

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

Tuesday, April 3, 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  
Dana Schmidt, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Mitch Moroziuk, General Manager of Infrastructure  
Ben Johnson, Manager, Special Projects  
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**

Add: Item 7.3 Heritage and Museum Committee Minutes

3. **Adoption of Agenda**

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

THAT Council adopt the agenda for the Regular Council meeting held on April 3, 2018 as amended.

**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 1:32 p.m. and agreed to add business arising from the Committee of the Whole as item 9.3 Cst. Jean Minguy Memorial Youth Academy – grant request.

6. Adoption of Minutes:

6.1 Minutes of the March 20, 2018 Committee of the Whole

132/2018

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

THAT Council receive the minutes of the March 20, 2018 Committee of the Whole as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the March 20, 2018 Public Hearing

133/2018

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

THAT Council receive the minutes of the March 20, 2018 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the March 20, 2018 Regular Meeting of Council

134/2018

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

THAT Council adopt the minutes of the March 20, 2018 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

7. Committee and Board Reports

7.1 Economic Development & Prosperity Task Force Minutes of February 22, 2018

135/2018

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

THAT Council receive the draft minutes of the Economic Development & Prosperity Task Force meeting of February 22, 2018.

**CARRIED UNANIMOUSLY**

7.2 Penticton Creek Restoration Committee Minutes of March 21, 2018

136/2018

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

THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of March 21, 2018.

**CARRIED UNANIMOUSLY**

7.3 Heritage and Museum Committee Minutes of March 27, 2018

137/2018

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

THAT Council receive the draft minutes of the Heritage and Museum Committee meeting of March 27, 2018.

**CARRIED UNANIMOUSLY**

138/2018

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

THAT Council refer the recommendations from the Heritage and Museum Committee to staff for policy recommendations.

**CARRIED**  
**Councillor Sentes, Opposed**

8. Correspondence

9. Staff Reports:

9.1 2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19

139/2018

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19".

**CARRIED UNANIMOUSLY**

9.2 Land Swap/Purchase

Re: 298 VanHorne Street

140/2018

**It was MOVED and SECONDED**

THAT Council approve the land swap / purchase between the City and the property owners of 298 Van Horne Street, Richard and Diane Spray, as outlined in this Council Report dated April 3, 2018; AND THAT Council authorize the Mayor and Corporate Officer to execute the required documents and agreements related to the land swap / purchase; AND FURTHER THAT Council amend the 2018 Budget by increasing the budget for Penticton Creek, CAP10097-C50 by \$75,000 with \$28,000 coming from the Capital Reserve and \$47,000 coming from General Surplus.

**CARRIED UNANIMOUSLY**

Business Arising from the April 3, 2018 Committee of the Whole:

9.3 Cst. Jean Minguy Memorial Youth Academy – grant request

141/2018

**It was MOVED and SECONDED**

THAT Council support the grant request of \$3000 for the Cst. Jean Minguy Memorial Youth Academy and that future requests come through the grant process.

**CARRIED UNANIMOUSLY**

10. Public Question Period

11. Recess to In-Camera Meeting

142/2018

**It was MOVED and SECONDED**

THAT Council recess at 2:11 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;*
  - (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;*
  - (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. **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 Cemetery Management Bylaw No. 2018-15

143/2018

**It was MOVED and SECONDED**

THAT Council adopt "Cemetery Management Bylaw No. 2018-15".

**CARRIED UNANIMOUSLY**

13.2 Fees and Charges Amendment Bylaw No. 2018-16

Re: Appendix 6 - Cemetery

144/2018

**It was MOVED and SECONDED**

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2018-16".

**CARRIED UNANIMOUSLY**

13.3 Zoning Amendment Bylaw No. 2018-14

Re: 274 Kinney Avenue

145/2018

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2018-14".

**CARRIED UNANIMOUSLY**

13.4 Zoning Amendment Bylaw No. 2018-18

Re: 657 Churchill Avenue

146/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-18".

**CARRIED UNANIMOUSLY**

14. **Land Matters**

14.1 Development Variance Permit PL2018-8139

Re: 2883 and 2895 Partridge Drive

Delegations/Submissions: Carl, representing developer, would like to defer two weeks to show the neighbour the site and address her concerns.

147/2018

**It was MOVED and SECONDED**

THAT Council refer consideration of "Development Variance Permit PL2018-8139" to the April 17, 2018 Regular Council Meeting.

**CARRIED UNANIMOUSLY**

14.2 Development Variance Permit PL2018-8162

Re: 120 & 130 Wyles Crescent

Delegations/Submissions:

- Cory McGivern, Roy Avenue, concerned with removal of cedar trees that have been there since 1985, bought house because of private back yard, don't want a see through fence.
- Applicant representative, doesn't want to take out trees, fence will be on other side of trees.
- Cory McGivern, Roy Avenue, why only partial increase of height? Don't want a see through fence if trees come down.
- Applicant, fence is already high, going to all be same height.

148/2018

**It was MOVED and SECONDED**

THAT Council deny "Development Variance Permit PL2018-8162", a permit to increase the permitted height of a fence from a maximum height of 1.2m in a front yard and 1.8m elsewhere to a maximum height of 1.8m in a front yard and 2.4m elsewhere for Lot 3, District Lot 115, Similkameen Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609 (130 Wyles Crescent) and Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609 (120 Wyles Crescent).

**CARRIED**

**Councillors Sayeed and Konanz, Opposed**

14.3 Official Community Plan Amendment Bylaw No. 2018-21

Zoning Amendment Bylaw No. 2018-22

Development Variance Permit PL2018-8184

Development Permit PL2018-8185

Re: 175 Cossar Avenue

149/2018

**It was MOVED and SECONDED**

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-21" and in accordance with Section 475 of the *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. 2018-21", being a bylaw to amend "OCP Bylaw No. 2002-20" on Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue as follows:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment 'B' of this report) from HR (High Density Residential) to MR (Medium Density Residential); and
- 'Schedule H: Development Permit Area' to change the Development Permit Area of the site (as identified on Attachment 'D' of this report) from High Density Development Permit Area to General Multiple Family Development Permit Area, be given first reading and be forwarded to the April 17, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-22", a bylaw to amend Zoning Bylaw 2017-08 for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave from RD2 (Duplex Housing: Lane) to RM2 (Low Density

Multiple Housing), be given first reading and be forwarded to the April 17, 2018 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2018-8184" for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit to reduce the side yard setback from 3m to 1.5m, be heard at the April 17<sup>th</sup> Public Hearing; AND THAT Council consider "DVP PL2018-8184", following the adoption of "Zoning Amendment Bylaw No. 2018-22".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-22", approve Development Permit PL2018-8185, for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit that allows for the construction of two side-by-side duplexes.

**CARRIED UNANIMOUSLY**

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

150/2018

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, April 3, 2018 at 7:09 p.m.

**CARRIED UNANIMOUSLY**

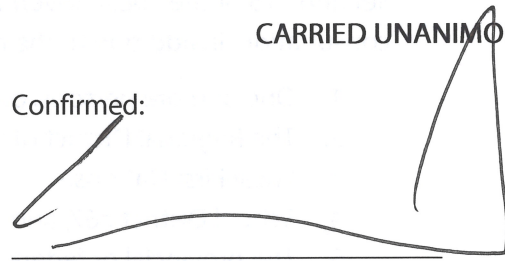
Certified correct:



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Dana Schmidt  
Corporate Officer

Confirmed:



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Andrew Jakubeit  
Mayor