at the April Council meeting outlining tiered recreational fee options.

DEFEATED

Councillors Watt, Sentes, Sayeed, Picton, Opposed

Councillor Watt left the meeting at 3:11 p.m.

9.4 Economic Development – 2018-2022 Strategic Plan

44/2018

It was MOVED and SECONDED

THAT Council support the 2018-2022 Economic Development Strategic Plan.

CARRIED UNANIMOUSLY

Councillor Watt returned to the meeting at 3:15 p.m.

9.5 City Land Disposition Policy

45/2018

It was MOVED and SECONDED

THAT Council provide Staff with direction on the issues identified in the proposed "City Land Disposition Policy" at the January 23, 2018 Council meeting by selecting the following option under A):

A) Replace the clause:

"If significant issues are identified, the request will be declined at the staff level.

Staff may advise the proponent of any viable alternatives or alternative processes that could be followed."

With:

If a proposal is deemed non-viable based on Staff vetting, the request will be declined at the staff level. Staff will advise the proponent of any viable alternative parcels and provide alternative processes that could be followed. Should the proponent not be satisfied with the staff decision the proponent may appeal the Staff decision to the CAO and if not satisfactorily resolved by the CAO, through an appeal to Council.

CARRIED
Councillor Sayeed, Opposed

46/2018

It was MOVED and SECONDED

THAT Council provide Staff with direction on the following issues identified in the proposed "City Land Disposition Policy" at the January 23, 2018 Council meeting by selecting the following option under B):

Once initial negotiations are complete, Council **may** choose to proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

CARRIED
Councillor Sayeed, Opposed

47/2018

It was MOVED and SECONDED

THAT Council approve the City Land Disposition Policy to be dated February 6, 2018 as modified by the above noted directions; AND THAT Council repeal the Land Sale Policy dated December 8, 1998.

CARRIED UNANIMOUSLY

9.6 Asset Management Building to the Standards

48/2018

It was MOVED and SECONDED

THAT future engineering projects reflect the reduced road widths and sidewalk elimination as per the standard referred to in this staff report dated February 6, 2018;
AND THAT Council direct staff to include the savings reflected by road width reductions and sidewalk elimination in the next update of the Asset Management Investment Plan;
AND FURTHER THAT residents be educated during the design phase with respect to the Asset Management Issues, adopted standards, mitigation measures and the possibility of a 100% resident funded Local Area Service charge should they want the wider street and sidewalks on both sides.

CARRIED UNANIMOUSLY

9.7 Electric Utility Services Bylaw No. 2017-44
Subdivision and Development Amendment Bylaw No. 2018-08
Fees and Charges Amendment Bylaw No. 2018-09

49/2018

It was MOVED and SECONDED

THAT Council give second reading as amended and third reading to the "Electric Utility Services Bylaw No. 2017-44";
AND THAT Council give first, second and third reading to the "Subdivision and Development Amendment Bylaw No. 2018-08" which is a Bylaw to amend the "Subdivision and Development Bylaw No. 2004-81" as it pertains to Net Metering;

AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2018-09" which is a Bylaw to amend the "Fees and Charges Bylaw No. 2014-07" as it pertains to Appendix 7 – Electricity;

AND THAT Council direct staff to forward the "Electric Utility Services Bylaw No. 2017-44" to the Minister of Municipal Affairs and Housing for approval.

CARRIED
Mayor Jakubeit, Opposed

9.8 City Owned Land Project Update

50/2018

It was MOVED and SECONDED

THAT Council receive the report dated February 6, 2018 titled "City Owned Land Project Update" into the record.

CARRIED UNANIMOUSLY

10. **Public Question Period**

11. **Recess to In-Camera Meeting**

51/2018

It was MOVED and SECONDED

THAT Council recess at 4:31 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
 - (b) *personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;*
 - (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;*
 - (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;*
- 90 (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. **Reconvene the Regular Council Meeting at 6:00 p.m.**

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

13. **Reconsideration of Bylaws and Permits**

13.1 Zoning Amendment Bylaw No. 2017-59

Re: 342 & 346 Van Horne Street

52/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-59".

CARRIED UNANIMOUSLY

13.2 Street Naming (The Ridge) Bylaw No. 2017-80

53/2018

It was MOVED and SECONDED

THAT Council adopt "Street Naming (The Ridge) Bylaw No. 2017-80".

CARRIED UNANIMOUSLY

14. Land Matters

14.1 Development Variance Permit PL2017-8115

Re: 249/257 Scott Avenue

Delegations/Submissions:

- Linda Sankey, Main Street, spoke in support of the application.

