

Electronic Regular Council Meeting

held via Zoom at City of Penticton
171 Main Street, Penticton, B.C.

Tuesday, February 15, 2022
at 1:00 p.m.

Present via Zoom: Mayor Vassilaki
Councillor Bloomfield
Councillor Miller
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff via Zoom: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Acting General Manager, Finance & Administration
Blake Laven, Director of Development Services
Anthony Haddad, General Manager, Community Services
Kristen Dixon, General Manager of Infrastructure
Cheryl Hardisty, Senior Executive Assistant
Paula McKinnon, Deputy Corporate Officer

1. Call to Order

The Mayor called the electronic Regular Council Meeting to order at 1:00 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 February 15, 2022 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:15 p.m.

6. Adoption of Minutes:

6.1 Minutes of the Regular Meetings of Council

34/2022

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 1, 2022 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

35/2022

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the February 1, 2022 Committee of the Whole Meeting;
2. Minutes of the February 1, 2022 Public Hearings;
3. Special Parks and Recreation Advisory Committee Meeting Draft Minutes of January 27, 2022;
4. Heritage and Museum Advisory Committee Meeting Draft Minutes of February 2, 2022;
5. Penticton and Ellis Creek Restoration Select Committee Meeting Draft Minutes of February 3, 2022;
6. Safety and Security Advisory Committee Meeting Draft Minutes of February 7, 2022.

CARRIED UNANIMOUSLY

8. Committee and Board Recommendations

9. Correspondence

10. Staff Reports:

10.1 718 Chase Avenue: Request for Notice on Title

36/2022

It was MOVED and SECONDED

THAT the owner of 718 Chase Avenue (the Property) be notified that Council will consider passing a resolution to place a Notice on Title under section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 29, District Lot 2 Group 7 Similkameen Division Yale District, Plan 1049, located at 718 Chase Avenue, stating the following: "Failure to complete a building permit, which is a violation of the City of Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall.";

AND THAT the owner be notified of the proposed Notice on Title report, and given the opportunity to speak to the matter at the regular Council meeting on April 5, 2022.

CARRIED UNANIMOUSLY

10.2 Year End Surplus Policy CP2022-01

37/2022

It was MOVED and SECONDED

THAT Council approve the revised 'Year End Surplus Policy CP#2022-01' Effective February 15, 2022.

CARRIED UNANIMOUSLY

10.3 In-Year Grant Request: Meadowlark Festival/Okanagan Similkameen Conservation Alliance

38/2022

It was MOVED and SECONDED

THAT Council approves a \$3,500 cash grant to the Meadowlark Festival/Okanagan Similkameen Conservation Alliance for the Meadowlark Festival event.

CARRIED UNANIMOUSLY

10.4 Sudbury Beach, Skaha East and Peach Concessions – Request for Proposals
Re: 3846 Skaha Lake Road, 3885 South Main Street, 185 Lakeshore Drive West

39/2022

It was MOVED and SECONDED

THAT Council direct staff to issue the Request for Proposal to seek operators for the use of three City buildings located at 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of the operation of a food concession for a three-year License to Use term; AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use agreement.

CARRIED UNANIMOUSLY

10.5 Youth-Led Youth Homelessness Research Project

40/2022

It was MOVED and SECONDED

THAT Council endorse the report “No Where to Go: A report from the Youth Homelessness Research Project” as presented in Attachment A;
AND THAT Council direct staff to work with local youth to send a copy of the research report to relevant Federal and Provincial Agencies and Ministries;
AND THAT Council direct staff to work collaboratively with youth and community partners on implementing the 10 recommendations of the report.

CARRIED UNANIMOUSLY

10.6 2022 Southern Interior Local Government Association (SILGA) Resolution

41/2022

It was MOVED and SECONDED

THAT Council submit the following resolution regarding CAR type programs for consideration at the 2022 SILGA Convention:

WHEREAS Car 40 type programs, which aim to support the diversion of those suffering with mental health issues from the criminal justice system, and reduce patrol response and unnecessary hospital admissions, have been successful in a variety of formats across the Province since 1978;

AND WHEREAS a Provincially integrated and sustainably funded Car 40 type program would provide consistency to communities seeking new ways to support the health and safety of their residents.

NOW THEREFORE BE IT RESOLVED that UBCM request the Province support an integrated Car 40 type program with appropriate and sustainable funding.

AND THAT Council direct staff to provide the resolution and background to the RDOS Board for their consideration of co-sponsorship.

CARRIED UNANIMOUSLY

10.7 Zoning Amendment Bylaw No. 2022-10
Development Permit PL2021-9241
Re: 585 Jermyn Avenue

42/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-10", a bylaw to rezone Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing); AND THAT Council forward "Zoning Amendment Bylaw No. 2022-10" to the March 1, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-10", require that a road reserve covenant be registered with the Land Title Office for the purpose of securing:

1. A 1.7m future road dedication along Government Street; and
2. A 5.5m x 5.5m future road dedication corner cut at the southeast corner (Government Street and Jermyn Street) of the subject property.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-10", approve "Development Permit PL2021-9241, for Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, a permit to allow the construction of a 3-unit cluster housing development.

CARRIED UNANIMOUSLY

10.8 Zoning Amendment Bylaw No. 2021-38
Development Variance Permit PL2021-9045
Re: 726, 738, 750 Westminster Avenue West

43/2022

It was MOVED and SECONDED

THAT Council rescind third reading of "Zoning Amendment Bylaw No. 2021-38";

AND THAT Council give third reading as amended to "Zoning Amendment Bylaw No. 2021-38", excluding 762 Westminster Avenue West from the zoning change;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-38", approve amended "Development Variance Permit PL2021-9045" excluding 762 Westminster Avenue West from the variance permit;

AND THAT Council direct staff to issue amended "Development Variance Permit PL2021-9045".

CARRIED UNANIMOUSLY

10.9 Development Variance Permit PL2021-9210
Re: 949 James Street

44/2022

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2021-9210" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 4977, located at 949 James Street, a permit to vary Section 8.2.3.5.ii of Zoning Bylaw 2021-01 to allow a maximum carriage house height of 5.0m and two floors where no lane exists, in order to facilitate the construction of a two-storey carriage house;

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9210".

CARRIED UNANIMOUSLY

10.10 Development Variance Permit PL2021-9219
Re: 784 Ross Avenue

45/2022

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2021-9219", for Lot 12 District Lot 250 Similkameen Division Yale District Plan 8343, located at 784 Ross Avenue, a permit to vary Section 7.4.2 of Zoning Bylaw 2021-01 to increase the maximum permitted floor area of a major home occupation in an accessory building from 50m² to 72m²;
AND THAT Council direct staff to issue the permit.

CARRIED UNANIMOUSLY

10.11 Agricultural Land Reserve (ALR) Exclusion Application
Re: 610 Pineview Road

46/2022

It was MOVED and SECONDED

THAT Council forward the ALR Exclusion application, for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, an application to exclude the subject property from the Agricultural Land Reserve, to the March 1, 2022 Public Hearing to give the public an opportunity to provide comments and feedback.

CARRIED

Councillors Bloomfield, Miller and Sentes, Opposed

11. Public Question Period

12. Recess into a Closed Meeting

47/2022

It was MOVED and SECONDED

THAT Council recess at 3:17 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

(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;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom in Information and Protection of Privacy Act*;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
Section 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.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2022-03
Re: 169 Maple Street

48/2022

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2022-03".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2022-04
Re: 79 Okanagan Avenue

49/2022

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2022-04".

CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2022-08
Re: 3170 Juniper Drive

50/2022

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-08";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2022-08".

CARRIED UNANIMOUSLY

15. Land Matters

16. Notice of Motion

16.1 Notice of Motion Introduced by Councillor Regehr on February 1, 2022
Re: Twin Arenas Initiative

51/2022

It was MOVED and SECONDED

THAT Council, when considering the twin arenas initiative as outlined in the Civic Places and Spaces Asset and Amenity Management Plan, review the areas of concern identified in the submission from Councillor Regehr dated February 1, 2022.

CARRIED UNANIMOUSLY
Councillors Sentes and Watt, Opposed

17. Business Arising

52/2022

It was MOVED and SECONDED

THAT at the request of the Penticton Indian Band, Council send a letter to the Minister of Municipal Affairs and the Premier requesting they align the Heritage Conservation Act and the Local Government Act with the Declaration of the Rights of Indigenous Peoples Act.

CARRIED UNANIMOUSLY

- 18. Council Round Table
- 19. Public Question Period
- 20. Adjournment

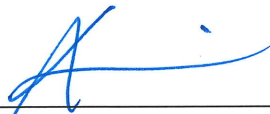
53/2022

It was MOVED and SECONDED

THAT Council adjourn the electronic regular meeting of Council at 7:22 p.m.

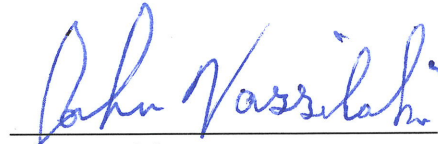
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor