

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

Tuesday, June 19, 2018
at 1:00 p.m.

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

Absent: Councillor Sayeed
Councillor Martin

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

266/2018

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

THAT Council adopt the agenda for the Regular Council meeting held on June 19, 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 1:36 p.m.

6. Adoption of Minutes:

6.1 Minutes of the June 5, 2018 Committee of the Whole

267/2018

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

THAT Council receive the minutes of the June 5, 2018 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the June 5, 2018 Public Hearing

268/2018

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

THAT Council receive the minutes of the June 5, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the June 5, 2018 Regular Meeting of Council

269/2018

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

THAT Council adopt the minutes of the June 5, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports:

7.1 Parks and Recreation Master Plan Committee Minutes of April 30, 2018

270/2018

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

THAT Council receive the minutes of the Parks and Recreation Master Plan Committee meeting of April 30, 2018.

CARRIED UNANIMOUSLY

7.2 Development Services Advisory Committee Minutes of June 8, 2018

271/2018

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

THAT Council receive the draft minutes of the Development Services Advisory Committee meeting of June 8, 2018.

CARRIED UNANIMOUSLY

7.3 Official Community Plan Task Force Minutes of June 4, 2018

272/2018

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

THAT Council receive the draft minutes of the Official Community Plan Task Force meeting of June 4, 2018.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

9.1 Parks & Recreation Master Plan

273/2018

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

THAT Council approve the 2018 Parks and Recreation Master Plan.

CARRIED UNANIMOUSLY

9.2 Park Dedication Bylaw No. 2018-37

Council was provided with a new page 5 with the legal description of Sudbury beach and a new page 13 Schedule F prior to first reading.

274/2018

It was MOVED and SECONDED

THAT Council, with at least 2/3 of all members of Council voting in the affirmative, give first, second and third reading to "Park Dedication Bylaw No. 2018-37", a bylaw that dedicates city owned lands as public park and repeals "City of Penticton Park Dedication Bylaw No. 2002-42".

CARRIED UNANIMOUSLY

9.3 Park Land Protection & Use Policy

275/2018

It was MOVED and SECONDED

THAT Council approve the Park Land Protection and Use Policy.

CARRIED UNANIMOUSLY

9.4 Parks & Recreation Advisory Committee

Main Motion:

It was MOVED and SECONDED

THAT Council approve the Parks & Recreation Advisory Committee's Terms of Reference as proposed (Attachment B) that includes the following recommendations:

1. Reflects a term ending December 31, 2019;
2. That half of the Parks & Recreation Advisory Committee's membership terms be staggered to allow for consistency and the opportunity for new members;
3. Includes the addition of paragraph 3 that states: 'Council shall appoint one (1) non-voting Penticton Indian Band Representative and one (1) non-voting Regional District Okanagan-Similkameen Representative to the committee; and the word 'shall' replace the word 'may' in paragraph 11 in the sentence that reads "Council may choose to replace the member".

Amendment:

276/2018

It was MOVED and SECONDED

THAT Council shall appoint one (1) voting Penticton Indian Band Representative and one (1) voting Regional District Okanagan-Similkameen Representative to the committee.

DEFEATED

Mayor Jakubeit, Councillors Watt, Konanz, Sentes, Picton, Opposed

Amendment:

277/2018

It was MOVED and SECONDED

THAT Council shall appoint one (1) voting Penticton Indian Band Representative and one (1) non-voting Regional District Okanagan-Similkameen Representative to the committee.

CARRIED

Councillors Sentes and Picton, Opposed

Main Motion as Amended:

278/2018

It was MOVED and SECONDED

THAT Council approve the Parks & Recreation Advisory Committee's Terms of Reference as proposed (Attachment B) that includes the following recommendations:

1. Reflects a term ending December 31, 2019;
2. That half of the Parks & Recreation Advisory Committee's membership terms be staggered to allow for consistency and the opportunity for new members;
3. Includes the addition of paragraph 3 that states: 'Council shall appoint one (1) voting Penticton Indian Band Representative and one (1) non-voting Regional District Okanagan-

Similkameen Representative to the committee; and the word 'shall' replace the word 'may' in paragraph 11 in the sentence that reads "Council may choose to replace the member".

CARRIED UNANIMOUSLY

Councillor Picton left the meeting at 2:36 p.m.

9.5 Zoning Bylaw Amendments – Park Zone

279/2018

It was MOVED and SECONDED

THAT Council direct staff to bring forward Zoning Bylaw Amendments for City Park Land.

CARRIED UNANIMOUSLY

9.6 Report Back on Short Term Vacation Rental Program

280/2018

It was MOVED and SECONDED

THAT Council direct staff to contract a third party business to count the number of unlicensed short term vacation rental businesses operating as well as locate and determine the length of time each unlicensed vacation rental has been operating; AND THAT Council direct staff to amend the City of Penticton Bylaw Notice Enforcement Bylaw No. 2012-5037 by increasing the fine amounts for operating and advertising a business without a licence to \$450.00 per occurrence.

CARRIED UNANIMOUSLY

9.7 Statement of Financial Information (SOFI)

281/2018

It was MOVED and SECONDED

THAT Council approve the Statement of Financial Information for the fiscal year ending December 31, 2017.

CARRIED UNANIMOUSLY

Meeting recessed at 3:12 p.m. and resumed at 3:14 p.m.

9.8 Climate Action Reporting for 2017

282/2018

It was MOVED and SECONDED

THAT Council receive the report titled "Climate Action Reporting for 2017" for information.

CARRIED UNANIMOUSLY

9.9 City FortisBC Supply of Electricity Wholesale Service – Amending Agreement

283/2018

It was MOVED and SECONDED

THAT Council approve the Amending Agreement as attached to the report titled "City FortisBC Supply of Electricity Wholesale Service – Amendment Agreement"; AND THAT Council authorize the Mayor and Corporate Officer to execute the Agreement.

CARRIED UNANIMOUSLY

9.10 Land Acquisition and Lease Renewal Policy

284/2018

It was MOVED and SECONDED

THAT Council approve the Land Acquisition Policy dated June 19, 2018; AND THAT Council approve the Renewal of Leases and Licenses Policy dated June 19, 2018.

CARRIED UNANIMOUSLY

9.11 257 Scott Avenue - Correspondence

285/2018

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

THAT Council, after review of the correspondence received by the owner of 257 Scott Avenue and the contents of this report support the request to issue "Development Variance Permit PL2018-8115" without the requirement for the registration of a Housing Agreement against the property;

AND THAT staff are directed to prepare a repeal bylaw for "Housing Agreement (257 Scott Avenue) Bylaw No. 2018-17";

AND THAT staff are directed to issue the amended permit accordingly.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

286/2018

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

THAT Council recess at 4:13 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;*

(c) *labour relations or other employee relations;*

(e) *the acquisition, disposition or expropriation of land or improvements if the Council considers that disclosure could reasonably be expected to harm the interest of the municipality;*

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 following the Public Hearing at 6:00 p.m.

Council reconvened the Regular Council Meeting at 7:01 p.m.

13. Bylaws and Permits:

13.1 Sign Regulation Amendment Bylaw No. 2018-31

287/2018

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

THAT Council adopt "Sign Regulation Amendment Bylaw No. 2018-31".

CARRIED UNANIMOUSLY

13.2 Political Signage Regulation Bylaw No. 2018-32

288/2018

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

THAT Council adopt "Political Signage Regulation Bylaw No. 2018-32".

CARRIED

Councillor Konanz, Opposed

- 13.3 Bylaw Notice Enforcement Amendment Bylaw No. 2018-33
Re: Political Signage Regulations
- 289/2018 **It was MOVED and SECONDED**
THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2018-33".
CARRIED
Councillor Konanz, Opposed
- 13.4 Election and Assent Voting Bylaw No. 2018-34
- 290/2018 **It was MOVED and SECONDED**
THAT Council adopt "Election and Assent Voting Bylaw No. 2018-34".
CARRIED UNANIMOUSLY
- 13.5 Council Procedure Bylaw No. 2018-35
- 291/2018 **It was MOVED and SECONDED**
THAT Council adopt "Council Procedure Bylaw No. 2018-35".
CARRIED UNANIMOUSLY
- 13.6 Pawnbrokers, Secondhand Dealers and Auction Houses Regulations Amendment Bylaw No. 2018-42
- 292/2018 **It was MOVED and SECONDED**
THAT Council adopt "Pawnbrokers, Secondhand Dealers and Auction Houses Regulations Amendment Bylaw No. 2018-42".
CARRIED UNANIMOUSLY
- 13.7 Bylaw Notice Enforcement Amendment Bylaw No. 2018-43
Re: Pawnbrokers, Secondhand Dealers and Auction Houses
- 293/2018 **It was MOVED and SECONDED**
THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2018-43".
CARRIED UNANIMOUSLY
- 13.8 Zoning Amendment Bylaw No. 2018-44
Re: 783 Martin Street
- 294/2018 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-44".
CARRIED
Mayor Jakubeit and Councillor Watt, Opposed
- 13.9 Zoning Amendment Bylaw No. 2018-45
Re: 456 Main Street
- 295/2018 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-45";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-45".
CARRIED UNANIMOUSLY
- 13.10 Zoning Amendment Bylaw No. 2018-36
Re: RD3 (Residential Infill)
- 296/2018 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-36".
CARRIED UNANIMOUSLY

13.11 Official Community Plan Amendment Bylaw No. 2018-38
Zoning Amendment Bylaw No. 2018-39
Re: 157 Abbott Street/198 Van Horne Street

297/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2018-38";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2018-38";

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-39".

CARRIED UNANIMOUSLY

14. Land Matters:

14.1 Development Variance Permit PL2018-8236
Re: 1093 Ohlhausen Road

Delegations/Submissions: nil

298/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8236" for Lot A, District Lot 199 and 672 Similkameen Division Yale District Plan 43708, located at 1093 Ohlhausen Road, a permit to allow a necessary agricultural farm help dwelling on a property that is less than 2 hectares (1.87 hectares); AND THAT staff be directed to issue "Development Variance Permit PL2018-8236".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2018-46
Development Permit PL2018-8262
Re: 125 Calgary Avenue

299/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-46", a bylaw to rezone Lot 4 District Lot 250 Similkameen Division Yale District Plan 1164 Except Plan B5473, located at 125 Calgary Avenue from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the July 3, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-46", a 2.4m road dedication along the south property line (Calgary Avenue) is registered with the Land Title Office.

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-46," approve "Development Permit PL2018-8262" for Lot 4 District Lot 250 Similkameen Division Yale District Plan 1164 Except Plan B5473, located at 125 Calgary Avenue, a permit that allows for the construction of a multi-family development.

CARRIED UNANIMOUSLY

- 14.3 Zoning Amendment Bylaw No. 2018-47
Development Variance Permit PL2018-8257
Development Permit PL2018-8258
Re: 210 Scott Avenue

300/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-47", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the July 3, 2018 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2018-8257" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue, a permit to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached, and to permit the projection of a deck a maximum of 0.6m into an interior side yard, be heard at the July 3, 2018 Public Hearing; AND THAT Council consider "DVP PL2018-8257" following the adoption of "Zoning Amendment Bylaw No. 2018-47."

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-47," approve "Development Permit PL2018-8258" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue, a permit that allows for the construction of a multi-family development.

CARRIED UNANIMOUSLY

- 14.4 Zoning Amendment Bylaw No. 2018-48
Re: 1449 Government Street

301/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-48", a bylaw to Rezone Lot 8 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1449 Government Street from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the July 3, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-48," the following conditions are met:

- The developer pays the costs for the City to restore the existing sidewalk letdown, which provided vehicle access to the subject property from Government Street.
- Council authorizes staff to discharge the Section 215 Covenant KJ77084 on title at the cost of the developer.

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising

16.1 Land Sale – 98 Ellis Street

THAT Council approve the land sale of 98 Ellis Street to Ellis Street Ventures Ltd. or their designate for \$623,000 plus GST;

AND THAT the City will be responsible for all legal costs associated with the sale of the lands and the Purchaser will be responsible for the legal and registration costs associated with the purchase of the land.

16.2 Purchase of 902 Creston Avenue

THAT Council approves the land purchase of 902 Creston Avenue for \$480,000;
AND THAT the City will be responsible for all legal and registration costs associated with the purchase of the property and the seller will be responsible for the legal costs associated with the sale of the land;
AND THAT the purchase is funded through the land acquisition reserve.

16.3 Official Community Plan Task Force Appointment

THAT Council appoint Joan Phillip to replace Dawn Russell as the PIB representative for the Official Community Plan Task Force.

17. Council Round Table

18. Public Question Period

19. Adjournment

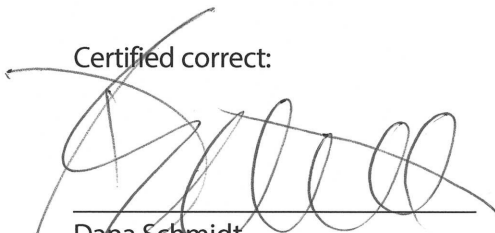
302/2018

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

THAT Council adjourn the Regular Council meeting held on Tuesday, June 19, 2018 at 7:57 p.m.

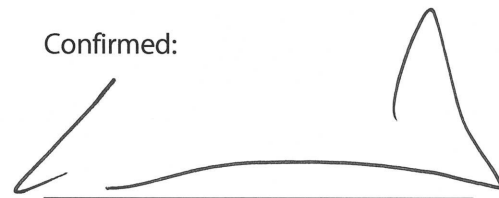
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor