

Electronic Regular Council Meeting¹

held at City of Penticton
via WebEx www.penticton.ca

Tuesday, May 5, 2020
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
Jim Bauer, Chief Financial Officer
Blake Laven, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure

1. Call to Order

The Mayor called the Electronic Regular Council Meeting to order at 1:04 p.m.

2. Application of rules of procedure

107/2020

It was MOVED and SECONDED

THAT Council authorize that all regular meetings, special meetings, and committee meetings of the City of Penticton be conducted by electronic means allowing all members of Council, to attend electronically for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic;

AND THAT Council restrict public attendance at open meetings for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic;

AND THAT Council temporarily suspend the voting at meeting procedures (Council Procedure Bylaw No. 2018-35 25.(1)(b)) and when ready to vote and the question is called those in favor will say "In favour" and those opposed will say "opposed" for the duration of the British Columbia provincial state of emergency in response to the COVID-19 pandemic.

CARRIED UNANIMOUSLY

¹ In accordance with the Province of BC Ministerial Order No. M139, the Council of the City of Penticton is participating in the meeting by electronic means, without public attendance and may adopt a bylaw on the same day as third reading.

3. Adoption of Agenda

108/2020

It was MOVED and SECONDED

THAT Council adopt the agenda for the Electronic Regular Council Meeting held on May 5, 2020 as amended to include correspondence from Penticton Farmers' Market as item 6.3 and add correspondence from Cantex to item 7.1.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the April 21, 2020 Electronic Regular Meeting of Council

109/2020

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 21, 2020 Electronic Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the April 23, 2020 Electronic Special Meeting of Council

110/2020

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 23, 2020 Electronic Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

5. Consent Agenda:

111/2020

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Penticton and Ellis Creek Restoration Committee Meeting Draft Minutes of March 11, 2020;
2. Safety and Security Committee Meeting Draft Minutes of March 16, 2020.

CARRIED UNANIMOUSLY

6. Correspondence:

The meeting recessed at 1:09 p.m. due to livestream issues and reconvened at 1:19 p.m.

6.1 Proclamation "Building Safety Month" May 2020

112/2020

It was MOVED and SECONDED

THAT Council proclaim May 2020 as Building Safety Month.

CARRIED UNANIMOUSLY

6.2 Removal of property from the City of Penticton Heritage Registry
Re: 452 Lakeshore Drive

113/2020

It was MOVED and SECONDED

THAT Council remove the property located at 452 Lakeshore Drive from the City of Penticton Heritage Registry.

CARRIED UNANIMOUSLY

6.3 Penticton Farmers' Market

114/2020

It was MOVED and SECONDED

THAT Council refer the correspondence from the Penticton Farmers' Market dated May 3, 2020 to Emergency Operations Centre.

CARRIED UNANIMOUSLY

7. Staff Reports:

7.1 Ellis Creek Master Plan

115/2020

It was MOVED and SECONDED

THAT Council respond to the issues raised by Cantex in their letter of February 12, 2020 and in their presentation at the Committee of the Whole on March 3, 2020 with respect to the Ellis Creek Master Plan by:

1. Requesting Cantex to complete, at their cost, a Riparian Area Regulations Report and Environmental Assessment Report encompassing Ellis Creek along the Cantex property extents to determine the Stream Side Protection Area and the Environmental protection area required for the proposed industrial park plan;
2. That the two above noted documents be submitted to the City and the Province of BC to determine if they are acceptable as per the BC reg. 178/2019 Riparian Areas Protection Regulation and City Riparian Area and Environmental Development Permit Area guidelines; and
3. That should Cantex decide to proceed with their subdivision development, after hearing from the Province of BC and the City about the status of their Riparian Area Regulations Report and Environmental Assessment Report, that the City sole source to Stantec Consulting Ltd. a \$165,000 contract to complete a full Predesign Report, including discussions with the Penticton Indian Band, for the reach of Ellis Creek through the Cantex property as outlined in the Stantec letter proposal of November 22, 2019.

AND THAT the 2021 capital budget consider the \$165,000 required for the predesign.

CARRIED UNANIMOUSLY

116/2020

It was MOVED and SECONDED

THAT Council approve the Ellis Creek Master Plan dated March 18, 2020 (Attachment A), as a guiding document which includes the amendments suggested by the Penticton Creek and Ellis Creek Restoration Committee at their March 11, 2020 meeting.

CARRIED UNANIMOUSLY

The meeting recessed at 2:40 p.m. for a 15 minute break and reconvened at 2:55 p.m.

7.2 BC Transit City of Penticton Annual Operating Agreement 2020-2021

117/2020

It was MOVED and SECONDED

THAT Council authorize the Mayor and Corporate Officer to execute the 2020 - 2021 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

CARRIED UNANIMOUSLY

7.3 Revenue Anticipation Borrowing Bylaw No. 2020-10

118/2020

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Revenue Anticipation Borrowing Bylaw No. 2020-10", a bylaw to provide for the borrowing of money in anticipation of revenue; AND THAT Council adopt "Revenue Anticipation Borrowing Bylaw No. 2020-10".

CARRIED UNANIMOUSLY

7.4 Property Tax Grant

119/2020

It was MOVED and SECONDED

THAT Council approve the following resolution under sections 20(2) and 21(a) of the *Community Charter*:

The taxpayers and residents of the City are living with the COVID-19 pandemic, and Council anticipates various levels of provincial orders and guidelines over the remainder of the 2020 tax year that can only be enforced by the Province and not by the City under BC law. Accordingly, in order to see that social distancing, reopening, and other provincial requirements are properly carried out in the City, and in order to manage the City's resources and property tax regime, the City under sections 20(2) and 21(a) of the *Community Charter* offers to enter and does hereby enter a partnering agreement with each property taxpayer that constitutes a business, under which the taxpayer executes and delivers a City standard form partnering agreement under section 21(a) of the *Community Charter* to provide an activity, facility, work or similar service on behalf of the City, including on behalf of the City the enforcement of section 9 of COVID-19 Order 084 of the Province, the COVID-19 Guidelines of the Provincial Health Officer, and other provincial orders and guidelines governing social distancing, isolation and reopening in relation to the business and the premises of the business.

CARRIED UNANIMOUSLY

7.5 Tax Rates Bylaw No. 2020-16

120/2020

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2020-16", a bylaw that establishes property taxation rates for the 2020 tax year; AND THAT Council adopt "Tax Rates Bylaw No. 2020-16".

**CARRIED
Councillor Regehr, Opposed**

7.6 Fees and Charges Amendment Bylaw No. 2020-15
Re: Appendix 7, 25, 29 – Utility Fees

121/2020

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2020-15", a bylaw which reduces applicable utility rates by 10% in order to provide the prompt payment discount for all rate payers; AND THAT Council adopt "Fees and Charges Amendment Bylaw No. 2020-15".

**CARRIED
Councillor Bloomfield, Opposed**

- 7.7 Fees and Charges Amendment Bylaw No. 2020-17
Re: Business Licensing and Building Permitting Fees

122/2020

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2020-17", a bylaw that temporarily reduces certain fees & charges relating to business licensing and building permitting due to COVID-19;
AND THAT Council adopt "Fees and Charges Amendment Bylaw No. 2020-17".

CARRIED UNANIMOUSLY

- 7.8 Development Variance Permit PL2020-8734
Development Permit PL2020-8732
Re: 285 Westminster Avenue West

123/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8734", for Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP99696, located at 285 Westminster Avenue West, a permit to vary Section 6.1.5.3 of Zoning Bylaw No. 2017-08, to increase the maximum percentage (%) of off-street small car parking spaces from 25% to 44%;
AND THAT staff be directed to issue "Development Variance Permit PL2020-8734";
AND THAT Council, subject to approval of "Development Variance Permit PL2020-8734", approve "Development Permit PL2020-8732", for 285 Westminster Avenue West, a permit to allow for the construction of a 5-storey mixed-use development featuring 75 residential units and approximately 2,400sq. ft. of ground floor commercial retail space.

CARRIED UNANIMOUSLY

- 7.9 Development Permit PL2019-8654
Re: 3352 Hemlock Street

124/2020

It was MOVED and SECONDED

THAT Council approve "Development Permit PL2019-8654", for Lot 1 District Lot 189 Similkameen Division Yale District Plan KAP90435, located at 3352 Hemlock Street, a permit to allow for the construction of a 6-storey, 165-unit apartment building;
AND THAT Council approve, through the issuance of "Development Permit PL2019-8654", in accordance with Official Community Plan Bylaw No. 2019-08, Section 5.1.4.3, a minor variance to at-grade amenity area requirements, that does not reduce at-grade amenity space to less than 10% of the total required amenity area;
AND THAT staff be directed to issue "Development Permit PL2019-8654".

CARRIED UNANIMOUSLY

- 7.10 Development Variance Permit PL2020-8720
Re: 1384 Commercial Way

125/2020

It was MOVED and SECONDED

THAT Council deny "Development Variance Permit PL2020-8720", for Lot 6 District Lot 3821S Similkameen Division Yale District Plan 17297, located at 1384 Commercial Way, a permit to allow razor wire fencing.

DEFEATED

Mayor Vassilaki, Councillors Bloomfield, Regehr, and Watt, Opposed

126/2020

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2020-8720", for Lot 6 District Lot 3821S Similkameen Division Yale District Plan 17297, located at 1384 Commercial Way, a permit to allow razor wire fencing.

CARRIED

Councillors Kimberley, Robinson, and Sentes, Opposed

8. Bylaws and Permits:

- 8.1 Zoning Amendment Bylaw No. 2020-08
Development Permit PL2019-8613
Re: 352 Winnipeg Street

127/2020

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2020-08";
AND THAT Council approve "Development Permit PL2019-8613".

CARRIED UNANIMOUSLY

- 8.2 Zoning Amendment Bylaw No. 2020-09
Re: 2301 Baskin Street

128/2020

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2020-09".

CARRIED UNANIMOUSLY

- 8.3 Zoning Amendment Bylaw No. 2020-12
Re: 130 and 152 Greenwood Drive

129/2020

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2020-12";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2020-12".

CARRIED

Councillor Robinson, Opposed

- 8.4 Zoning Amendment Bylaw No. 2020-13
Re: 418 Scott Avenue

130/2020

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2020-13".

DEFEATED

Mayor Vassilaki, Councillors Regehr, Robinson, and Sentes, Opposed

131/2020

It was MOVED and SECONDED

THAT Council close and abandon "Zoning Amendment Bylaw No. 2020-13".

CARRIED

Councillor Kimberley, Opposed

8.5 Zoning Amendment Bylaw No. 2020-14
Re: 154 Brunswick Street

132/2020

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2020-14".

CARRIED UNANIMOUSLY

9. **Council Round Table**

10. **Adjournment to a Closed Meeting:**

133/2020

It was MOVED and SECONDED

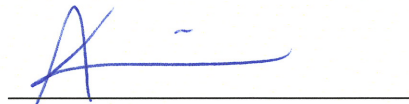
THAT Council adjourn at 5:04 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

(c) labour relations or other employee relations;

Section 90 (2) (c) a matter that is being investigated under the Ombudsperson Act of which the municipality has been notified under section 14 [Ombudsperson to notify authority] of that Act.

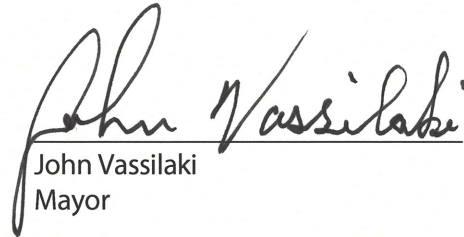
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor