



MINUTES OF THE REGULAR COUNCIL
HELD AT DISTRICT OF SUMMERLAND
COUNCIL CHAMBERS
13211 HENRY AVENUE, SUMMERLAND, BC
ON TUESDAY, OCTOBER 13, 2015 AT 7:00 PM

Members Present:

Mayor Peter Waterman (part)
Councillor Richard Barkwill
Councillor Toni Boot
Councillor Erin Carlson
Councillor Doug Holmes
Councillor Janet Peake
Councillor Erin Trainer

Staff Present:

Linda Tynan, CAO
Lorrie Coates, Director of Finance
Jeremy Denegar, Director of Corporate Services
Ian McIntosh, Director of Development Services
Maarten Stam, Manager of Works
Glenn Noble, Fire Chief
Katie Karn, Deputy Corporate Officer

1. CALL TO ORDER

Acting Mayor Trainer called the meeting to order at 7:00 p.m.

2. ADOPTION OF MINUTES

Moved and Seconded,

THAT the minutes of the Special and Regular Council meetings dated September 14, 2015, and Special Council meeting dated September 16, 2015, be adopted.

R272-2015

CARRIED.

3. RESOLUTION TO ADOPT THE AGENDA

Moved and Seconded,

THAT the agenda be adopted.

R273-2015

CARRIED.

4. PUBLIC AND STATUTORY HEARINGS

4.1 Official Community Plan and Zoning Bylaw Amendments for the property located at 35888 Garnet Valley Road

4.2 Zoning Bylaw Amendment to allow for breweries, distilleries and meaderies as permitted uses in the A1 and A2 Zones

Mayor Waterman arrived at the meeting at 7:24 p.m. during discussion of the following item.

4.3 Zoning Bylaw Amendment for Hunters Hill cluster development

Mayor Waterman assumed the Chair and presided over the remainder of the meeting.

5. DELEGATIONS

None.

6. PUBLIC COMMENT OPPORTUNITY

Christine Petkau, Executive Director, Summerland Chamber of Commerce

- Advised Council the Chamber of Commerce was looking forward to partnering with the District of Summerland for the upcoming Chamber Business Walk.

Christopher Boisvert-Gilman, 23411 Garnet Valley Road

- Spoke to the proposed Animal Control Bylaw amendment to allow backyard chickens; in order to minimize vermin and smell proposes only non-protein bedding be permitted, and advised he would prefer the maximum allowed number of chickens to be six rather than five.

7. MAYOR'S REPORT

The Mayor reported on events he attended, including: the United Way Drive for Charity; a Council to Council meeting with the Penticton Indian Band; the grand opening of the new library; conferences on water control; as well as attended the UBCM annual convention where he and Council met with a number of Ministers and discussed items including the perpetual slide, highway speed zones, and ag-tech opportunities.

8. CAO'S REPORT

The CAO advised that she had a number of good meetings with senior Ministry staff during the UBCM annual convention, and that she is now receiving follow up phone calls. She has been in discussions with the Ministry of Finance regarding the HST energy credit and rebate program and the District and Provincial government are nearing reaching a mutual agreement.

Moved and Seconded,

THAT the CAO be authorized to negotiate with representatives from the Ministry of Finance to settle the HST residential energy credit and rebate matter; and further that the negotiations include the authority to settle the matter on behalf of the District of Summerland.

R274-2015

CARRIED.

9. UNFINISHED BUSINESS

9.1 Resolution Brought Forward

The Corporate Officer read out the following resolution, which was brought forward from the September 16, 2015 Closed Session Council meeting:

“THAT the District proceed with the Juniper, Miltimore, Willow, Tait Sanitary Sewer Servicing Project, as tendered.”

10. CORRESPONDENCE

10.1 Informational Items

Moved and Seconded,

THAT the informational items included in the report dated for the October 13, 2015 Regular Council meeting, from the Deputy Corporate Officer, be received for information.

R275-2015

CARRIED.

10.2 Committee/Commission Minutes

Moved and Seconded,

THAT the committee and commission minutes included in the report dated for the October 13, 2015 Regular Council meeting, from the Deputy Corporate Officer, be received for information.

