



Minutes

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

Tuesday, August 6, 2019
at 1:00 p.m.

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

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Angela Campbell, Controller
Mitch Moroziuk, General Manager of Infrastructure (left at 3:37 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

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on August 6, 2019 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 2:21 p.m.

350/2019

6. Adoption of Minutes:

6.1 Minutes of the July 16, 2019 Regular Meeting of Council

351/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the July 16, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

352/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports:

8.1 Arts, Creative, Cultural Innovations, Heritage & Museum Committee Draft Minutes of July 9, 2019

353/2019

It was MOVED and SECONDED

THAT Council receive into the record the Arts, Creative, Cultural Innovations, Heritage & Museum Committee Draft Minutes of July 9, 2019.

CARRIED UNANIMOUSLY

354/2019

It was MOVED and SECONDED

THAT Council deny the recommendation by the Arts, Creative, Cultural Innovations, Heritage & Museum Committee to developer 5 year maintenance plans for Properties on the Heritage registry.

CARRIED UNANIMOUSLY

9. Correspondence:

9.1 Correspondence from Cleland Community Theatre Volunteers

Re: Request review of equipment, rental fees and more

355/2019

It was MOVED and SECONDED

THAT Council receive into the record the request from the Cleland Community Theatre Volunteers to review the equipment and rental fees of the Cleland Theatre.

CARRIED UNANIMOUSLY

10. Staff Reports:

10.1 Consideration of Declaration and Remedial Action

Re: 175 Brunswick Street

356/2019

It was MOVED and SECONDED

Whereas the City has authority under section 72(1) (b) of the *Community Charter* to impose remedial action requirements in relation to a declared nuisance:

1. THAT Council consider this staff report and presentation and, under the authority provided in section 74 of the *Community Charter*, declare the single detached dwelling and detached shed located at 175 Brunswick Street (the "Property") legally described as Lot 8 District Lot 4

Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 368 Parcel Identifier 012-496-227 a nuisance as the buildings are dilapidated, unclean and offensive to the community;

2. AND FURTHER THAT Council declare the overgrown vegetation, white two-door car, and RV Camper on the Property a nuisance under the authority provided in section 74 of the *Community Charter* as they contribute to the unclean and offensive condition of the Property;
3. AND FURTHER THAT Council require remedial action requirements of the owner of the Property as follows:
 - Implement a rodent remediation program with a Pest Control Specialist; obtain a Demolition Permit and demolish the single detached dwelling and detached shed; remove foundations and all demolition material; remove and/or trim overgrown vegetation; remove vehicle and RV camper, and fill in all excavation to prevent water from ponding;
4. AND FURTHER THAT Council set the time limit for completing the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on October 31, 2019 pursuant to section 76 of the *Community Charter*;
5. AND FURTHER THAT Council, under the authority provided in section 17 of the *Community Charter*, authorize staff to take appropriate action to ensure that the Property is brought into compliance with remedial action requirements described in Recommendation No. 3 provided that:
 - The property owner did not fully complete all remedial action requirements on or before the time limit specified in this Council resolution;
 - All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and
 - All costs incurred by the City to bring the Property into compliance at the expense of the property owner will be added to the Property taxes and deemed as taxes in arrears in accordance with section 258(1) (c) of the *Community Charter*.
6. AND FURTHER THAT Council set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on September 13, 2019 pursuant to section 78 of the *Community Charter*.

CARRIED UNANIMOUSLY

10.2 Council Remuneration and Expense Bylaw No. 2019-27

357/2019

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Council Remuneration and Expense Bylaw No. 2019-27" to implement the recommendations brought forward by the Mayor and Council Remuneration Task Force;

THAT Council rescind Meal Expense Policy, 2002 and Vehicle Mileage Rate Policy, 2004;

AND THAT Council approve "Meal and Travel Reimbursement Rates Policy".

CARRIED

Councillor Regehr, Opposed

10.3 Budget Amendment - Wheel Loader

358/2019

It was MOVED and SECONDED

THAT Council amend the 2019 Fleet Capital Budget to allow for the replacement of Unit #57 – 2011 Hyundai HL757-9 Wheel Loader with \$260,000 to be sourced from the Equipment Replacement Reserve;

AND THAT the existing loader be retained as the Public Works Yards loader for light duty work until such time as the lack of effective service life warrants disposal.

CARRIED UNANIMOUSLY

10.4 Budget Amendment Bioreactor Waste Pump Replacement

359/2019

It was MOVED and SECONDED

THAT Council amend the 2019 Sanitary Sewer Capital Budget to increase the budget for the Bioreactor Waste Pump Replacement project, CAP 35013-S23, by \$140,000 for a total budget of \$365,000 funded from surplus funds available from various already completed sanitary sewer capital projects.

CARRIED UNANIMOUSLY

10.5 Penticton and Ellis Creek 2018 Freshet Repair

360/2019

It was MOVED and SECONDED

THAT Council amend the 2019 Capital Budget to create two projects:

- Penticton Creek 2018 Freshet Repairs with a budget of \$170,000
- Ellis Creek 2018 Freshet Repairs with a budget of \$70,000

With funds to be sourced from the Asset Emergency Reserve.

CARRIED UNANIMOUSLY

10.6 Adjacent Property Owner Contribution Local Area Service Bylaw Policy

361/2019

It was MOVED and SECONDED

THAT Council postpone consideration of Adjacent Property Owner Contribution Local Area Service Bylaw Policy to the August 20, 2019 Regular Council Meeting.

CARRIED UNANIMOUSLY

10.7 Committee Terms of References
Re: Agriculture, Arts and Heritage

362/2019

It was MOVED and SECONDED

THAT Council amend the 2019 – 2022 Terms of Reference for the Agriculture Advisory Committee to include a Penticton Indian Band representative as a voting member.

THAT Council approve the 2019 - 2022 Terms of Reference for the Arts, Creative & Cultural Innovation Committee;

AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

THAT Council approve the 2019 - 2022 Terms of Reference for the Heritage and Museum Advisory Committee;

AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

THAT Council give first, second and third reading to "Heritage Advisory Committee Repeal Bylaw No. 2019-30".

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to a Closed Meeting:

363/2019

It was MOVED and SECONDED

THAT Council recess at 3:37 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(c) labour relations or other employee relations;

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

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

Council reconvened the Regular Council Meeting at 6:10 p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2019-26
ALR Non-Farm Use PL2019-8504
Re: 965 Naramata Road

364/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-26"; AND THAT Council send a letter of support to the Agriculture Land Commission for Non-Farm Use at 965 Naramata Road.

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2019-01
Re: 3550 Valleyview Road

365/2019

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2019-01".

CARRIED UNANIMOUSLY

14.3 Official Community Plan Bylaw No. 2019-08

366/2019

It was MOVED and SECONDED

THAT Council considers it has provided appropriate opportunities for consultation with the persons, organizations and authorities it considers will be affected by the Official Community Plan;

THAT Council give second and third reading to "Official Community Plan Bylaw No. 2019-08";

AND THAT Council adopt "Official Community Plan Bylaw No. 2019-08", a bylaw that provided a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries.

CARRIED UNANIMOUSLY

15. Land Matters

15.1 Temporary Use Permit TUP2019-8558 – 3 Year Extension Request
Re: 1883 Dartmouth Road & 1886 Dartmouth Road

Delegations/Submissions:

- No one spoke.

367/2019

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit TUP2019-8558", for Lot 8, District Lot 3821S, Similkameen Division Yale District, Plan 16251, located at 1886 Dartmouth Road and Lot 3, District Lots 3429S and 3821S, Similkameen Division Yale District, Plan 19115, Except Plan 25700, located at 1883 Dartmouth Road, a permit that allows for industrial uses on those parts of the subject properties as identified on Schedule A of the permit;
AND THAT the permit be valid for a period of three years, commencing October 1, 2019;
AND THAT staff be directed to renew the Licence to Use Agreements for use of City land for an additional three year period, in line with the Temporary Use Permit TUP2019-8558;
AND FURTHER THAT staff continue to work with the adjacent property owners, who have requested long term licence renewals, to protect and enhance the existing business operations and Ellis Creek, in line with the Licence to Use Agreements and Ellis Creek Master Planning process over the coming years.

CARRIED UNANIMOUSLY

15.2 ALR Exclusion PL2018-8363
Re: 3810 Valleyview Road

Brad Elenko, on behalf of applicant, spoke in support of the application.
Albert Lecompte, applicant, spoke and shared his concerns.

368/2019

It was MOVED and SECONDED

THAT Council deny support for the "ALR Exclusion PL2018-8363" application to the Agricultural Land Reserve (ALR) for Lot 2, District Lot 587, Similkameen Division Yale District, Plan 15977, Except Plans 20013 and 20826, located at 3810 Valleyview Road.

CARRIED
Councillors Robinson and Watt, Opposed

15.3 Soil or Fill Use Application
Re: 1053 Ohlhausen Road

369/2019

It was MOVED and SECONDED

THAT Council support the "Soil or Fill Use" application to the Agricultural Land Reserve (ALC) to allow placement of fill in the ALR to soil bound agriculture on Lot B, District Lot 199, SDYD, Plan 43708, located at 1053 Ohlhausen Road.

CARRIED UNANIMOUSLY

15.4 Zoning Amendment Bylaw No. 2019-29
Re: 595 Vancouver Avenue

370/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-29", a bylaw that rezones "Proposed Lot 1" to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 to R2 (Small Lot Residential) of the subdivision of "Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662" (595 Vancouver Avenue), as shown on Schedule 'A' of the bylaw, be given first reading and be forwarded to the August 20, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-29", the following condition be completed:

- Registration of a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle);
- Demolition of the current single family dwelling.

CARRIED UNANIMOUSLY

15.5 Street Naming for Proposed Subdivision
Re: 120 Cambie Street/Oliver Place

371/2019

It was MOVED and SECONDED

THAT Council support naming the portion of road running north/south between Westminster Ave East and Cambie Place "Oliver Place".

CARRIED UNANIMOUSLY

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

372/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, August 6, 2019 at 7:45 p.m.

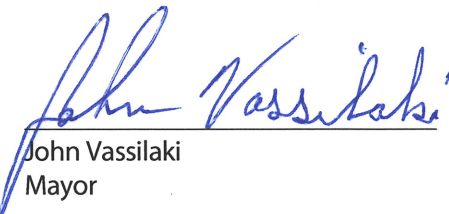
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor