

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

Tuesday, May 8, 2018  
at 1:00 p.m.

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

**Staff:** Dana Schmidt, Corporate Officer  
Laurie Darcus, Director of Corporate Services  
Jim Bauer, Chief Financial Officer  
Mitch Moroziuk, General Manager of Infrastructure  
Anthony Haddad, Director of Development Services  
Blake Laven, Planning Manager

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**

178/2018

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on May 8, 2018 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 2:12 p.m.

6. **Adoption of Minutes**

6.1 Minutes of the April 17, 2018 Committee of the Whole

179/2018

**It was MOVED and SECONDED**

THAT Council receive the minutes of the April 17, 2018 Committee of the Whole as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the April 17, 2018 Public Hearing

180/2018

**It was MOVED and SECONDED**

THAT Council receive the minutes of the April 17, 2018 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the April 17, 2018 Regular Meeting of Council

181/2018

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the April 17, 2018 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

7. **Committee and Board Reports**

7.1 Economic Development & Prosperity Task Force Minutes of April 4, 2018

182/2018

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Economic Development & Prosperity Task Force meeting of April 4, 2018.

**CARRIED UNANIMOUSLY**

7.2 Affordable Community Task Force Minutes of April 13, 2018

183/2018

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Affordable Community Task Force meeting of April 13, 2018.

**CARRIED UNANIMOUSLY**

7.3 Penticton Creek Restoration Committee Minutes of April 18, 2018

184/2018

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of April 18, 2018.

**CARRIED UNANIMOUSLY**

7.4 Official Community Plan Task Force Minutes of April 18, 2018

185/2018

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Official Community Plan Task Force meeting of April 18, 2018.

**CARRIED UNANIMOUSLY**

8. Correspondence

8.1 Travel Penticton

Re: Changes to the Municipal & Regional District Tax

186/2018

**It was MOVED and SECONDED**

THAT Council direct staff to send a letter to the Province to ask for consultation and clarification on the proposed changes and allocation of tax funds.

**CARRIED UNANIMOUSLY**

9. Staff Reports

9.1 2017 Audited Financial Statements

187/2018

**It was MOVED and SECONDED**

THAT Council accepts the Financial Statements as presented by BDO Canada LLP for the year ending December 31, 2017.

**CARRIED UNANIMOUSLY**

9.2 UBCM Structural Flood Mitigation Grant

188/2018

**It was MOVED and SECONDED**

THAT Council support the application for grant funding of \$750,000 from UBCM for Structural Flood Mitigation within a designated section of Penticton Creek with the remaining \$200,000 project cost funded as part of the 2019 budget process.

**CARRIED UNANIMOUSLY**

9.3 Appointment of Chief Election Officer and Deputy Chief Election Officer

Re: 2018 General Election

189/2018

**It was MOVED and SECONDED**

THAT Council appoint Laurie Darcus as the Chief Election Officer for the 2018 Local Government General Election;

AND THAT Council appoint Dana Schmidt the Deputy Chief Election Officer for the 2018 Local Government General Election.

**CARRIED UNANIMOUSLY**

9.4 The Penti-Con Association In-Kind Grant Request

Councillor Martin declared a conflict of interest and left the meeting at 2:39p.m.

190/2018

**It was MOVED and SECONDED**

THAT Council decline the request of a \$2,130 Value In Kind (VIK) grant from the Penti-Con Association.

**CARRIED UNANIMOUSLY**

Councillor Martin returned to the meeting at 2:45 p.m.

9.5 Tax Rates Bylaw No. 2018-25

191/2018

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2018-25", a bylaw that establishes property taxation rates for the 2018 tax year.

**CARRIED UNANIMOUSLY**

9.6 Kiwanis Pier Repairs

192/2018

**It was MOVED and SECONDED**

THAT Council approve proceeding with Option 1, Storm Damage with Additional Structural Repairs, as described in this Council Report dated May 8, 2018 as part of the Tender to repair the Kiwanis Pier;

AND THAT the 2018 Budget be amended to increase CAP10118-003 by \$278,000 for the Kiwanis Pier repairs with an estimated \$78,000 funding coming from insurance coverage and the remainder coming from the Asset Emergency Reserve.

**CARRIED**

Councillor Konanz and Councillor Martin, Opposed

9.7 BC Transit City of Penticton Annual Operating Agreement

193/2018

**It was MOVED and SECONDED**

THAT Council authorize the Mayor and Corporate Officer to execute the 2018 2019 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

**CARRIED UNANIMOUSLY**

9.8 Zoning Amendment Bylaw No. 2018-18  
Development Variance Permit PL2018-8178  
Re: 657 Churchill Avenue

194/2018

**It was MOVED and SECONDED**

THAT Council remove the condition of registering a 1.9m road dedication along the frontage of Churchill Avenue prior to adoption of Zoning Amendment Bylaw No. 2018-18; AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-18".

THAT Council approve "Development Variance Permit PL2018-8178" for 657 Churchill Avenue.

**CARRIED UNANIMOUSLY**

9.9 Zoning Amendment Bylaw No. 2018-26  
Development Permit PL2018-8194  
Re: 500 & 512 Gahan Avenue

195/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-26", a bylaw to rezone Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, from R2 (Small Lot Residential) to RM5 (Urban Residential), be given first reading and be forwarded to the May 22, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-26", the owner be required to consolidate both lots;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-26", approve Development Permit PL2018-8194, for the consolidated parcel of Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, a permit that allows for the construction of a townhouse with 4 units and 4 suites;

AND THAT Council, in accordance with Section 507 of the Local Government Act, require the full construction of the lane along the rear of the property and the rear of 490 Gahan Avenue tying into the works into the existing lane, representing an excess and extended service.

**CARRIED UNANIMOUSLY**

9.10 Zoning Amendment Bylaw No. 2018-27  
Official Community Plan Amendment Bylaw No. 2018-28  
Re: 201 Penticton Avenue

196/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-27", a bylaw to Rezone Lot 31 Block 1 District Lot 250 Similkameen Division Yale District Plan 812, located at 201 Penticton Avenue from R2 (Small Lot Residential) to RD1 (Duplex Housing), be given first reading and be forwarded to the May 22, 2018 Public Hearing;

AND THAT prior to consideration of "OCP Amendment Bylaw No. 2018-28" 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 "Official Community Plan Amendment Bylaw No. 2018-28," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the May 22, 2018 Public Hearing.

**CARRIED UNANIMOUSLY**

9.11 Zoning Amendment Bylaw No. 2018-29  
Development Variance Permit PL2018-8238  
Development Permit PL2018-8246  
Re: 179 Green Avenue

197/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-29" a bylaw that changes the zoning designation of Lot 3, District Lot 116, Similkameen Division Yale District, Plan 4725, Except Plan KAP78868 (179 Green Avenue), from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 22, 2018 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2018-8238", a permit that reduces a required exterior side yard from 4.5m to 3.0m for the consolidated parcels of Lot 1, District Lot 116, Similkameen Division Yale District, Plan KAP79498 (2872

Skaha Lake Road) and Lot 3, District Lot 116, Similkameen Division Yale District, Plan 4725, Except Plan KAP78868 (179 Green Avenue), be heard at the May 22, 2018 Public Hearing; AND THAT prior to issuance of, the two lots are consolidated.

THAT "Development Permit PL2018-8246", a permit for the construction of a three storey 50 unit congregate housing building for the consolidated parcels of Lot 1, District Lot 116, Similkameen Division Yale District, Plan KAP79498 (2872 Skaha Lake Road) and Lot 3, District Lot 116, Similkameen Division Yale District, Plan 4725, Except Plan KAP78868 (179 Green Avenue), be approved, subject to issuance of "Development Variance Permit PL2018-8238".

**CARRIED UNANIMOUSLY**

10. **Public Question Period**

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

198/2018

**It was MOVED and SECONDED**

THAT Council recess at 4:08 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 expected to harm the interest of the municipality.*

**CARRIED UNANIMOUSLY**

12. **Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.**

Council reconvened the Regular Council Meeting at 7:45 p.m.

13. **Bylaws and Permits**

13.1 Housing Agreement (257 Scott Avenue) Bylaw No. 2018-17

199/2018

**It was MOVED and SECONDED**

THAT Council adopt "Housing Agreement (257 Scott Avenue) Bylaw No. 2018-17".

**CARRIED UNANIMOUSLY**

13.2 Fire and Life Safety Amendment Bylaw No. 2018-20

200/2018

**It was MOVED and SECONDED**

THAT Council adopt "Fire and Life Safety Amendment Bylaw No. 2018-20".

**CARRIED**

Councillor Martin, Opposed

13.3 Zoning Amendment Bylaw No. 2018-22  
Development Variance Permit PL2018-8184  
Re: 175 Cossar Avenue

201/2018

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2018-22;

AND THAT Council approve "Development Variance Permit PL2018-8184" for 175 Cossar Avenue.

**CARRIED UNANIMOUSLY**

Councillor Konanz declared a conflict of interest and left the meeting at 7:48 p.m.

13.4 Zoning Amendment Bylaw No. 2018-23  
Re: 249 Westminster Avenue W

202/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-23".

**CARRIED UNANIMOUSLY**

Councillor Konanz returned to the meeting at 7:49 p.m.

13.5 Zoning Amendment Bylaw No. 2018-24  
Re: 468 Lower Bench Road

203/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-24";  
AND THAT Council support the ALC application for non-farm use.

**CARRIED UNANIMOUSLY**

#### 14. Land Matters

14.1 Structural Change and Winery Lounge Endorsement  
Re: Moraine Estate Winery

Delegations/Submissions:

Spiller Road. Spoke in opposition to this application.

204/2018

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from Moraine Estate Winery for the proposed Structural Change and Winery Lounge Endorsement with:

- Interior lounge hours from 10:00am to 10:00pm, and
- Exterior lounge hours 10:00am to 10:00pm (9:00pm - service closure), with no amplified music on patio.

**CARRIED UNANIMOUSLY**

14.2 Development Variance Permit PL2018-8208  
Re: 147 Bankview Road

Delegations/Submissions:

No one spoke.

205/2018

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8208" for Lot 1 District Lot 188 Similkameen Division Yale District Plan 9342, located at 147 Bankview Road, a permit to decrease the minimum front yard from 6.0m to 3.5m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8208."

**CARRIED UNANIMOUSLY**

14.3 Temporary Use Permit PL2018-8229  
Re: 160 Evergreen Crescent

Delegations/Submissions:

Trevor Nelson, owner, spoke to the application and reaffirmed the security of the pool and stated it is completely fenced.

206/2018

**It was MOVED and SECONDED**

THAT Council approve "Temporary Use Permit PL2018-8229", a permit to allow the use of "a swimming pool" on Proposed Lot A, created by the subdivision of Lot A, District Lot 2710, Similkameen Division Yale District, Plan 34460, located at 160 Evergreen Crescent; AND THAT "Temporary Use Permit PL2018-8229" be valid for a period of three years.

**CARRIED UNANIMOUSLY**

14.4 Zoning Amendment Bylaw No. 2018-30  
Re: 1273 Edgewood Drive

207/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-30," a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 9, District Lot 250, Similkameen Division Yale District, Plan 6748, located at 1273 Edgewood Drive from R2 (Small Lot Residential) to R3 (Small Lot Residential: Lane) be given first reading and forwarded to the May 22, 2018 Public Hearing; AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of the lane directly contiguous to the property including provisions for storm water management.

**CARRIED UNANIMOUSLY**

15. **Notice of Motion**

16. **Business Arising**

17. **Council Round Table**

18. **Public Question Period**

19. **Adjournment**

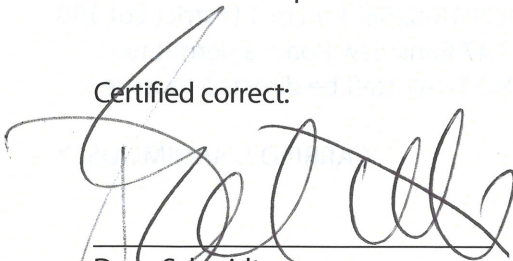
208/2018

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, May 8, 2018 at 8:27 p.m.

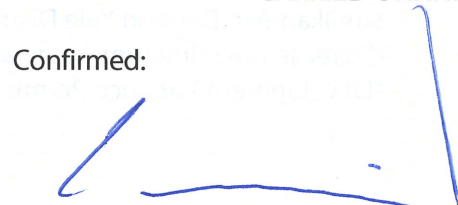
**CARRIED UNANIMOUSLY**

Certified correct:



Dana Schmidt  
Corporate Officer

Confirmed:



Andrew Jakubeit  
Mayor