54/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-8115" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 16905, located at 249 Scott Avenue and for Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582, located at 257 Scott Avenue, a permit to waive the visitor parking requirements and to reduce the minimum amenity space from 20m² to 0m²;

AND THAT approval of "Development Variance Permit PL2017-8115" be conditional on the following:

- That the developer entering into a Housing Agreement with the City of Penticton requiring participation in the South Okanagan Brain Injury Society (SOSBIS) landlord partnership program or other eligible similar program for four units within the building for a minimum of 20 years;
- That the two lots be consolidated;

AND THAT staff be directed to prepare a Housing Agreement Bylaw for the subject property; AND FURTHER THAT staff be directed to issue "Development Variance Permit PL2017-8115" after registration of the Housing Agreement.

CARRIED UNANIMOUSLY

14.2 Development Permit PL2018-8153

Re: 108, 114, 120, 126 and 136 Ellis Street

55/2018

It was MOVED and SECONDED

THAT Council approve "Development Permit PL2018-8153", a permit to for a six (6) storey, 48 unit, residential building with two (2) live work units and ground floor commercial uses on Lots 2 – 6, Block 12, District Lot 202, Similkameen Division Yale District, Plan 479, located at 120 Ellis Street (108, 114, 120, 126 and 136 Ellis Street);

AND THAT as a condition of approval the five lots are to be consolidated prior to building permit issuance;

AND THAT staff are directed to issue the development permit;

AND FURTHER THAT Council with their authority under Section 507 of the *Local Government Act*, dealing with excess and extended services, require the construction of the full width of the lane to tie into the new portion of lane leading from Westminster Avenue.

CARRIED UNANIMOUSLY

- 14.3 Zoning Amendment Bylaw No. 2018-04
Development Variance Permit PL2017-8121
Development Permit PL2017-8122
Re: 799 Martin Street

56/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-04", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the February 20, 2018 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-04", a 1.0m road dedication along the east property line (Martin Street) is registered with the Land Title Office;

THAT delegations and submissions for "Development Variance Permit PL2017-8120" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit to reduce the minimum north interior side yard of a principal building from 4.5m to 3.9m, to reduce the minimum rear yard from 6.0m to 4.4m and to increase the maximum hard surfacing of a lot from 60% to 71%, be heard at the February 20, 2018 Public Hearing.; AND THAT Council consider "DVP PL2017-8121" following the adoption of "Zoning Amendment Bylaw No. 2018-04";

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-04," approve "Development Permit PL2017-8122" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit that allows for the construction of a nine-unit townhouse development.

CARRIED UNANIMOUSLY

- 14.4 Official Community Plan Amendment Bylaw No. 2018-05
Zoning Amendment Bylaw No. 2018-06
Development Variance Permit PL2017-8099
Development Permit PL2017-8100
Re: 240 Riverside Drive, 251 Wylie Street, 1140 Burnaby Avenue

57/2018

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-05" 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 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from TC (Tourist Commercial) to MR (Medium Density Residential); AND THAT "Official Community Plan Amendment Bylaw No. 2018-05" be introduced, read a first time and forwarded to the February 20, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-06", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from CT1(Tourist Commercial) and CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 20, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-06" the following conditions are met:

- The subject lots are consolidated and registered with the Land Title Office;
- A 5m X 5m road dedication on the corner of Wylie and Burnaby be registered with the Land Title Office;

AND THAT, in accordance with section 211(1)(b) of the Community Charter, staff bring forward a Local Area Service for street improvements to parts of Burnaby Ave, Wylie St and Riverside Drive;

AND THAT, in accordance with section 507 of the *Local Government Act*, if the Local Area Service bylaw fails, Council require the developer to construct the full width of Wylie Street, Burnaby Avenue and Riverside Drive as per Attachment "H".

THAT delegations and submissions for "Development Variance Permit PL2017-8099" include Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street, a permit varying the following provisions of Zoning Bylaw 2017-08:

- decrease the front yard setback from 3m to 1.5m
- decrease the rear yard setback from 6m to 3m
- decrease the exterior yard setback from 4.5m to 1.5m

be heard at the February 20, 2018 Public Hearing;

AND THAT Council consider "DVP PL2017-8099" following the adoption of "Zoning Amendment Bylaw No. 2018-06"; AND THAT Council consider "DP PL2017-8100" following the adoption of "Zoning Amendment Bylaw No. 2018-06".

CARRIED UNANIMOUSLY

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

19. Adjournment

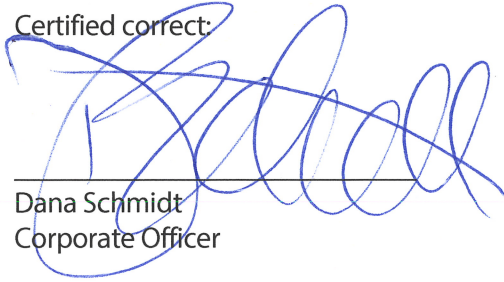
58/2018

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

THAT Council adjourn the Regular Council meeting held on Tuesday, February 6, 2018 at 7:05 p.m.

CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor

