

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

Tuesday, May 16, 2023
at 1:00 p.m.

Present: Mayor Bloomfield
Deputy Mayor Konanz
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Miller
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager of Community Services
Blake Laven, Director of Development Services
Elma Hamming, Manager of Finance
Hayley Anderson, 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

195/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on May 16, 2023 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

196/2023

It was MOVED and SECONDED

THAT Council recess to a Committee of the Whole meeting at 1:03 p.m.

CARRIED UNANIMOUSLY

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:12 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 2, 2023 Regular Meeting of Council

197/2023

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of May 2, 2023 as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

198/2023

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the May 2, 2023 Committee of the Whole Meeting;
2. Minutes of the May 2, 2023 Public Hearings;
3. Draft Minutes of the May 3, 2023 Official Community Plan – Housing Task Force Meeting; and
4. Draft Minutes of the May 3, 2023 Accessibility Task Force Meeting.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Safe and Resilient Council Priority: Public Safety Working Group Update

199/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated May 16, 2023 titled “Safe & Resilient Council Priority: Public Safety Working Group Update”, a report that outlines the public safety planning and actions being implemented in 2023 and the creation of indicators for reporting on the progress of these priorities.

CARRIED UNANIMOUSLY

8.2 RCMP Quarterly Update

200/2023

It was MOVED and SECONDED

THAT Council receive into the record the report titled “RCMP Quarterly Update” dated May 16, 2023.

CARRIED UNANIMOUSLY

8.3 Safe Public Places Bylaw No. 2023-06

201/2023

It was MOVED and SECONDED

THAT Council, after consideration of the comments by the Medical Health Officer and after consideration of the public engagement results, give second and third reading to “Safe Public Places Bylaw No. 2023-06”, a bylaw that supports a safe, secure and healthy community through regulating solicitation, disorderly conduct, public nuisances, public substance use, and the general safe use of public places.

CARRIED UNANIMOUSLY

8.4 2023/2024 Capital Project Overview

Main Motion:

It was MOVED and SECONDED

THAT Council receive into the record the report dated May 16, 2023 titled "2023/2024 Capital Project Overview".

Amendment:

202/2023

It was MOVED and SECONDED

THAT Council remove the decorative scroll project.

CARRIED UNANIMOUSLY

203/2023

Main Motion as Amended:

THAT Council receive into the record the report dated May 16, 2023 titled "2023/2024 Capital Project Overview" and remove the decorative scroll project.

CARRIED UNANIMOUSLY

8.5 Growing Communities Fund Grant

Main Motion:

It was MOVED and SECONDED

THAT Council gives first, second and third reading to "Growing Communities Reserve Fund Bylaw No. 2023-17", a bylaw to establish a reserve fund for the Growing Communities Fund Grant in accordance with the *Community Charter*;

AND That Council authorize the transfer of \$7.177M of grant funds from the Growing Communities Fund Grant into the Growing Communities Reserve Fund;

AND That approximately 20% of the funds be used to fund existing projects that may require amendments due to inflation;

AND That approximately 40% of the funds be used on community projects including Downtown, Okanagan and Skaha Lake decorative seasonal lighting displays, Riverside Park Skate Park and Basketball Court Lighting, Urban Forestry Master Plan Projects, and the Kiwanis Pier Replacement;

AND That the remaining 40% be allocated to the North Gateway with projects to be identified as they arise or through the budget process;

AND That Council direct staff to amend the 2023-2027 Financial Plan accordingly.

Amendment:

204/2023

It was MOVED and SECONDED

THAT Council decrease North Gateway funding from 40% to 30% and increase community projects from 40% to 50%.

CARRIED UNANIMOUSLY

205/2023

It was MOVED and SECONDED

THAT the item be tabled to the evening session after item 13.1 is heard.

DEFEATED

Mayor Bloomfield, Councilors Boulton, Gilbert, Graham, Konanz and Watt, Opposed

Amendment:

206/2023

It was MOVED and SECONDED

THAT Council add "but not limited to" to the sentence outlining community projects.

CARRIED

Councillor Miller, Opposed

207/2023

Main Motion as Amended:

It was MOVED and SECONDED

THAT Council gives first, second and third reading to "Growing Communities Reserve Fund Bylaw No. 2023-17", a bylaw to establish a reserve fund for the Growing Communities Fund Grant in accordance with the *Community Charter*;

AND That Council authorize the transfer of \$7.177M of grant funds from the Growing Communities Fund Grant into the Growing Communities Reserve Fund;

AND That approximately 20% of the funds be used to fund existing projects that may require amendments due to inflation;

AND That approximately 50% of the funds be used on community projects including, but not limited to Downtown, Okanagan and Skaha Lake decorative seasonal lighting displays, Riverside Park Skate Park and Basketball Court Lighting, Urban Forestry Master Plan Projects, and the Kiwanis Pier Replacement;

AND That the remaining 30% be allocated to the North Gateway with projects to be identified as they arise or through the budget process;

AND That Council direct staff to amend the 2023-2027 Financial Plan accordingly.

CARRIED

Councillor Miller, Opposed

The Mayor recessed the meeting at 2:47 pm. and reconvened the meeting at 2:57 pm.

8.6 First Quarter 2023 Financial and Corporate Business Plan Update

208/2023

It was MOVED and SECONDED

THAT Council receive into record the report dated May 16, 2023 titled "First Quarter 2023 Financial and Corporate Business Plan Update";

THAT Council approve amending the 2023-2027 Financial Plan to provide for budget amendments noted in report including reserve transfers of \$406,000 Equipment Replacement Reserve for fleet cost increases and emergency replacement, timing of purchases, and equipment failures, \$27,500 Climate Action Reserve for four electric bikes with safety gear, and \$50,000 Asset Sustainability Reserve for Skaha Marina boat launch repairs;

AND THAT Council approve that the funds in excess of the RCMP retroactive pay accrual and the RCMP retroactive pay owing be transferred to the RCMP Reserve.

CARRIED UNANIMOUSLY

8.7 2022 Statement of Financial Information

209/2023

It was MOVED and SECONDED

THAT Council approves the Statement of Financial Information for the fiscal year ending December 31, 2022.

CARRIED UNANIMOUSLY

8.8 Short-Term Rental Benefit and Impact Study – Final Report and Recommendations

210/2023

It was MOVED and SECONDED

THAT Council implement a principal resident requirement for short-term rentals in Penticton.

DEFEATED

Mayor Bloomfield, Councilors Boulton, Gilbert, Graham, Konanz and Watt, Opposed

211/2023

It was MOVED and SECONDED

THAT Council receive into the record the report "Short Term Rental Benefits and Impacts Study" dated April 2023;

AND THAT Council maintain the status quo approach, but work towards a new licensing classification system acknowledging home-share STRs, on-site operator STRs and off-site operator STRs;

AND THAT Council give direction to Staff to increase enforcement efforts, including higher short term rental fines for non-compliance;

AND THAT Council forward the report to the Official Community Plan Housing Task Force as a background document to inform future policy changes;

AND THAT Council advocate to third party platforms such as VRBO to only allow properties that can provide a valid business license to advertise on their sites.

CARRIED

Councillor Miller, Opposed

8.9 Development Variance Permit PL2023-9573

Re: 419 Westminster Avenue West

212/2023

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2023-9573" for Lot 5 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849 and The Westerly 17 Feet of Lot 4 Measured Along Westminster Avenue By The Full Depth of Said Lot; District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 419 Westminster Ave W, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08, to reduce the minimum rear yard from 6.0 m to 5.1 m, in order to facilitate the construction of an addition to a single family dwelling;

AND THAT Council direct staff to issue the "Development Variance Permit PL2023-9573".

CARRIED UNANIMOUSLY

8.10 ALR Non-Farm Use PL2022-9487

Development Variance Permit PL2023-9576

Re: 1350 Naramata Road

213/2023

It was MOVED and SECONDED

THAT Council support "ALR Non-Farm Use PL2022-9487", for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to increase the maximum size of an outdoor lounge from 233m² to 370m²;

AND THAT staff be directed to forward "ALR Non-Farm Use PL2022-9487", to the Agricultural Land Commission (ALC) with support from Council.

THAT Council approve "Development Variance Permit PL2023-9576", for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to vary Zoning Bylaw No. 2023-08 Section 9.2.4.1.c to increase the maximum size of the area devoted to food and beverage service for a winery from 233m² to 370m² for outdoor areas;
AND THAT Council direct staff to issue "Development Variance Permit PL2023-9576", subject to the Agricultural Land Commission approving "ALR Non-Farm Use PL2022-9487".

CARRIED UNANIMOUSLY

9. Public Question Period

10. Recess to a Closed Meeting:

214/2023

It was MOVED and SECONDED

THAT Council recess at 4:27 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.
- (d) the security of the property of 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;
- (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 of Information and Protection of Privacy Act*.

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

The Mayor reconvened the meeting at 6:09 p.m.

12. Bylaws and Permits

- 12.1 Zoning Amendment Bylaw No. 2023-16
Re: 517 Alexander Avenue

215/2023

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2023-16".

CARRIED UNANIMOUSLY

13. Notice of Motion

- 13.1 Notice of Motion from Councillor Graham, Councillor Gilbert and Councillor Boulton
Postponed from May 2, 2023 Regular Council Meeting – request for cost

216/2023

It was MOVED and SECONDED

THAT Council withdraw the motion postponed from May 2, 2023.

CARRIED UNANIMOUSLY

13.2 Notice of Motion Introduced by Councillor Miller on May 2, 2023

217/2023

It was MOVED and SECONDED

THAT the City include a sentence on the monthly utility bill that Council approved borrowing funds from the Electric Surplus Reserve for the purpose of constructing the Fire Hall 2 two bay garage, Point Intersection and Bike Network Plan with repayment over 10 years and the amount of each should be listed along with the amount of the electrical dividend.

CARRIED UNANIMOUSLY

13.3 Notice of Motion Introduced by Deputy Mayor Konanz on May 2, 2023

218/2023

It was MOVED and SECONDED

THAT Council request staff look at how other communities are addressing surplus, debt, investment and reserves and report back with a proposed strategy framework prior to budget.

CARRIED UNANIMOUSLY

14. Business Arising

15. Public Question Period

16. Council Round Table

17. Adjournment

219/2023

It was MOVED and SECONDED

THAT Council adjourn the May 2, 2023 Regular meeting of Council at 6:33 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:



Angie Collison
Corporate Officer



Julius Bloomfield
Mayor