R276-2015

CARRIED.

11. DEVELOPMENT SERVICES REPORTS

11.1 Development Variance Permit application - 10806 Rutherford Avenue

There were no comments from the public.

Moved and Seconded,

THAT a Development Variance Permit application to vary Section 8.1.6.a.ii of Zoning Bylaw No. 2000-450, to reduce the rear setback from 7.0m to 1.5m to allow for an accessory building for Lot A, DL 476, ODYD, Plan 31807, located at 10806 Rutherford Avenue, be approved.

R277-2015

CARRIED.

11.2 Development Variance Permit application - 10811 Rutherford Avenue

There were no comments from the public.

Moved and Seconded,

THAT a Development Variance Permit application to vary Section 8.1.6.a.ii of Zoning Bylaw 2000-450 to reduce the rear setback from 7.0m to 2.7m for an accessory building on Lot PT 19, DL 476, ODYD, Plan B4164, located at 10811 Rutherford Avenue, be approved.

R278-2015

CARRIED.

11.3 Development Variance Permit Application - 4217 Williams Avenue

There were no comments from the public.

Moved and Seconded,

THAT a Development Variance Permit application to vary Section 8.1.6.a.ii of Zoning Bylaw 2000-450 to reduce the rear setback from 7.0m to 2.7m for an accessory building on Lot PT 19, DL 476, ODYD, Plan B4164, located at 10811 Rutherford Avenue, be approved.

R279-2015

CARRIED.

12. STAFF AND OTHER REPORTS

12.1 Appeal of Juniper, Willow, Miltimore and Tait Sewer Project Latecomer fees by John Lathey, 2107 Tait Street

Mr. Lathey spoke to his submission and his appeal regarding latecomer fees related to his property located at 2107 Tait Street, the Summerland Motel. Mr. Lathey noted he has invested more than \$4 million into the property, and that his guests have gone on to be

customers at other businesses within the District; his business has been affected by boil water advisories, construction, and broken water mains; the sewer can only come to the west side of Trout Creek by drilling out under the highway to connect to the east; business owners are not property developers and he does not believe they should be responsible for building infrastructure for his neighbours or the District. He concluded by requesting the District fulfill agreements that were made with him with regards to latecomer fees.

Moved and Seconded,

THAT the request by John Lathey, 2107 Tait Street, appealing latecomer fees, be denied.

R280-2015

CARRIED.

12.2 Okanagan Crush Pad Winery – Winery Special Event Area (SEA) Endorsement

Moved and Seconded,

THAT the District of Summerland opt out of the process for the application by Okanagan Crush Pad Winery to the Liquor Control and Licensing Branch for a Winery Special Event Area (SEA) Endorsement.

R281-2015

CARRIED.

Moved and Seconded,

THAT the District opt out of the process for all future liquor license applications on properties where breweries, cideries, distilleries, meaderies and wineries are permitted by the Zoning Bylaw.

R282-2015

CARRIED.

12.3 Brigade Trail Park Crown Land Tenure Renewal

Moved and Seconded,

THAT the application by the District of Summerland for a Licence for a 30 year term from the Province over that part of District Lot 4245, together with adjacent unsurveyed Crown land, Osoyoos Division of Yale District and containing 2.70 hectares, more or less, for public walking trail purposes, be supported;

AND THAT the Mayor and Corporate Officer be authorized to execute all documents related to this matter.

R283-2015

CARRIED.

12.4 Fuel Management Prescription Grant

Moved and Seconded,

THAT the District's UBCM Fuel Management Prescription Grant application, be supported, and that the District provide overall grant management for the Fuel Management Prescription.

R284-2015

CARRIED.

12.5 Skateboard Park

Moved and Seconded,

THAT a contract be awarded to New Line Skateparks Inc. in the amount of \$41,895.00 for design services of a new Summerland Skatepark as per their proposal dated October 23, 2014 and further, that staff be directed to establish a Skatepark steering committee.

R285-2015

CARRIED.

12.6 Parkdale Place Housing Society – Statutory Right of Ways

Moved and Seconded,

THAT staff be directed to grant a Statutory Right of Way (SRW) to the Provincial Rental Housing Corporation (PHRC) on District owned property located at 9511 Wharton Street (Lot 3 Plan 42123 DL 3640) for a proposed sanitary sewer line, on the condition that the PHRC grant a SRW to the District of Summerland on its property located at 9700 Brown Street (Lot 1 Plan KAP45144 DL 3640) for all existing District utilities, and that the Parkdale Place Housing Society reimburse the District of Summerland for all direct costs related to the creation and registration of the SRWs.

R286-2015

CARRIED.

13. NEW BUSINESS13.1 Mayor's Taskforce on Economic Development

Moved and Seconded,

THAT a select committee of Council titled "Mayor's Task Force on Economic Development" be formed, and further, that the Mayor develop proposed terms of reference and composition for review at the October 26, 2015 Council meeting.

R287-2015

CARRIED.

13.2 Chamber Business Walk – October 22, 2015

Moved and Seconded,

THAT Council support “Business Walk” – an initiative of Summerland Chamber of Commerce to be held on October 22, 2015.

R288-2015

CARRIED.

14. BYLAWS

14.1 Bylaw No. 2015-028, “Bylaw Notice Enforcement Bylaw No. 2000-375 Amendment Bylaw No. 1”

Moved and Seconded,

THAT Bylaw No. 2015-028, "Bylaw Notice Enforcement Bylaw No. 2000-375 Amendment Bylaw No. 1", be read a first, second and third time.

R289-2015

CARRIED.

14.2 Bylaw No. 2015-022, “Animal Control Bylaw Amendment (Backyard Chickens)”

Moved and Seconded,

THAT Bylaw No. 2015-022, "Animal Control Bylaw Amendment (Backyard Chickens)", be read a third time.

R290-2015

CARRIED.

14.3 Bylaw No. 2015-020, “Outdoor Smoking Regulation Bylaw”

Moved and Seconded,

THAT Bylaw No. 2015-020, "Outdoor Smoking Regulation Bylaw", be adopted.

R291-2015

CARRIED.

14.4 Official Community Plan and Zoning Bylaw Amendments for District Lot 2895, Osoyoos Division Yale District, Except Plans M66, B12625, KAP55537 and KAP0371 (35888 Garnet Valley Road) – Bylaw No. 2015-025 and Bylaw No. 2015-026

Moved and Seconded,

THAT Bylaw No. 2015-025, “Amendment to Official Community Plan Bylaw (2014) (35888 Garnet Valley Road)”, be read a second and third time.

R292-2015

CARRIED.

Moved and Seconded,

THAT Bylaw No. 2015-025, "Amendment to Official Community Plan Bylaw (2014) (35888 Garnet Valley Road)", be adopted.

R293-2015

CARRIED.

Moved and Seconded,

THAT Bylaw No. 2015-026, "Amendment to Zoning Bylaw No. 2000-450 (35888 Garnet Valley Road)", be read a second and third time.

R294-2015

CARRIED.

Moved and Seconded,

THAT Bylaw No. 2015-026, "Amendment to Zoning Bylaw No. 2000-450 (35888 Garnet Valley Road)", be adopted.

R295-2015

CARRIED.

14.5 Zoning Bylaw Amendment to allow breweries, distilleries and meaderies in the A1 and A2 Zones – Bylaw No. 2015-024

Moved and Seconded,

THAT Bylaw No. 2015-024, "Amendment to Zoning Bylaw No. 2000-450 (Breweries, Distilleries and Meaderies)", be read a second and third time.

R296-2015

CARRIED.

14.6 Zoning Bylaw Amendment for the Hunters Hill Cluster Development (18654 Garnet Valley Road and 19013 Bentley Road) – Bylaw No. 2015-027

Moved and Seconded,

THAT Bylaw No. 2015-027, "Amendment of Zoning Bylaw No. 2000-450 (Hunters Hill Cluster Development)", be read a second and third time.

R297-2015

CARRIED.

15. COUNCILLOR REPORTS

16. PUBLIC/MEDIA QUESTION PERIOD

None.

17. ADJOURNMENT

Moved and Seconded,

THAT the meeting be adjourned.

CARRIED.

Certified Correct:

Mayor

Corporate Officer