

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

**Tuesday, October 2, 2018**  
**at 1:00 p.m.**

**Present:** Mayor Jakubeit  
Councillor Konanz  
Councillor Sentes  
Councillor Watt  
Councillor Martin  
Councillor Picton  
Councillor Sayeed (left the meeting at 3:18 p.m.)

**Staff:** Peter Weeber, Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Laurie Darcus, Director of Corporate Services  
Jim Bauer, Chief Financial 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 October 2, 2018 as presented.

**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 2:49 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the September 18, 2018 Committee of the Whole

428/2018

**It was MOVED and SECONDED**

THAT Council receive the minutes of the September 18, 2018 Committee of the Whole as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the September 18, 2018 Public Hearing

429/2018

**It was MOVED and SECONDED**

THAT Council receive the minutes of the September 18, 2018 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the September 18, 2018 Regular Meeting of Council

430/2018

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the September 18, 2018 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

**7. Consent Agenda**

431/2018

**It was MOVED and SECONDED**

THAT Council approve the Consent Agenda.

**CARRIED UNANIMOUSLY**

**8. Committee and Board Reports:**

8.1 Penticton Creek & Ellis Creek Restoration Committee Minutes of September 18, 2018

432/2018

**It was MOVED and SECONDED**

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

**CARRIED UNANIMOUSLY**

433/2018

**It was MOVED and SECONDED**

THAT Council approve the amended Terms of Reference for the Penticton Creek and Ellis Creek Restoration Committee to include an Ellis Creek component and to correct the organizational title for Paul Askey from the Department of Fisheries to Fresh Water Fisheries Society of BC and to allow alternate representatives; AND THAT staff take steps to fill the vacant positions.

**CARRIED UNANIMOUSLY**

434/2018

**It was MOVED and SECONDED**

THAT Council give approval to the committee to work with staff from the Engineering and Finance Departments to develop a strategy to accept, promote and receive donations from the public for the Penticton Creek project work.

**CARRIED UNANIMOUSLY**

8.2 Arts, Creative and Cultural Innovations Committee Minutes of September 21, 2018

435/2018

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of September 21, 2018.

**CARRIED UNANIMOUSLY**

436/2018

**It was MOVED and SECONDED**

THAT Council refer the recommendation from the Arts, Creative and Cultural Innovations Committee for funding of \$150,000 in 2019 to support the creation of a 10-year strategic plan for Arts & Culture in the City of Penticton; AND THAT \$100,000 of the budget fund a one (1) year Arts Officer contract; AND THAT \$50,000 of the budget fund the development of the strategic plan to 2019 budget cycle.

**CARRIED UNANIMOUSLY**

**9. Correspondence**

**10. Staff Reports:**

10.1 Bylaw Amendments and Policy related to enforcing Building Bylaw

437/2018

**It was MOVED and SECONDED**

THAT Council give first, second, and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-73";

THAT Council give first, second, and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2018-74";

AND THAT Council approve "Building Compliance Policy", a policy that outlines a fair and consistent approach to obtain compliance with the Building Bylaw.

**CARRIED UNANIMOUSLY**

10.2 General Election Day – Free Transit

438/2018

**It was MOVED and SECONDED**

THAT Council approve free transit for general election day for City elections.

**CARRIED UNANIMOUSLY**

10.3 Officers and Delegation of Authority Bylaw No. 2018-75

439/2018

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Officers and Delegation of Authority Bylaw No. 2018-75".

**CARRIED UNANIMOUSLY**

10.4 Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw No. 2018-41

440/2018

**It was MOVED and SECONDED**

THAT Council close and abandon "Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw No. 2018-41", a bylaw to impose a local area service tax to offset the cost of street improvements on Burnaby Avenue, Wylie Street and Riverside Drive.

**CARRIED UNANIMOUSLY**

**11. Public Question Period and Recess Meeting**

The Regular Council Meeting recessed at 3:18 p.m.

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

Council reconvened the Regular Council Meeting at 7:30 p.m.

**13. Bylaws and Permits:**

13.1 Building Bylaw No. 2018-01

441/2018

**It was MOVED and SECONDED**

THAT Council adopt "Building Bylaw No. 2018-01".

**CARRIED UNANIMOUSLY**

13.2 Permissive Tax Exemption Amendment Bylaw No. 2018-63

442/2018

**It was MOVED and SECONDED**

THAT Council adopt "Permissive Tax Exemption Amendment Bylaw No. 2018-63".

**CARRIED UNANIMOUSLY**

13.3 Zoning Amendment Bylaw No. 2018-69

Re: 1087 Dynes Avenue

443/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-69".

**CARRIED UNANIMOUSLY**

13.4 Zoning Amendment Bylaw No. 2018-70

Development Variance Permit PL2018-8359

Re: 481 Wade Avenue East

444/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-70";  
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-70";  
AND THAT Council approve "Development Variance Permit PL2018-8359" for 481 Wade Avenue East.

**CARRIED UNANIMOUSLY**

13.5 Zoning Amendment Bylaw No. 2018-71

Re: Carriage House Regulations

445/2018

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-71";  
AND THAT the carriage house regulations receive further evaluation through the Official Community Plan process.

**CARRIED UNANIMOUSLY**

Councillor Sentes declared a conflict of interest and left the meeting at 7:45 p.m.

13.6 Zoning Amendment Bylaw No. 2018-72

Re: Prohibit carriage houses – Kendall/Ridgedale

446/2018

**It was MOVED and SECONDED**

THAT Council deny the request to prohibit carriage houses on Kendall Crescent/Ridgedale Avenue; AND THAT Council close and abandon "Zoning Amendment Bylaw No. 2018-72".

**CARRIED**

**Mayor Jakubeit, Opposed**

Councillor Sentes returned to the meeting at 7:55 p.m.

**14. Land Matters:**

- 14.1 Liquor Primary Licence (for Dual Licence) – Brexit Pub (MLUK Foods Ltd.)  
Re: 67 Nanaimo Avenue East

Delegations/Submissions:

- Charles Cornell, agent for Brexit Pub, requesting 3am close.
- Martyn Lewis, owner, spoke to business practice and staggered closing times.
- Chelsea Terry, spoke in support of application.
- Charles Cornell, spoke to support from Chamber of Commerce.
- David Distell, live in area, spoke in support of 3 am.
- Lucy Anderson, new resident to town, nightlife limited, spoke in support of application.

447/2018

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) that it supports the Dual License application, to add a Liquor Primary License to the existing Food Primary Licence for Brexit Pub (MLUK Foods Ltd.), located at 67 Nanaimo Avenue East, with hours of Liquor Primary service from 3:00 p.m. to 3:00 a.m, Sunday to Saturday.

**CARRIED UNANIMOUSLY**

- 14.2 Development Variance Permit PL2018-8283  
Re: 163 Townley Street

Delegations/Submissions:

- Nil

448/2018

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8283" for Lot 4, District Lot 202, Similkameen Division Yale District, Plan 6907, located at 163 Townley Street, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.7m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8283."

**CARRIED UNANIMOUSLY**

**15. Notice of Motion**

**16. Business Arising**

**17. Council Round Table**

**18. Public Question Period**

**19. Adjournment**

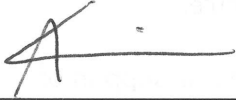
449/2018

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, October 2, 2018 at 8:25 p.m.

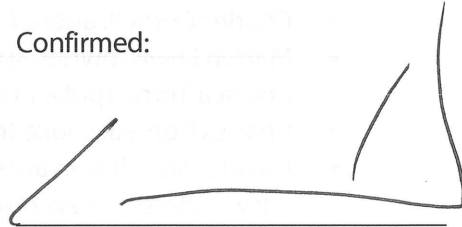
**CARRIED UNANIMOUSLY**

Certified correct:



\_\_\_\_\_  
Dana Schmidt  
Corporate Officer

Confirmed:



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Andrew Jakubeit  
Mayor