

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

Tuesday, December 4, 2018
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff: Peter Weeber, Chief Administrative Officer
Angie Collison, Corporate Officer
Laurie Darcus, Director of Corporate Services
Mitch Moroziuk, General Manager of Infrastructure (left meeting at 4:10 p.m.)
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Bregje Kozak, Director, Recreation and Facilities (left meeting at 4:10 p.m.)
Caitlyn Anderson, 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: Letter from Downtown Penticton Association as attachment to Staff Report item 10.4 and replace Attachment B with new Attachment.
Add: Rise and Report from Closed to Consent Agenda.

3. Adoption of Agenda

491/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on December 4, 2018 as amended.

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 1:44 p.m.

6. Adoption of Minutes:

6.1 Minutes of the November 20, 2018 Committee of the Whole Meeting

492/2018

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

6.2 Minutes of the November 20, 2018 Regular Meeting of Council

493/2018

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

7. Consent Agenda

Late Item - Rise and Report from Closed Meeting

The following Rise and Report from a Closed Meeting was added to the Consent Agenda.

THAT upon completion of a staff review of the Purchase Agreement;
THAT Council approve the purchase of 303, 307, 313, 317 & 319 Ellis Street for \$1.2M;
AND THAT staff be directed to fund the purchase from the Gaming Reserve;
AND THAT the Mayor and Chief Administrative Officer execute the purchase agreement.

494/2018

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 FireSmart Community Funding & Supports

495/2018

It was MOVED and SECONDED

THAT Council support the application for grant funding of \$100,000 from the Union of BC Municipalities for FireSmart Community Funding & Supports program within the City of Penticton.

CARRIED UNANIMOUSLY

10.2 2018-2022 Five Year Financial Plan Amendment Bylaw No 2018-80

496/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to the "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-80".

CARRIED UNANIMOUSLY

10.3 Penticton Peach Festival Float Retrofit – Pre Budget Grant Request

497/2018

It was MOVED and SECONDED

THAT Council approve a \$10,000 cash grant for 2019 as requested by the Penticton Peach Festival to be funded through the 2019 grant allocation.

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest and left the meeting at 2:31 p.m.
Acting Mayor Sentes chaired the meeting.

10.4 Cannabis Regulations – Policy and Bylaws

498/2018

It was MOVED and SECONDED

THAT Council approve "Cannabis Retail Stores Policy" which establishes the process and guidelines for obtaining local government support for a provincial 'cannabis retail store' licence in Penticton.

CARRIED UNANIMOUSLY

499/2018

It was MOVED and SECONDED

THAT Council give first reading to new Attachment B "Zoning Amendment Bylaw 2018-66", a bylaw that adds a definition for 'cannabis retail store', includes the use in the C4, C5 and C6 and cannabis retail stores are not permitted downtown on Main Street or Front Street and that the bylaw be forwarded to the December 18, 2018 Public Hearing.

CARRIED

Acting Mayor Sentes and Councillor Bloomfield, Opposed

500/2018

It was MOVED and SECONDED

THAT "Business Licence Amendment Bylaw 2018-67", a bylaw that adds a definition for 'cannabis retail store' and regulates the operation of cannabis retail stores, be given first reading and referred to the December 18, 2018 Public Hearing to receive comment from the public.

CARRIED UNANIMOUSLY

501/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Smoking Regulations Bylaw 2018-68", a bylaw that repeals and replaces "Smoking Bylaw 87-15", and includes a prohibition on the smoking and vaping of cannabis products in all public areas in Penticton.

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 3:07 p.m.

Councillor Watt left the meeting at 3:12 p.m.

10.5 Zoning Amendment Bylaw No. 2018-81
Re: 310 Comox Street

502/2018

It was MOVED and SECONDED

THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-81".

DEFEATED

Mayor Vassilaki, Councillors Bloomfield, Regehr, Kimberley, Robinson, Opposed

Councillor Watt returned to the meeting at 3:17 p.m.

Councillor Kimberley left the meeting at 3:18 p.m.

503/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-81", a bylaw to rezone Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial), be given first reading and be forwarded to the December 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-81", a 5.0m x 5.0m northwest corner cut is registered with the Land Title Office.

CARRIED

Councillor Sentes, Opposed

Councillor Kimberley returned to the meeting at 3:21 p.m.

10.6 Land Swap & Public Realm Improvements
Re: 157 Abbott Street

504/2018

It was MOVED and SECONDED

THAT Council support the proposed land exchange between the City and Abbott Street project based on the determination of the market value of the boulevard.

DEFEATED

Mayor Vassilaki, Councillors Bloomfield, Kimberley, Robinson, Watt, Sentes, Opposed

505/2018

It was MOVED and SECONDED

THAT Council support the proposed land exchange, between the City and Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP81594 (157 Abbott Street) and Lot 1, District Lot 202, Similkameen Division Yale District, Plan KAP86539 (149 Van Horne Street) as follows:

- City to receive 388.2m² of road right-of-way from 157 Abbott Street and 198 Van Horne Street;
- 143.56m² of current road right of way along Van Horne Street and Westminster Avenue be added to 198 Van Horne Street;
- 250.28m² of road right of way along Westminster Avenue and Abbott Street be added to 157 Abbot Street.

AND THAT the land exchange agreement be subject to the following conditions:

- a. The developer being responsible for the construction of angled parking along the Westminster Avenue frontage to City standards; and
- b. The developer is responsible for all survey and legal registration costs.

AND THAT staff be directed to prepare a Land Exchange Agreement applicable road closure bylaws and required public notification and land disposition in accordance with the *Community Charter*.

CARRIED UNANIMOUSLY

10.7 Council Meeting Schedule for 2019

506/2018

It was MOVED and SECONDED

THAT Council select the following dates for the 2019 Regular Meetings of Council: January 8, 22, February 5, 19, March 5, 19, April 2, 16, May 7, 21, June 4, 18, July 2, 16, August 6, 20, September 3, 17, October 1, 15, November 5, 19, and December 3, 17.

CARRIED UNANIMOUSLY

10.8 2019 Council Advisory Committees

507/2018

It was MOVED and SECONDED

THAT Council approve the following Council Advisory Committees (and Task Force) and Council Liaison appointments, subject to the Committee Terms of Reference in attachments A-G:

Advisory Committee/Task Force

Council Liaison

Agricultural Advisory Committee

Councillor Bloomfield

Arts, Creative, Cultural Innovations, Heritage and Museum Committee

Councillor Sentes

Development Services Advisory Committee

Councillor Watt

Economic Development and Prosperity Advisory Committee

Mayor Vassilaki

Official Committee Plan (Task Force)

Councillors Sentes, Robinson and Kimberley

Parks and Recreation Advisory Committee

Councillor Kimberley

Penticton Creek and Ellis Creek Restoration Committee

Councillor Regehr

AND THAT Council direct staff to advertise to fill the membership of the committees, inviting current members to reapply if interested;

AND THAT Council make the following appointments to outside boards and committees:

Library Board

Councillor Kimberley

Senior's Drop In Centre

Councillor Robinson

Senior's Wellness

Mayor Vassilaki

South Okanagan Immigrant & Community Services

Councillor Bloomfield

Downtown Penticton Association

Councillor Sentes

Sicamous Society

Mayor Vassilaki

Museum Society

Councillor Sentes

Chamber of Commerce

Councillor Watt

Farmer's Market

Councillor Sentes

Penticton and District Community Arts Council

Councillor Sentes

Shatford Centre

Councillor Regehr

Penticton Art Gallery

Councillor Regehr

THAT Council appoint Mayor John Vassilaki as the primary voting delegate and Councillor Jake Kimberley as alternate to the Municipal Insurance Association of British Columbia.

CARRIED UNANIMOUSLY

10.9 SILGA Committee Selected Charity

508/2018

It was MOVED and SECONDED

THAT the proceeds from the Southern Interior Local Government Association Conference 50/50 raffle held in Penticton on April 30 – May 3, 2019 be donated to the Youth Engagement Strategy (YES) Project.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to Closed Meeting

509/2018

It was MOVED and SECONDED

THAT Council recess at 4:10 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 interest of the municipality.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 7:13 p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2018-76

Re: 909 Government Street

510/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-76".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2018-77

Re: 931 Government Street

511/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-77".

CARRIED UNANIMOUSLY

512/2018

It was MOVED and SECONDED

THAT Council direct staff to provide information on establishing a protocol to address future applications where the principle property is accessible by laneway.

CARRIED

Mayor Vassilaki, Councillor Robinson, Opposed

- 14.3 Zoning Amendment Bylaw No. 2018-78
Re: 1473 Government Street

513/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-78".

CARRIED UNANIMOUSLY

- 14.4 Zoning Amendment Bylaw No. 2018-79
Re: 463 Wade Avenue East

514/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-79";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-79".

CARRIED UNANIMOUSLY

15. Land Matters

- 15.1 Development Variance Permit PL2018-8377
Development Permit PL2018-8376
Re: 595 Van Horne Street

Delegations/Submissions:

- Nil

515/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8377" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit to: increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m; to decrease the minimum required parking spaces from 4 to 3; and to decrease the minimum front yard from 4.5m to 3.5m, to support a duplex development with suites;
AND THAT staff be directed to issue "Development Variance Permit PL2018-8377".
THAT Council approve "Development Permit PL2018-8376" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit that allows for the construction of a duplex with suites;
AND THAT staff be directed to issue "Development Permit PL2018-8376."

CARRIED
Councillor Bloomfield, Opposed

- 15.2 Development Variance Permit PL2018-8387
Re: 555 Wade Avenue East

Delegations/Submissions:

- Tammy Scott, Wade Avenue East, concerns with landscape buffer and visitor parking spots not on property but referred to park on the road, concerned with a property on Gwyer Street with a failed retaining wall and only accessible through 555 Wade Avenue East.
- Dave Sutton, designer of the project, decided to pay the fee instead of creating a landscape buffer, visitor parking can't happen as there is a hill behind the property.

- Nicholas Parker, realtor on behalf of the developer, explained the property was hard to sell, as it was a derelict property, first green complex, property owner to the west is in support of no trees buffering the property.

516/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8387" for Lot 1 District Lot 202 Similkameen Division Yale District Plan 7142, located at 555 Wade Avenue East, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.0m, to waive the two required visitor parking spaces and to increase the maximum permitted 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 PL2018-8387."

CARRIED UNANIMOUSLY

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

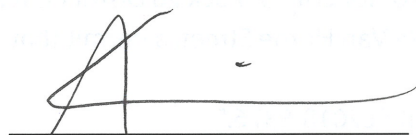
517/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 4, 2018 at 8:31 p.m.

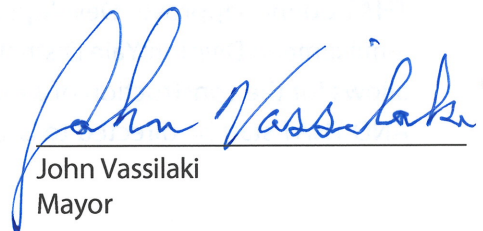
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor