

Regular Council Meeting

To be held at the Penticton Trade and Convention Centre,
273 Power Street, Penticton, B.C.

Tuesday, September 7, 2021
at 1:00 p.m.

Present:

Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt
Councillor Miller

Staff:

Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, General Manager, Finance & Administration
Blake Laven, Director of Development Services
Anthony Haddad, General Manager, Community Services
Ian Chapman, Acting General Manager of Infrastructure
Cheryl Hardisty, Senior Executive Assistant
John Schappert, Legislative Assistant

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

279/2021

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on September 7, 2021 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:00 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:17 p.m.

6. Adoption of Minutes:

6.1 Minutes of Council Meetings

280/2021

It was MOVED and SECONDED

THAT Council adopt the minutes of the August 17, 2021 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

281/2021

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the August 17, 2021 Committee of the Whole Meeting;
2. Special Parks and Recreation Advisory Committee Meeting Draft Minutes of August 24, 2021;
3. Safety and Security Advisory Committee Meeting Draft Minutes of August 30, 2021;

CARRIED UNANIMOUSLY

8. Committee and Board Recommendations

9. Correspondence

9.1 Lakeshore Drive Neighbourhood Heritage Protection

282/2021

It was MOVED and SECONDED

THAT Council direct staff to examine the incorporation of heritage conservation values on Lakeshore Drive, Front Street and the Windsor area;

AND THAT the recommendation is referred to the Heritage and Museum Advisory Committee.

CARRIED UNANIMOUSLY

10. Staff Reports:

10.1 Community Climate Action Plan Update - Engagement

283/2021

It was MOVED and SECONDED

THAT Council receive the first draft of the 2021 Community Climate Action Plan into the record and direct staff to proceed to community engagement.

CARRIED UNANIMOUSLY

10.2 Location of Council Meetings

284/2021

It was MOVED and SECONDED

THAT Council hold the September 21, October 5, October 19, November 2, November 16, December 7, 2021 Regular Council and November budget meetings at the Penticton Trade and Convention Centre, 273 Power Street.

CARRIED UNANIMOUSLY

10.3 Animal Control Service Transition

285/2021

It was MOVED and SECONDED

1. THAT Council give first, second and third reading to "Animal Control Bylaw No. 2021-02", a bylaw that repeals the Responsible Dog Owner Bylaw No. 2015-27, and establishes regulations for the proper care of animals in the community.
2. THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2021-16" and "Municipal Ticketing Information Amendment Bylaw No. 2021-17", bylaws intended to give staff tools to enforce provisions of the new Animal Control Bylaw and Zoning Bylaw.
3. THAT Council support a mid-year budget amendment adding \$14,000 to the 2021 Animal Control budget, reflecting an increase in the Animal Control Services / Facilities Manager Agreement contract resulting from the additional service levels with the transition from dog control to animal control.
4. THAT Council approve \$20,000, from the capital reserve, for the improvements to the Animal Control facility to accommodate housing other animals and the ALERT program.

CARRIED UNANIMOUSLY

10.4 License to Use Agreement – Penticton Community Gardens Society
Re: 480 Vancouver Avenue

286/2021

It was MOVED and SECONDED

THAT Council refer the renewal of a three year nominal License to Use (LTU) agreement to the Penticton Community Gardens Society for the use of a portion of 480 Vancouver Avenue (Vancouver Hill) to the Parks & Recreation Advisory Committee for their review and recommendation.

CARRIED UNANIMOUSLY

10.5 Development Cost Charges (DCC) Reserve Review

287/2021

It was MOVED and SECONDED

- 1) THAT Council approve the following debt payments to be funded annually from the applicable DCC reserves, amounts and terms as follows:
 - i. DCC Park Reserve - \$50,808, for the years 2021-2024, for the Munson Mountain land purchase;
 - ii. DCC Waste Water Reserve
 - a) \$268,654, for the years 2021-2028, for the Lee Avenue Lift Station, Forcemain & Inlet Sewer Upgrades;
 - b) \$235,072, for the years 2021-2029, for the Wastewater Treatment Plant Expansion from LWMP;
 - iii. DCC Water Main Reserve
 - a) \$134,327 annually, from years 2021-2028, for the Water Filtration Plant upgrade;
 - b) \$130,969 annually, from years 2021-2029, for the Water Filtration Plant upgrade.
- 2) THAT Council approve the following annual transfer amounts from the applicable DCC reserves, amounts, and terms as follows:
 - i. DCC Parks Reserve to the General Operating Surplus:
 - a) \$107,462 annually, for the years 2021-2026, for the New Playing fields;

- b) \$102,881 annually, for the years 2021-2024 for the Munson Mountain land purchase;
- ii. DCC Waste Water Reserve to the Sewer Operating Surplus:
 - a) \$581,346 annually, for the years 2021-2028, for the Lee Avenue Lift Station, Forcemain & Inlet Sewer Upgrades;
 - b) \$173,060 annually, for the years 2021-2029, for the Wastewater Treatment Plant Expansion from LWMP;
 - c) \$223,083 annually, for the years 2021-2040, for the Water Filtration Plant upgrade.
- 3) THAT Council approve the following in relation to the Manitoba Street project:
 - i. That annual loan payments of \$10,207 for the years 2021- 2024 be funded from the General Operating Surplus fund;
 - ii. A one-time transfer from General Operating Surplus to the DCC Storm Reserve of \$29,979 for overages above the maximum DCC eligible expenses.
- 4) THAT Council approve transfers of \$1,582,055 from the applicable DCC reserves to the applicable offsetting fund noted in the detailed summary in Attachment D.
- 5) AND THAT the Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

10.6 Social Development and Emergency Support Services Update – September 2021

288/2021

It was MOVED and SECONDED

THAT Council receive into the record the full report titled “Social Development and Emergency Support Services Update – September 2021” and dated September 7, 2021.

CARRIED UNANIMOUSLY

10.7 Mobilizing the Penticton Child Care Action Plan: Community Mobilization Group

289/2021

It was MOVED and SECONDED

THAT Council approve the terms of reference, as included in Attachment A, for the Penticton Child Care Action’s Community Mobilization Group;

AND THAT Council direct the Group to report to Council a minimum of every 18-24 months;

AND THAT Council direct staff to convene and coordinate the Group.

CARRIED UNANIMOUSLY

10.8 Skaha Lake Marina: Request for Proposal

290/2021

It was MOVED and SECONDED

THAT Council approve the Skaha Lake Marina Request for Proposal as provided in Attachment A of the report dated September 7, 2021 titled “Skaha Lake Marina: Request for Proposal”.

CARRIED UNANIMOUSLY

10.9 Three Year Transit Expansion Plan

291/2021

It was MOVED and SECONDED

THAT Council support the following Transit Service additions as part of the City’s Three-Year Transit Expansion Plan:

- Conventional Transit System
 - Expand service to Upper Wiltse via Route 1;
 - Expand Service to Sendero Canyon via Route 4;

- Custom Transit System
 - Expand Custom service by means of Taxi Supplement to align with Conventional Service span;

AND THAT the Convention Transit System expansion proposal for increasing the frequency of Route 5, be delayed until the completion of the BC Transit Future Plan process.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess into a Closed Meeting

292/2021

It was MOVED and SECONDED

THAT Council recess at 3:41 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

- (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;
 - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - (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;
 - (g) litigation or potential litigation affecting the municipality;
- 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;
- (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

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

14. Bylaws and Permits

- 14.1 Official Community Plan Amendment Bylaw No. 2021-25
Re: 877 Westminster Avenue

293/2021

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2021-25";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2021-25".

CARRIED
Councillor Miller, Opposed

15. Land Matters

- 15.1 Development Variance Permit PL2021-8940
Re: 182 Van Horne Street & 175 Abbott Street

Drew Barnes, applicant, was in attendance to speak in support of a development variance permit to allow vehicle access from the street for a duplex development.

294/2021

It was MOVED and SECONDED

THAT Council deny "Development Variance Permit PL2021-8940" for Lot 10 District Lot 202 Similkameen Division Yale District Plan EPP91681, located at 175 Abbott Street, and Lot 4 District Lot 202 Similkameen Division Yale District Plan EPP91681, located at 182 Van Horne Street, a permit to vary Section 10.6.3.2 of Zoning Bylaw No. 2021-01, to allow vehicle access from the street for a duplex development.

CARRIED

Councillors Sentes, Watt and Bloomfield, Opposed

- 15.2 Request for Remedial Action Requirements
Re: 989 Kilwinning Street

295/2021

It was MOVED and SECONDED

THAT Council, under the authority provided in section 73 of the *Community Charter*, declare the carriage house at 989 Kilwinning Street to be a hazardous condition as the structure is in contravention of City bylaws and potentially jeopardizes the health and safety of occupants and neighbouring properties;

AND THAT Council impose remedial actions and require the owners of 989 Kilwinning Street to do the following:

- a. Obtain and complete a demolition permit to have the carriage house demolished; or
- b. Obtain and complete an interior alterations building permit to return the carriage house to its original use as a detached garage;

AND THAT Council set the time limit for completion of the required action as no later than 4:30 p.m. on January 31, 2022;

AND THAT Council, under the authority provided in section 17 of the *Community Charter*, direct staff to take appropriate actions if the owners fail to take the required actions on or before the date specified and recover all costs incurred by the City to bring the property into compliance at the expense of the owners by adding to the property taxes in accordance with section 258 of the *Community Charter*;

AND THAT a written request for reconsideration by Council may be received on or before 4:30 p.m. on September 28, 2021.

CARRIED UNANIMOUSLY

15.3 Development Variance Permit PL2021-9081
Re: 160 Sendero Crescent

296/2021

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2021-9081" for Lot 63 District Lot 2710 Similkameen Division Yale District Plan EPP72278, located at 160 Sendero Crescent, a permit to vary Section 5.4.2.1 of Zoning Bylaw 2021-01 to increase the maximum height of a retaining wall located within a required yard from 1.2m to 2.4m above approved grade; AND THAT Council direct staff to issue the permit.

CARRIED UNANIMOUSLY

15.4 Zoning Amendment Bylaw No. 2021-30
Re: 649 Burns Street

297/2021

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-30", a bylaw to rezone the north 9.14 m portion of Common Property District Lot 202 Similkameen Division Yale District Strata Plan K654, located at 649 Burns Street, from 'RM2 Low Density Multiple Housing' zone to 'RD2 Duplex Housing: Lane' zone, to facilitate a two-lot subdivision and future development of one duplex building; AND THAT Council forward "Zoning Amendment Bylaw No. 2021-30" to the September 21, 2021 Public Hearing.

CARRIED UNANIMOUSLY

15.5 Public consultation for OCP change from Parks to Detached Residential
Re: South Beach Drive and Sudbury Avenue

298/2021

It was MOVED and SECONDED

THAT Council give staff direction to begin public engagement, including referral to the Parks and Recreation Advisory Committee, on the change in Official Community Plan (OCP) future land use designations from Parks to Detached Residential, for the following properties:

- Lot 4 District Lot 189 Similkameen Division Yale District Plan 5885 (270 South Beach Drive)
- Lot 5 District Lot 189 Similkameen Division Yale District Plan 5885 (274 South Beach Drive)
- Lot 6 District Lot 189 Similkameen Division Yale District Plan 5885 (278 South Beach Drive)
- Lot A District Lot 189 Similkameen Division Yale District Plan EPP71324 (280 South Beach Drive)
- Lot 1 District Lot 189 Similkameen Division Yale District Plan 6179 (286 South Beach Drive)
- Lot A District Lot 189 Similkameen Division Yale District Plan EPP54210 (292 South Beach Drive)
- Lot 1 District Lot 189 Similkameen Division Yale District Plan 6172 (298 South Beach Drive)
- Lot 2 District Lot 189 Similkameen Division Yale District Plan 6172 (300 Sudbury Avenue)

AND THAT the engagement results and recommendation from the Parks and Recreation Committee, are presented back to Council prior to introduction of OCP and zoning amendment bylaws.

CARRIED UNANIMOUSLY

16. Notice of Motion

16.1 Introduced by Councillor Sentes on August 17, 2021:

299/2021

It was MOVED and SECONDED

THAT Council direct staff to engage and collect feedback from appropriate stakeholders on a festival capital proclamation for Penticton.

CARRIED UNANIMOUSLY

16.2 Mayor Vassilaki introduced the following Notice of Motions for consideration at the October 5, 2021 meeting of Council.

1. THAT Council direct staff to make "Community Safety" the focus of the 2022 Budget.
2. THAT Council include funds in the 2022 budget discussion for three (3) additional RCMP Officers.
3. THAT Council include funds in the 2022 budget discussion for four (4) additional Bylaw Enforcement Officers.
4. THAT Council include funds in the 2022 budget discussion for two (2) additional Community Safety Officers.

Councillor Watt introduced the following Notice of Motion for consideration at the October 5, 2021 meeting of Council.

1. THAT Council direct staff to look into the cost, legality and effectiveness of putting cameras in our downtown.

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment

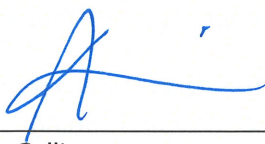
300/2021

It was MOVED and SECONDED

THAT Council adjourn the regular meeting of Council at 7:53 p.m.

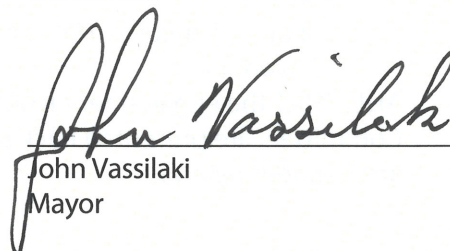
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor