

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

Tuesday, June 5, 2018
at 1:00 p.m.

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

Absent: Councillor Sayeed

Staff: Dana Schmidt, Corporate Officer
Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Jim Bauer, Chief Financial Officer
Ian Chapman, City Engineer
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 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

236/2018

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

THAT Council adopt the agenda for the Regular Council meeting held on June 5, 2018 as presented.

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 1:32 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 22, 2018 Committee of the Whole

237/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the May 22, 2018 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the May 22, 2018 Public Hearing

238/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the May 22, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the May 22, 2018 Regular Meeting of Council

239/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the May 22, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports:

7.1 Official Community Plan Task Force Minutes of May 16, 2018

240/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Official Community Plan Task Force meeting of May 16, 2018.

CARRIED UNANIMOUSLY

7.2 Arts, Creative and Cultural Innovations Committee Minutes of May 25, 2018

241/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of May 25, 2018.

CARRIED UNANIMOUSLY

242/2018

It was MOVED and SECONDED

THAT Council refer the recommendation from the Arts, Creative and Cultural Innovations Committee to approve the establishment of a standing budget, within the Recreation Department's Operating budget in the amount of \$25,000, which funds to be used solely for the annual Public Sculpture Project to the budget process.

CARRIED UNANIMOUSLY

8. Correspondence:

8.1 City of Langley

Re: Provincial Employer Health Tax

243/2018

It was MOVED and SECONDED

THAT Council receive for information the correspondence dated May 17, 2018 from the City of Langley regarding provincial employer health tax.

CARRIED UNANIMOUSLY

8.2 The Honourable Mobina S.B. Jaffer, Senator for British Columbia
Re: Border implications of Bill C-45

244/2018

It was MOVED and SECONDED

THAT Council receive for information the correspondence dated May 3, 2018 from the Honourable Mobina Jaffer, Q.C. Senator, British Columbia regarding the border implications of Bill C-45.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 BC Energy Step Code Implementation Strategy

245/2018

It was MOVED and SECONDED

THAT Council receive for information, the BC Energy Step Code Implementation Strategy report dated June 5, 2018; AND THAT Council direct staff to continue to engage key stakeholders on the proposed Energy Step Code timeline for the City of Penticton as part of an Okanagan regional strategy.

CARRIED UNANIMOUSLY

9.2 Liquor Licence – Structural Change Application
Re: Sun Country Lanes

246/2018

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Structural Change (change in hours) to the Liquor-Primary License for Sun Country Lanes located at 1035 Westminster Ave West; AND THAT staff report back to Council at their meeting on July 3, 2018 the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

9.3 Pawnbrokers, Secondhand Dealers and Auction Houses Regulations
Amendment Bylaw No. 2018-42
Bylaw Notice Enforcement Amendment Bylaw No. 2018-43

247/2018

It was MOVED and SECONDED

THAT Council rescind third reading and give third reading as amended to "Pawnbrokers, Secondhand Dealers and Auction Houses Regulations Amendment Bylaw No. 2018-42"; AND THAT Council rescind third reading and give third reading as amended to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-43", a bylaw that increases the fine amounts in Appendix 13 to \$450 per offence.

CARRIED UNANIMOUSLY

9.4 Video Surveillance Policy

248/2018

It was MOVED and SECONDED

THAT Council approve the Video Surveillance Policy as attached to the report dated June 5, 2018.

CARRIED UNANIMOUSLY

9.5 Council Procedure Bylaw No. 2018-35

249/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Council Procedure Bylaw No. 2018-35".

CARRIED UNANIMOUSLY

- 9.6 Election and Assent Voting Bylaw No. 2018-34
Sign Regulation Amendment Bylaw No. 2018-31
Political Signage Regulation Bylaw No. 2018-32
Bylaw Notice Enforcement Amendment Bylaw No. 2018-33

Councillor Martin declared a conflict of interest and left the meeting at 2:21 p.m.

250/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading as amended to "Election and Assent Voting Bylaw No. 2018-34".

CARRIED UNANIMOUSLY

251/2018

It was MOVED and SECONDED

THAT Council give first second and third reading to "Sign Regulation Amendment Bylaw No. 2018-31".

CARRIED UNANIMOUSLY

252/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Political Signage Regulation Bylaw No. 2018-32" ; and repeal the Political Signage Policy dated April 7, 2009.

CARRIED
Councillor Konanz, Opposed

253/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-33".

CARRIED UNANIMOUSLY

Councillor Martin returned to the meeting at 2:38 p.m.

10. Public Question Period

11. Recess to In-Camera Meeting

254/2018

It was MOVED and SECONDED

THAT Council recess at 3:19 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 expected to harm the interest of the municipality;*
- (g) *litigation or potential litigation affecting the municipality;*
- (j) *information that is prohibited, or information that if 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 6:04 p.m.

13. **Bylaws and Permits:**

- 13.1 Zoning Amendment Bylaw No. 2018-40
Re: 1386 Commercial Way

255/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-40";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-40".

CARRIED UNANIMOUSLY

14. **Land Matters:**

- 14.1 SOEC Facilities Operation & Management Agreement

256/2018

It was MOVED and SECONDED

THAT Council authorize staff to finalize the extension of Spectra Venue Management's (Spectra) Facilities Operation & Management Agreement for the South Okanagan Event Centre (SOEC); AND THAT Council direct the Mayor and Corporate Officer to execute the agreement.

CARRIED UNANIMOUSLY

- 14.2 Development Variance Permit PL2018-8216
Re: 2753 Evergreen Drive

Delegations/Submissions: Kelly Mercer, Ecora Research Group, showed images of future homes in area. Wade Wagstaff, applicant, apologized for having to ask for variance.

- Trudy Deuschle, Cedar Road, speaking on behalf of Hugo Deuschle, spoke in opposition to the project.
- Greg Deuschle, Cedar Road, spoke in opposition to the application.
- Lynn Kelsey, Oakville Street, believe that the wall should comply with bylaws.
- Dennis O'Gorman, Farrell Street, building permit requirement was not met, concerned this will be the new standard.
- Hugo Deuschle, wall built before 2.5 meter variance was granted, loss of 20% value on three lots, no reason for the height. How many variances can you get on one property.
- Trudy Deuschle, Cedar Road, unrealistic to back fill and raise property.

257/2018

It was MOVED and SECONDED

THAT Council deny the variance request for the retaining wall at 2753 Evergreen Drive and require compliance with Zoning Bylaw No. 2017-08.

CARRIED
Councillor Picton, Opposed

- 14.3 Development Variance Permit PL2018-8225
Re: Timberstone/Balsam

Delegations/Submissions: Carl Bookendall, on behalf of applicant, would like to stabilize slopes, create flat, level backyards in these homes.

- Larry Belik, Timberstone Place, spoke in support of the application.

258/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8225", a permit to increase the permitted height of a retaining wall in a required yard from a maximum height of 1.2m to a maximum height of 3.0m for Lots 1-11 and 13-17 of Plan EPP66462, District Lot 2710, Similkameen Division Yale District located at 604, 612, 620, 628 and 692 Balsam Avenue and 101, 107, 115, 121, 133, 139, 145, 151, 157, 163, 169 Timberstone Place; AND THAT staff be directed to issue "Development Variance Permit PL2018-8225."

DEFEATED

Mayor Jakubeit, Councillors Watt, Sentes, Martin and Picton, Opposed

259/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8225" with the condition that the walls at 139, 145, 151, 157, 163 and 169 Timberstone Place be terraced.

CARRIED UNANIMOUSLY

14.4 Temporary Use Permit PL2018-8268
Re: 813 Westminster Avenue West

Delegations/Submissions: Jeff Brown, Colliers International Kelowna, requested the Temporary Use Permit for three years.

260/2018

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2018-8268", a permit to allow the use 'motor vehicles sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 13891, located at 813 Westminster Avenue West, for a one-year period;

AND THAT prior to issuance of "Temporary Use Permit PL2018-8268," the driveway accesses are closed as shown on Attachment F; AND THAT staff are directed to issue the permit.

CARRIED

Councillor Sentes, Opposed

14.5 Zoning Amendment Bylaw No. 2018-44
Re: 783 Martin Street

261/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-44", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan 899, located at 783 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the June 19, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-44", 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 PL2018-8240" for Lot A District Lot 202 Similkameen Division Yale District Plan 899, located at 783 Martin Street, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m, to reduce the minimum rear yard from 6.0m to 5.0m and to increase the maximum hard surfacing of a lot from 81%, be heard at the June 19, 2018 Public Hearing; AND THAT Council consider "DVP PL2018-8240" following the adoption of "Zoning Amendment Bylaw No. 2018-44."

CARRIED UNANIMOUSLY

14.6 Zoning Amendment Bylaw No. 2018-45

Re: 456 Main Street

262/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-45", a bylaw to add section 11.5.4.9 to the C5 (Urban Centre Commercial) zone, "In the case of Lot 9, Block 15, DL 202, SDYD, Plan 269, located at 456 Main Street, one dwelling unit on the first storey behind the commercial space shall be permitted," be given first reading and be forwarded to the June 19, 2018 Public Hearing.

CARRIED UNANIMOUSLY

14.7 Zoning Amendment Bylaw No. 2018-36

Re: RD3 (Residential Infill)

263/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-36", a bylaw to amend Zoning Bylaw No. 2017-08 to create a new zone called RD3 (Residential Infill) be given first reading and be forwarded to the June 19, 2018 Public Hearing.

CARRIED UNANIMOUSLY

14.8 OCP Amendment Bylaw No. 2018-38

Zoning Amendment Bylaw No. 2018-39

Re: 157 Abbott Street/198 Van Horne Street

264/2018

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-38" 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 A, District Lot 202, Similkameen Division Yale District, Plan KAP81594, located at 157 Abbott Street and Lot 1, District Lot 202, Similkameen Division Yale District, Plan KAP86539 located at 198 Van Horne Street from HR (High Density Residential) to MR (Medium Density Residential), and amends Schedule 'H' of the bylaw, including the subject lands in the General Multiple Family Development Permit Area; AND THAT "Official Community Plan Amendment Bylaw No. 2018-38" be introduced, read a first time and forwarded to the June 19, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-39", a bylaw to rezone Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP81594, located at 157 Abbott Street and Lot 1, District Lot 202, Similkameen Division Yale District, Plan KAP86539 located at 198 Van Horne Street be rezoned from RM4 (Medium Density Multiple Housing) to RD3 (Residential Infill), be given first reading and be forwarded to the June 19, 2018 Public Hearing.

THAT, in accordance with section 507 of the *Local Government Act*, Council require the developer, at the time of subdivision of 157 Abbott Street, include the frontage of 198 Van Horne Street as part of the required frontage improvements, as an 'excess or extended service'.

CARRIED UNANIMOUSLY

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

265/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, June 5, 2018 at 8:24 p.m.

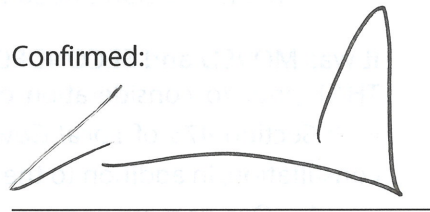
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor