



Minutes

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

Tuesday, November 5, 2019
at 1:00 p.m.

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

Absent: Councillor Kimberley

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Ben Johnson, Acting Director of Development Services
Bregje Kozak, Director Recreation and Facilities (left at 4:44 p.m.)
Mitch Moroziuk, General Manager of Infrastructure (left at 4:44 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

466/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on November 5, 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 2:33 p.m.

6. Adoption of Minutes:

- 6.1 Minutes of the October 15, 2019 Regular Meeting of Council
Minutes of the October 18, 2019 Special Meeting of Council
Minutes of the October 24, 2019 Special Meeting of Council

467/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the October 15, 2019 Regular Meeting of Council as presented; AND THAT Council adopt the minutes of the October 18, 2019 and October 24, 2019 Special Meetings of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

468/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the October 15, 2019 Committee of the Whole Meeting;
2. Release of Items from Closed Meeting:

THAT Council support applying for a grant under the provincial Childcare BC New Spaces Fund to build a new child care facility at Kiwanis Park to replace the Edmonton Avenue Centre and existing day care building; AND THAT Council support the issuance of an 'expression of interest' for a partner to construct and operate the new facility.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

- 10.1 Community Engagement Policy and Framework

469/2019

It was MOVED and SECONDED

THAT Council approve the Community Engagement Policy to articulate the City's commitment to community engagement.

CARRIED UNANIMOUSLY

470/2019

It was MOVED and SECONDED

THAT Council receive the Community Engagement Framework to guide staff in the implementation of the policy and inform citizens about the City's commitment to community engagement.

CARRIED UNANIMOUSLY

- 10.2 Online Accommodation Platforms Funds

471/2019

It was MOVED and SECONDED

THAT Council approve the allocation of Online Accommodation Platforms (OAP) funds for 2019, 2020 and 2021 towards tourism marketing and be included in the Municipal and Regional District Tax forwarded to Travel Penticton.

CARRIED UNANIMOUSLY

10.3 Fees and Charges Amendment Bylaw No. 2019-37

472/2019

It was MOVED and SECONDED

THAT Council give first, second, and third reading to "Fees and Charges Amendment Bylaw No. 2019-37".

CARRIED UNANIMOUSLY

10.4 Fire and Life Safety Amendment Bylaw No. 2019-43

473/2019

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fire and Life Safety Amendment Bylaw No. 2019-43", a bylaw that amends the open-air burning conditions to align with the Province of British Columbia Open Burning Smoke Control Regulation.

CARRIED UNANIMOUSLY

10.5 Penticton Seniors' Drop-In Centre Society 20 Year Lease

474/2019

It was MOVED and SECONDED

THAT Council approve the 20-year nominal lease agreement with the Penticton Seniors' Drop-In Centre Society, located at 2965 South Main Street;
AND THAT the disposition of City improvements be advertised pursuant to Section 26 of the Community Charter;
AND THAT the Mayor and Corporate Officer be directed to execute the lease agreement on behalf of the City.

CARRIED UNANIMOUSLY

10.6 Sharps Response Update

475/2019

It was MOVED and SECONDED

THAT Council receive into the record the report dated November 5, 2019 titled "Sharps Response Update".

CARRIED UNANIMOUSLY

10.7 Local Government Support for Cannabis Retail
Re: 114-2436 Skaha Lake Road

476/2019

It was MOVED and SECONDED

THAT Council direct staff to send a recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council policy, for Green Light Cannabis located at 114 – 2436 Skaha Lake Road;
AND THAT the letter of recommendation include the following comments:

- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
- The views of the public were captured during a public comment period; and
- The local government recommends that the application be approved because of compliance with local regulations and policies.

CARRIED
Mayor Vassilaki, Opposed

10.8 Asset and Amenity Management Project Charter

477/2019

It was MOVED and SECONDED

THAT Council approve the Asset and Amenity Project Charter and approve the proposed budget of \$378,000 in 2020 and \$205,000 in 2021, which will be incorporated into the 2020-2024 Five Year Financial Plan.

CARRIED
Councillor Robinson, Opposed

11. Public Question Period

12. Recess to a Closed Meeting:

478/2019

It was MOVED and SECONDED

THAT Council recess at 4:44 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 interests 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 7:15 p.m.

14. Bylaws and Permits:

- 14.1 Zoning Amendment Bylaw No. 2019-38
Re: 3790 South Main Street

479/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-38"; AND THAT Council adopt "Zoning Amendment Bylaw No. 2019-38".

CARRIED UNANIMOUSLY

- 14.2 Zoning Amendment Bylaw No. 2019-39
Re: 962 Churchill Avenue

480/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-39".

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Black Antler Restaurant Patron Participation Entertainment Endorsement and Change of Hours

Re: 101-215 Winnipeg Street

Delegations/Submissions:

- Lynn Pepin, owner, spoke in support of the application.

481/2019

It was MOVED and SECONDED

THAT Council recommend to the Liquor & Cannabis Regulation Branch (LCRB) that it supports the application from Black Antler located at 101-215 Winnipeg Street for:

- Patron Participation Entertainment Endorsement
- Extension of hours on Fridays and Saturdays from Midnight to 2:00 am (Interior Only)

CARRIED UNANIMOUSLY

15.2 Development Variance Permit PL2019-8571

Development Permit PL2019-8570

Re: 1675 Fairview Road

Delegations/Submissions:

- No one spoke.

482/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2019-8571", for Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189, located at 1675 Fairview Road, a permit to reduce the front yard from 4.5m to 0.3m for the construction of a car wash building;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8571".

THAT Council, approve "Development Permit PL2019-8570" for 1675 Fairview Road, a permit to allow for the construction of a car wash building subject to approval of "Development Variance Permit PL2019-8571".

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest as he lives in the neighbourhood and left the meeting at 7:39 p.m. Deputy Sentes chaired the meeting.

15.3 Development Variance Permit PL2019-8594

Re: 4037 Lakeside Road

Delegations/Submissions:

- Chris Allen, agent for property owner, available for questions, challenging lots, wants variances as in line with the neighboring properties and no variance to height.
- Lynn Kelsey, Oakville Street, steep slope, asked and not considered a hillside permit area.

483/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2019-8594" for Lot 21, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4037 Lakeside Road, a permit to reduce the minimum front yard from 6.0m to 3.0m, reduce the north interior side

yard of a principal building from 1.5m to 0.9m, increase the height of a retaining wall from 1.2m to 4.3m and reduce the driveway setback from 0.5m to 0.0m;
AND THAT staff be directed to issue "Development Variance Permit PL2019-8594."

CARRIED
Deputy Mayor Sentes, Opposed

15.4 Development Variance Permit PL2019-8596
Re: 4039 Lakeside Road

Delegations/Submissions:

- Austin, Architect, representing owner, available to answer questions, removing one parking spot from site, there will be a retaining wall to support and protect users of parking on road side.
- Drew Mitchell, Finnerty Road, gravel gets thinner going further up the hill, has concerns with construction and traffic, speed is an issue and need to be cautious as its getting busier.
- Kendra Mitchell, Finnerty Road, concerned for parking, broader concern for safety and infrastructure not being safe, speed is an issue and the corridor is dangerous.

484/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2019-8596" for Lot 22, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4039 Lakeside Road, a permit to: increase the permitted height of a single family house from 10.5m to 11.2m; increase the permitted size of a rooftop appurtenance from 10% to 12.9%; and, reduce the required parking from 2 spaces to 1 space;
AND THAT staff be directed to issue "Development Variance Permit PL2019-8596."

CARRIED
Deputy Mayor Sentes, Opposed

Mayor Vassilaki returned to the meeting at 8:14 p.m.

15.5 Development Permit PL2019-8569
Re: 3790 South Main Street

485/2019

It was MOVED and SECONDED

THAT Council approve "Development Permit PL2019-8569", a permit to allow for the construction of a 180-unit multi-family development in the form of two apartment buildings for the consolidated property of Lots 1, 2, 3 and 4 of District Lots 197 and 587, Similkameen Division Yale District Plan 27190, located at 3790, 3700, 3650 and 3600 South Main Street upon adoption of Zoning Amendment Bylaw No. 2019-38;
AND THAT staff are directed to issue DP PL2019-8569 upon completion of the lot consolidation.

CARRIED UNANIMOUSLY

Council agreed by consensus to alter the order of the agenda and address item 15.7 first.

15.7 Placement of Rock Pit in Environmental Protection Area
Re: 2883 Partridge Drive

486/2019

It was MOVED and SECONDED

THAT Council support the placement of a rock pit in a covenant area at 2883 Partridge Drive.

CARRIED UNANIMOUSLY

15.6 Zoning Amendment Bylaw No. 2019-44
Development Permit PL2019-8587
Re: 589 Churchill Avenue

487/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-44", a bylaw to rezone Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), be given first reading as amended and be forwarded to the December 3, 2019 Public Hearing;
AND THAT Council consider "Development Permit PL2019-8587", a permit that allows for the construction of a duplex development with an accessory building for 589 Churchill Avenue, after adoption of "Zoning Amendment Bylaw No. 2019-44".

CARRIED UNANIMOUSLY

16. Notice of Motion

17. Business Arising

18. Council Round Table

Scroll lights

488/2019

It was MOVED and SECONDED

THAT Council direct staff to contact the scroll lights petition organizers and provide them with the opportunity to do the necessary repair work to the scrolls.

CARRIED UNANIMOUSLY

19. Public Question Period

20. Adjournment

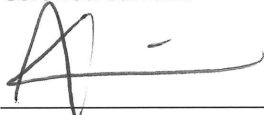
489/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, November 5, 2019 at 8:39 p.m.

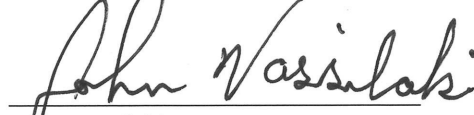
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor