

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL  
HELD MONDAY, DECEMBER 12, 2011**

---

PRESENT: Mayor R. Sawatzky

Councillors: J. Cunningham, C. Lord, B. Quiring  
M. O'Keefe, B. Spiers, P. Nicol

Staff: L. Gous, Chief Administrative Officer  
M. Bailey, Acting CAO  
P. Bridal, Manager, Corporate Services  
K. Bertles, Manager, Finance  
K. Flick, Manager, Community Development  
R. Dickinson, Manager, Engineering & GIS  
S. Koenig, Manager, Operations\*  
J. Patenaude, Manager, Protective Services\*  
K. Poole, Manager, Economic Development\*  
C. Cotter, Manager, HR\*  
A. Watson, Transportation Technician\*  
D. Ross, Manager, Recreation Services\*  
E. Stranks, Manager, Engineering Development  
D. Rintoul, City Planner\*  
Supt. Reg Burgess, RCMP\*

*\*attended as required*

Others: S. Harvard, BC Transit\*  
Media and Members of the Public

---

Mayor Sawatzky called the meeting to order at 8:40 am.

**RESOLUTION TO CLOSE  
MEETING**

Moved by Councillor Cunningham, seconded by Councillor Lord:

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90(1), (a), (c), (d), (e), (i), and (k) of the *Community Charter*.

**CARRIED.**

Mayor Sawatzky called the adjourned meeting back to order at 1:30 pm.

PRESENT: Mayor W. Sawatzky

Councillors: J. Cunningham, C. Lord, B. Quiring  
M. O'Keefe, P. Nicol, B. Spiers

Staff: L. Gous, Chief Administrative Officer  
M. Bailey, Acting CAO

- P. Bridal, Manager, Corporate Services
- S. Blakely, Deputy Corporate Officer
- K. Bertles, Manager, Finance
- K. Flick, Manager, Community Development
- M. Smyrl, Planning Assistant\*
- D. Strachan, Planning Assistant\*
- R. Dickinson, Manager, Engineering & GIS\*
- E. Stranks, Manager, Engineering Development
- D. Rintoul, Planner\*
- C. Corbett, Long Range Planner\*
- A. Watson, Municipal Transportation Tech III
- C. Martens, Manager, Building & Inspections\*
- J. Patenaude, Manager, Protective Services \*
- B. Marshall, Environmental Planner\*
- J. Rayner, Environmental Planning Asst.\*
- G. Thompson, Municipal Financial Tech III\*
- M. Dowhaniuk, Infrastructure Engineer\*

*\*attended as required*

Others: News Media and General Public

**ADOPTION OF THE AGENDA:**

**APPROVAL OF ITEMS LISTED ON THE AGENDA**

Moved by Councillor Lord, seconded by Councillor Quiring:

THAT the Agenda for the Monday, December 12, 2011, Regular Open meeting of the Council of The Corporation of The City of Vernon be amended as follows:

1. **SEE ITEM 8.B(v) - Proposed Predator Ridge Neighbourhood Plan** – Additional Public Feedback.

AND FURTHER, be adopted, as amended.

**CARRIED.**

**ADOPTION OF MINUTES:**

**COUNCIL MEETINGS**

Moved by Councillor O’Keefe, seconded by Councillor Nicol:

THAT the minutes of the Regular Meeting of Council held November 14, 2011 be adopted;

AND FURTHER, that the minutes of the Public Hearing held on November 14, 2011, be adopted;

AND FURTHER, that the minutes of the Inaugural Meeting held on December 5, 2011, be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held November 14, 2011, be received.

**CARRIED.**

Mayor Sawatzky welcomed Queen Silver Star Candidate Taylor Seward, to the meeting.

**GENERAL MATTERS:**

**TODD AND DEBORA  
KOWALCHUK –  
DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR LOT  
26, PLAN 22217, DL 67,  
ODYD (6609 SCOTT  
ROAD)**

Moved by Councillor Spiers, seconded by Councillor Nicol:

THAT Council **not support** the Development Variance Permit application submitted by Todd and Debora Kowalchuk to sanction an existing secondary building located on Lot 26, Plan 22217, DL 67, ODYD (6609 Scott Road) being sited in the front yard area at a 3.16m front yard setback and to vary the minimum side yard setback from 1.0m to 0.58m.

***Public Input – DVP  
#00246***

Corporate Officer Patti Bridal advised that no written submissions had been received.

Mayor Sawatzky called a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit #00246 to sanction an existing secondary building located on Lot 26, Plan 22217, DL 67, ODYD (6609 Scott Road) being sited in the front yard area at a 3.16m front yard setback and to vary the minimum side yard setback from 1.0m to 0.58m.

**1. Todd Kowalchuk, Applicant**

- Wishes to clarify staff verbal review, from his point of view
- 2009 he was notified that he needed permit
- Did not receive a 'stop work' order
- Given one year to correct due to personal circumstances
- Rushed construction to complete, and missed getting the permit
- Doesn't require water service as he already has
- Thought waterline issue on property was rectified 10 years ago
- No easement on property that he knew of, confirmed with Regional District
- Suggested rental or purchase of easement but Regional District never got back to him to finalize
- Wasn't an issue when pool was put in, and roadwork out front was done
- Only reason can see this is being held up is to get him to give an easement for the waterline

**2. Eileen Mottus, 6617 Scott Rd (neighbour, right)**

- Spoke with her lawyer and informed that this variance directly affects her property value
- Made one call to the 'Water Dept' – told line is in service and that it services her lot
- No easement obtained, as none was required at the time
- If line breaks, her property directly affected
- Line cannot be tested as the applicant's garage is built over top of it
- Led to believe when the development went in across the street, the Applicant was told line was old and needed replacement at that time
- D. Strachan and A. Cotsworth told her this variance would be turned down

**3. Todd Kowalchuk, Applicant**

- Told by COV Planning Dept. that neighbour's property is not affected by waterline
- If the garage was put where pool is, there would have been other setback problems
- No one told him variance would be turned down
- Was never informed the waterline was in bad condition

Cornelius Martens, Chief Building Inspector, informed that a 'Stop Work Order' was issued on July 17, 2009, consisting of an 8 ½" X 11" laminated, red, form that was stapled to the building.

Mayor Sawatzky called a second, third, and final time for representation from the public, and there being none, Mayor Sawatzky closed the Public Input for DVP #00246.

**THE QUESTION WAS CALLED ON THE MAIN MOTION, AND DECLARED CARRIED, with Councillor O'Keefe opposed.**

**COREY OTT –  
DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR LOT  
52, PLAN KAP81666,  
SECTION 4, TOWNSHIP  
8, O.D.Y.D. (4300  
PAINTED TURTLE DRIVE)**

Moved by Councillor Cunningham, seconded by Councillor Nicol:

THAT Council **support** the Development Variance Permit application submitted by Corey Ott to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive), subject to the following conditions:

- a) The owner is to enter into an agreement allowing Wesbild to engineer and construct a bridging wall structure between the walls located on the subject property and the walls on the adjacent property at 4220 Painted Turtle Drive;

- b) The owner is to provide a detailed landscape plan for the installation of two deciduous trees in the front yard area of the lot with a minimum calliper of 6cm and minimum 1.5m clear stem and the installation of ten shrubs at the base of the retaining walls; and
- c) The site and landscape plans shall be attached to the Development Variance Permit as "Schedule A".

AND FURTHER, that Council support the release of the statutory right-of-way adjacent to the south property line and the removal of the two existing trees.

***Public Input –  
DVP #00247***

Corporate Officer Patti Bridal advised that no written submissions had been received.

Mayor Sawatzky called a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit #00247 to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive)

Mayor Sawatzky called a second, third, and final time for representation from the public, and there being none, Mayor Sawatzky closed the Public Input for DVP #00247.

**THE QUESTION WAS CALLED ON THE MAIN MOTION, AND DECLARED CARRIED.**

***Issuance of Permit  
#00247***

Moved by Councillor Nicol, seconded by Councillor Lord:

THAT the Corporate Officer be authorized to **issue** Development Variance Permit #00247, for Corey Ott to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive), once all conditions of Council are satisfied.

**CARRIED.**

UNFINISHED BUSINESS

**NOTICE OF BYLAW  
CONTRAVENTION –  
#12 – 100 KESTREL  
PLACE  
(3760-12, 07902.372)**

Moved by Councillor Lord, seconded by Councillor O’Keefe:

THAT Council **authorizes** the Corporate Officer to register a Notice on Title pursuant to Section 57 of the *Community Charter* for contraventions to the Building and Plumbing Bylaw #4900 against the title to the property described as:

1. **Lot 12, Plan KAS2084, DL 297, ODYD; PID 024-892-947 (12-100 Kestrel Place)** – for failure to comply with the requirements of Building and Plumbing Bylaw #4900 that requires the completion of the work, a final inspection, and the issuance of an occupancy permit.

**CARRIED.**

**PRESENTATION –  
CANADIAN EUROPEAN  
TRADE AGREEMENT  
(0230-01)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council **directs** staff to forward a letter to the Province of BC, regarding the following two requests, as outlined by the November 14<sup>th</sup>, 2011 delegation to Council, which are related to the Canadian European Trade Agreement negotiations currently underway:

- 1) Request for a briefing from Province on scope and content of trade negotiations with European Union
- 2) Request that the Province negotiate a clear, permanent exemption for local governments from CETA

**CARRIED.**

**MR. JED ASTIN –  
APPEAL OF  
DEVELOPMENT COST  
CHARGES APPLIED TO  
AFFORDABLE HOUSING  
PROJECT  
(3150-01)**

Moved by Councillor Spiers, seconded by Councillor Lord:

THAT Council **denies** the appeal for a reduction of the Development Cost Charges applied to the Affordable Housing Project located at 3102 37<sup>th</sup> Avenue, as submitted by Mr. Jed Astin.

**CARRIED.**

MATTERS REFERRED FROM IN CAMERA

Moved by Councillor O’Keefe, seconded by Councillor Quiring:

THAT Council bring forward, as public information, the following motions declassified from confidential to non-confidential at the December 12, 2011 In Camera meeting:

• **ART GALLERY LANDS**

*'THAT Council **supports, in principle**, the concept of an Art Gallery facility in the area of 3007/3009 31<sup>st</sup> Avenue, together with the linear park connecting the Civic Plaza with Cenotaph park;*

*AND FURTHER, that Council advises this support for the Art Gallery, in this area is good for one year (December 2012).'*

**CARRIED.**

**MATTERS REFERRED FROM COMMITTEE OF THE WHOLE**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council ratifies and confirms the following resolution adopted at the December 12, 2011, Committee of the Whole meeting of Council:

• **ELECTED OFFICIALS SEMINAR FOR SOUTHERN INTERIOR LOCAL GOVERNMENT ASSOCIATION MEMBERS**

*'THAT Council **authorizes and approves expenses** for Mayor Sawatzky, and Councillors Lord, and Quiring to attend the Elected Officials Seminar for Southern Interior Local Government Association (SILGA) Members – January 18 – 20, 2012, Kelowna, B.C.*

**CARRIED.**

Moved by Councillor Nicol, seconded by Councillor Quiring:

THAT Council ratifies and confirms the following resolution adopted at the December 12, 2011, Committee of the Whole meeting of Council:

• **2011 TRANSIT SERVICE REVIEW**

*'THAT Council **approves in principle** the proposed cost sharing percentages for the North Okanagan Connector Route 90 and HandyDART Services;*

*AND FURTHER, that the proposed cost sharing percentages be forwarded to the Regional District of North Okanagan Board for their consideration and approval;*

*AND FURTHER, that Council approves the proposal to develop a new Annual Operating Agreement between the Regional District of North Okanagan and BC Transit for the future operation and management of the North Okanagan Connector Route 90 to separate this service from the other Regional transit services to commence September 1, 2012.*

**CARRIED.**

NEW BUSINESS

CORRESPONDENCE:

**OFFICIAL ELECTION RESULTS – 2011 LOCAL GOVERNMENT ELECTIONS (4200-01)**

Moved by Councillor Cunningham, seconded by Councillor Nicol:

THAT Council **receives** the Official Election Results for the 2011 Local Government Election for the City of Vernon.

**CARRIED.**

**DISPLACEMENT OF LOW INCOME TENANTS DUE TO REDEVELOPMENT (0540-31)**

Moved by Councillor Cunningham, seconded by Councillor Nicol:

THAT Council **supports** the recommendation from the Affordable Housing Advisory Committee that Council direct staff to investigate displacement of tenants in low income housing due to redevelopment, by examining how other communities handle displacement, formulas they may use for compensation for the tenants, ways to ensure staff is aware of low income housing losses, and all options available around compensation for displaced tenants.

**CARRIED.**

**FULL SERVICE GAS AND FUEL SERVICE STATIONS (3900-01)**

Moved by Councillor Nicol, seconded by Councillor O’Keefe:

THAT Council **directs** staff to review and report back to Council regarding the concerns expressed in the letter dated November 8, 2011, from Independent Living Vernon, regarding a request that a bylaw be drafted requiring all gas and fuel service stations to provide at least one-third of their fueling services to be full service in order to make it safer for seniors and people with disabilities;

AND FURTHER, that staff include a proposal for the formation of an Ad Hoc Committee to review this issue which would include representatives from Independent Living, the Fuel Service Industry, and Council Members;

AND FURTHER, that staff include a listing with locations of those service stations in Vernon that currently offer full service to patrons.

**CARRIED.**

**GREATER VERNON 2012  
BC WINTER GAMES –  
PINS  
(0300-06, 0230-58)**

Moved by Councillor Lord, seconded by Councillor Cunningham:

THAT Council **approves** the donation of 2,000 City of Vernon pins, at an estimated value of \$560.00, to the Greater Vernon 2012 BC Winter Games Society, to be given to the volunteers of the Games.

**CARRIED.**

**REPORTS:**

**AGE FRIENDLY  
COMMUNITIES GRANT  
APPLICATION  
(1855-20)**

Moved by Councillor O'Keefe, seconded by Councillor Quiring:

THAT Council **supports** an application submitted by the City, in partnership with the Junction Literacy Centre, for \$12,000 from the UBCM Age-Friendly Communities Planning and Project Grant to facilitate the creation of a Computer Tutoring Program for Seniors;

AND FURTHER, that should the application be successful, the City distribute and manage the grant funding for the delivery of the program by the Junction Literacy Centre.

**CARRIED.**

**2011 HERITAGE  
PROGRAM – SUMMARY  
OF HERITAGE  
RESTORATION GRANT  
PROGRAM, HERITAGE  
RETENTION INCENTIVE  
PROGRAM AND  
HERITAGE PLAQUE  
PROGRAM  
(0540-27)**

Moved by Councillor Spiers, seconded by Councillor Nicol:

THAT Council **receives** the following summary for its information and **consideration for funding during the 2012 budget deliberations:**

1. Two Heritage Restoration Grants were approved in 2011, one for Beverley Gess at 2508 – 26 Street for \$3,100.00 and the second for Ken Wollen at 1905 – 32 Street for \$1,898.00, for a total of \$4,998.00.
2. The closing date for applications for the 2011 Heritage Retention Incentive Grant Program is January 31, 2012. To date five applications and twenty inquiries have been received. Based on the number on inquiries and applications received to date, it is anticipated that twelve to fifteen applications may be submitted in total. Grants may be up to \$500 per application, therefore, Heritage Incentive Grants for 2011 may total between \$6,000.00 and \$7,500.00.

3. Three heritage plaques were purchased in 2011. One for St. James Church at 2607 – 27 Street, the second for the S.C. Smith/Godfrey house at 1705 – 32 Avenue and the third for the Spinks/Ellison House at 2159 – 36 Avenue. These three plaques are currently being manufactured and are scheduled to be installed in the spring of 2012. The total cost of the three plaques is \$1,208.26, plus installation.

**CARRIED.**

**SUSTAINABILITY  
EVENTS PROGRAM AND  
CORPORATE  
SPONSORSHIP  
(6440-01)**

Moved by Councillor Nicol, seconded by Councillor O’Keefe:

THAT Council **supports** the proposed 2012 Sustainability Events program, as outlined in Attachment 1 of the report dated December 2, 2011, from the Environmental Planning Assistant and the TDM Coordinator, regarding the Sustainability Events Program and Corporate Sponsorship, as follows:

1. Earth Hour – 8:30pm to 9:30pm, Sat., March 31, 2012
2. Earth Day – Friday, April 20, 2012
3. Bike to Work Week – May 28 to June 3, 2012
4. Environment Week - June 2 to June 8, 2012
5. Clean Air Day – June 6, 2012
6. Sustainability Awards – During Environment Week
7. Inquisitive Clips Film Competition – During Environment Week
8. Car Free Day – Saturday, Sept 22, 2012
9. Rivers Day – Sunday, Sept 30, 2012
10. Carpool Week – To Be Announced

**CARRIED.**

**BELLA VISTA ROAD  
SANITARY SEWER  
MUNICIPAL FEE BYLAW  
(5410-10)**

Moved by Councillor Nicol, seconded by Councillor O’Keefe:

THAT Council **authorizes** staff to establish a Sanitary Sewer Municipal Fee Bylaw for the value of \$147,821.36, shared equally between 10 properties from 7002 Bella Vista Road to 7097 Bella Vista Road.

**CARRIED.**

**PROPOSED PREDATOR  
RIDGE  
NEIGHBOURHOOD PLAN  
(6520-21)**

Moved by Councillor Quiring, seconded by Councillor O’Keefe:

THAT Council **supports** the proposed Predator Ridge Neighbourhood Plan 2011, as presented in Official Community Plan Amendment Bylaw No. 5347, 2011.

**CARRIED.**

**2012 B.C. BUILDING  
CODE  
(3760-01)**

Moved by Councillor Spiers, seconded by Councillor Lord:

THAT Council **endorses** the comments provided by staff on changes to the proposed 2012 B.C. Building Code and direct the Chief Building Inspector to complete and submit the survey for consideration by the Province;

AND FURTHER, that Council **directs staff** to submit a UBCM resolution requesting that the Ministry or Public Health Authorities undertake the responsibility for permitting, monitoring and management of non-potable water systems in residential development.

**CARRIED.**

**LEGISLATIVE MATTERS:****BYLAWS:****ADOPTION**

Moved by Councillor Spiers, seconded by Councillor Cunningham:

THAT Bylaw #5303, "**Good Neighbour (Sidewalk Clearing) Amendment Bylaw Number 5303, 2011**", a bylaw to amend "Good Neighbour Bylaw 4980, 2005", be **adopted**.

**CARRIED.**

Moved by Councillor Nicol, seconded by Councillor Spiers:

THAT Bylaw #5339, "**Zoning Text (Updates) Amendment Bylaw Number 5339, 2011**", a bylaw to amend the "City of Vernon Zoning Bylaw No. 5000", be **adopted**. (*City of Vernon*)

**CARRIED, with Councillor Quiring opposed.**

Moved by Councillor Quiring, seconded by Councillor O'Keefe:

THAT Council directs staff to research and report on the following items:

1. Gas Station maximum site coverage reduced from 90% to 75% (concerns regarding site coverage related to use of large canopies)
2. Number of 'operating and licensable vehicles' on residential properties (concerns that the restriction to 4 vehicles permitted outside of a garage is too low, considering the popularity of recreational vehicles, utility trailers, teen vehicles, etc.)

- 3. Adding loading requirements for care centres and seniors housing facilities with more than twenty beds (concerns the requirements are too onerous)

**CARRIED.**

**FIRST READING**

Moved by Councillor Nicol, seconded by Councillor Spiers:

THAT Bylaw #5347, "Plan Vernon (Predator Ridge Neighbourhood Plan) Amendment Bylaw Number 5347, 2011", a bylaw to amend the "City of Vernon Plan Vernon Bylaw No. 5151", be given **first reading**. (*City of Vernon*)

**CARRIED.**

**COUNCIL INFORMATION UPDATES:**

**COUNCILLOR JULIETTE CUNNINGHAM**

Councillor Cunningham provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Thanks to the Safe Communities Volunteers – attended Appreciation Dinner last week

**COUNCILLOR BRIAN QUIRING**

Councillor Quiring provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Looking forward to serving on assigned Committees

**COUNCILLOR MARYJO O'KEEFE**

Councillor O'Keefe provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Requested report regarding the status of the 'Partnering for Tourism Dollars' program for next Council meeting.

**COUNCILLOR BOB SPIERS**

Councillor Spiers provided a verbal report on the following matters:

**• Camp Hurlburt**

- Please vote for Camp Hurlburt at the 'Aviva Community Fund' website <http://www.avivacommunityfund.org/about/voting> as their project has successfully reached the 'semi-finals'

**COUNCILLOR CATHERINE LORD**

Councillor Lord provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Looking forward to serving on assigned Committees

**COUNCILLOR PATRICK NICOL**

Councillor Nicol provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Attended Independent Living AGM with Mayor Sawatzky
- Alexis Park School – Christmas necessity items are being collected, please contact school to donate
- Thanks to the Mission for their efforts this year

**MAYOR ROB SAWATZKY**

Mayor Rob Sawatzky provided a verbal report on the following matters:

**• Meeting/Event Attendance**

- Merry Christmas to the Community

**INFORMATION ITEMS:**

Council received the following information items:

**A.** Memorandum, dated November 15, 2011, from Mr. Rob Miles, Planning Assistant, re: Ian Murphy – Rezoning Application for Lot 4, Plan 5342, Sec. 3, Twp. 8, ODYD (2706 – 41 Avenue) Bylaw #5337 – Staff Response to Input at Public Hearing.

**B.** Minutes from the following Committees of Council:

- (i)** Transportation Demand Mgmt – Sept 13
- (ii)** Tourism Advisory – September 20
- (iii)** Sister City – October 4
- (iv)** Advisory Planning Board – October 25
- (v)** Affordable Housing Advisory – November 3

**C.** Public Hearing Agenda for December 12, 2011

**CLOSE OF MEETING:**

**CLOSE**

Mayor Sawatzky closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 3:49 pm.

CERTIFIED CORRECT:

\_\_\_\_\_  
Rob Sawatzky  
Mayor

\_\_\_\_\_  
Patti Bridal  
Corporate Officer