

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL  
HELD TUESDAY, OCTOBER 9, 2018**

---

PRESENT: Mayor A. Mund

Councillors: J. Cunningham, S. Anderson,  
B. Quiring, D. Nahal, C. Lord

Staff: W. Pearce, CAO  
P. Bridal, DCAO, Director, Corporate Services  
S. Blakely, Mgr. Legislative Services  
D. Ross, Director, Recreation Services  
D. Law, Director, Finance  
N. Nilsen, Communications Officer & Grants Coordinator  
K. Flick, Director, Community Infrastructure & Development  
S. Mitchell, Manager, Arenas  
L. Walker, Officer Coordinator, Recreation  
W. Mahalicz, Recreation Facilities Coordinator  
S. Koenig, Director, Operations  
B. Bandy, Real Estate Manager\*

\*attended as required

Mayor Mund called the Regular Open meeting to order at 8:50 am and requested a motion to move to Committee of the Whole.

Mayor Mund reconvened the Regular Open meeting and requested a motion to move to In Camera.

**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 of the *Community Charter as follows:*

- 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;*
- 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*

**CARRIED.**

Mayor Mund called the Regular Open meeting back to order at 1:31 pm.

PRESENT: Mayor A. Mund

Councillors: J. Cunningham, S. Anderson,  
D. Nahal, C. Lord, B. Quiring

W. Pearce, Chief Administrative Officer  
Staff: P. Bridal, DCAO/Director, Corporate Services  
S. Blakely, Manager, Legislative Services  
D. Law, Director, Finance  
K. Flick, Director, Community Infrastructure & Development  
S. Koenig, Director, Operations\*  
C. Broderick, Manager, Current Planning\*  
E. Stranks, Manager, Engineering Development Services\*  
N. Nilsen, Communications Officer & Grants Coordinator  
E. Croy, Transportation Planner\*  
D. Ross, Director, Recreation Services\*  
Supt. S. Baher, OIC, RCMP\*  
M. Dowhaniuk, Manager, Infrastructure & Development\*  
K. Poole, Manager, Economic Development & Tourism\*  
A. Watson, Manager, Transportation\*  
S. Abbott, Parks Planner\*

\*Attended, as required

Others: Media and Members of the Public

**ADOPTION OF THE AGENDA:**

**APPROVAL OF ITEMS LISTED ON THE AGENDA**

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT the agenda for the October 9, 2018, Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted.

**CARRIED.**

**ADOPTION OF MINUTES:**

**COUNCIL MEETINGS**

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT the minutes of the Regular Meeting of Council held September 24, 2018, be adopted;

AND FURTHER, that the minutes of the Public Hearing held on September 24, 2018, be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held September 24, 2018, be received.

CARRIED.

BUSINESS ARISING FROM THE MINUTES:

GENERAL MATTERS:

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR  
DVP00424 – 3803 23<sup>RD</sup>  
STREET**

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council support Development Variance Permit Application DVP00424 to vary the following section of Zoning Bylaw #5000 in order to permit the subdivision of Lot A, Sec 2, Twp 8, ODYD, Plan KAP44133 (3803 – 23<sup>rd</sup> Street) along the party wall of an existing duplex to create two fee simple lots:

- a) To vary Section 9.10.6. to allow a reduction in the minimum rear yard setback from:
  - i. 6.0m to 0.0m for proposed Lot 1; and
  - ii. 6.0m to 4.0m for proposed Lot 2.

AND FURTHER, that Council support of DVP00424 is subject to the following:

- a) That the site plan showing the existing building location, party wall and proposed Lots 1 and 2, attached to the report titled "Development Variance Permit Application for 3803 – 23<sup>rd</sup> Street" dated September 27, 2018 by the Manager, Current Planning as Attachment 1, be attached to and form part of DVP00424 as Schedule 'A'.

***Public Input – DVP  
#00424***

The Corporate Officer advised that no written submissions had been received.

Mayor Mund called a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit 00424 to vary section 9.10.6 of Zoning Bylaw #5000 to allow a reduction in the minimum rear yard setback at 3803 23<sup>rd</sup> Street.

**1. Jason Short, for the Applicant**

- Supports approval
- Available for any questions

Mayor Mund called a second and third time for representation from the public. There being none Mayor Mund closed the Public Input session for DVP00424.

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

***Issuance of Permit #00424***

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT the Corporate Officer be authorized to issue Development Variance Permit #00424 to vary section 9.10.6 of Zoning Bylaw #5000 to allow a reduction in the minimum rear yard setback at 3803 23<sup>rd</sup> Street, once all conditions of Council are satisfied.

**CARRIED.**

**COUNCIL INQUIRIES**

**GOOD NEIGHBOUR BYLAW #4980 - BOULEVARDS**

Council advised that an email inquiry was received related to the Good Neighbour Bylaw #4980, as to what can be left on COV boulevard (ie. waste materials). The inquiry will be forwarded to Admin for response to next Council meeting through an Admin Update.

**ADMINISTRATION UPDATES**

**ADMINISTRATION UPDATES (0550-05)**

Moved by Councillor Nahal, seconded by Councillor Lord:

THAT Council receives the Administration Updates dated October 9, 2018.

**CARRIED.**

**UNFINISHED BUSINESS**

**ACTIVATE SAFETY TASK FORCE RECOMMENDATION FOLLOW UP: RCMP (6460-20)**

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council receives the letter dated September 19, 2018 from Supt. Shawna Baher, OIC, Vernon North Okanagan Detachment regarding Activate Safety Task Force Recommendations.

**CARRIED.**

*Councillor Quiring declared a conflict in the following matter as his firm may be participating in some of the proposed projects. Councillor Quiring left the meeting at 1:39 pm.*

**KAL TIRE PLACE ARENA EXPANSION PROGRESS – SEPTEMBER (7840-06)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council receive the memorandum titled Kal Tire Place Arena Expansion Progress – September, dated September 28, 2018 from Doug Ross, Director, Recreation Services for information purposes.

**CARRIED.**

*Councillor Quiring returned to the meeting at 1:39 pm*

MATTERS REFERRED FROM COMMITTEE OF THE WHOLE – OCTOBER 9, 2018

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council **ratifies and confirms** the following resolutions adopted at the **October 9, 2018**, Committee of the Whole meeting of Council:

**PRESENTATION -  
DRAFT GREATER  
VERNON  
RECREATION  
MASTER PLAN  
(7700-10)**

*'THAT Council endorse the Amended Final Greater Vernon Recreation Master Plan, as at the October 9, 2018 Committee of the Whole Meeting;*

AND FURTHER, that Council direct Administration to advise the District of Coldstream and the Electoral Area Directors of Council's direction regarding the final Greater Vernon Recreation Master Plan;

AND FURTHER, should the final Greater Vernon Recreation Master Plan be endorsed by the District of Coldstream Council, Electoral Area B & C Directors and Vernon Council, that Council direct Administration to report back to Council and supply an action plan for the implementation of the short term, high priority recommendations included in the plan by January 28, 2019.

**CARRIED.**

MATTERS REFERRED FROM THE IN-CAMERA MEETING – SEPTEMBER 4, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **September 4, 2018**, In Camera meeting:

**HIGHWAY 97 NORTH  
END MEDIAN –  
LANDSCAPING  
(5400-25)**

*'THAT Council direct Administration to advise the Ministry of Transportation and Infrastructure of the City's intention to remove the trees and shrubs on the median north of Stickle Road and that the maintenance of the median will be turned back to the Ministry once complete;*

AND FURTHER, that Council direct Administration to remove the remaining median landscaping located on Highway 97 north of Stickle Road at a cost of \$50,000 with the source of funds being the 2017 year end uncommitted, unexpended balance as outlined in the report titled "Highway 97 North End Median – Landscaping" dated August 22, 2018 from the General Manager, Public Works;

AND FURTHER, that Council direct Administration to send a letter to the owner of Swan Lake Nursery advising of the City's intention to remove the landscaping and the rationale behind the decision;

*AND FURTHER, that Council **declassifies** the resolution upon notification to Swan Lake Nursery, and Regional District of North Okanagan, Electoral Area B.'*

MATTERS REFERRED FROM THE IN-CAMERA MEETING – OCTOBER 9, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **September 9, 2018**, In Camera meeting:

**REFUND OF  
SIDEWALK GIFTING  
AND WORKS  
CONTRIBUTION  
AGREEMENT FUNDS  
(1660-20)**

*'THAT Council support refunding specific sidewalk gifting and works contribution agreement funds related to changes to City road standards for offsite road works, resulting from adoption of amendments to Schedule A and B of Subdivision and Development Servicing Bylaw #3843;*

*AND FURTHER, that Council direct Administration to return funds for works no longer required and contact those with Agreements dated January 2017 or later, where the Agreement holders are the current owners of those lands identified in the Agreement, advising them of their legal rights and requesting their authorization to alter the agreement in order to return all or part of the funds as determined by Administration;*

*AND FURTHER, that Council direct Administration to apply to the Court for direction under Section 86 of the Trustee Act to obtain options and advice on how to deal with funds related to Agreements dated prior to January 2017 and where agreement holders have changed, no longer exist or where no authorization to alter the Agreement for refund is received by the City;*

*AND FURTHER, that Council **rescind** the Sidewalk Construction Policy.'*

**RENEWAL LEASE  
AIRPORT – 6400  
TRONSON ROAD  
(8400-02-10)**

*'THAT Council direct Administration to renew the airport commercial lease with Randy Gee Holdings Inc., for the 2,851.22 m<sup>2</sup> of land located at 6400 Tronson Road, Vernon Regional Airport, for the term January 1, 2019 thru December 31, 2028, with basic rent of \$12,343.93 plus GST for year one of the renewal lease.'*

**PURCHASE  
STATUTORY RIGHT  
OF WAY FOR  
STORM  
INFRASTRUCTURE  
– 4210 24<sup>TH</sup>  
AVENUE  
(5410-10-24 AVE)**

*'THAT Council directs Administration to purchase approximately 3,380 square feet of land from the owner of 4210 24<sup>th</sup> Avenue, PID: 002-911-574, Legal: Lot 1, Plan 32665, District Lot 71 and 74, ODYD, at a price of \$5.71 per square foot, in order to register a statutory right of way for storm infrastructure;*

*AND FURTHER, that Council directs Administration to draw the funds required for the purchase of the statutory right of way including land cost estimated at \$19,300, survey estimated at \$4,000 and legal estimated at \$1,000 from the Infrastructure Reserve Fund.'*

**NEW BUSINESS**

**CORRESPONDENCE:**

**CBW DEVELOPMENT  
CORP. – 2016 AND  
2017 FINANCIAL  
STATEMENTS  
(1610-01)**

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Council approve the financial statements of CBW Development Corp. for the periods ended December 31, 2016 and December 31, 2017 as presented.

**CARRIED.**

**GRANTS UPDATE  
JANUARY TO  
SEPTEMBER 2018  
(1855-21)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council receives the memorandum dated October 9, 2018, from the Manager, Communications & Grants, regarding the Grant Update: January 1 to September 30, 2018.

**CARRIED.**

**BC CIVIL LIBERTIES  
ASSOCIATION –  
BYLAW TO  
REGULATE  
SHOPPING CARTS  
(6460-20)**

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council receives the letter dated September 24, 2018 from Meghan McDermott, Staff Counsel, BC Civil Liberties Association regarding the Bylaw to Regular Shopping Carts.

**CARRIED.**

**REPORTS:**

**ZONING BYLAW  
#5000, SCHEDULE B –  
ADDITIONAL  
SETBACKS FROM  
CITY ROADS  
(6450)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council support the proposed amendments to Zoning Bylaw #5000, Schedule B – Additional Setbacks from City Roads by deleting the existing Schedule B and replacing it in its entirety with the revised Schedule B, included as Attachment 1 in the report titled "Zoning Bylaw #5000, Schedule B – Additional Setbacks from City Roads", dated October 2, 2018 and respectfully submitted by the Manager, Engineering Development Services.

**CARRIED.**

**2018 LAKE ACCESS  
PLAN  
(8700-02-01)**

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council endorse the 2018 Lake Access Plan as attached to the report titled "2018 Lake Access Plan" dated October 1, 2018 from the Parks Planner.

**CARRIED.**

**2018 – ROLLING 4  
YEAR CAPITAL PLAN  
(5700-04-01)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council endorse the 2018 Rolling 4 Year Capital Plan, appearing as Attachment 1 to the report titled 2018 – Rolling 4 Year Capital Plan, dated September 27, 2018 as submitted by the Manager, Infrastructure Management.

**CARRIED.**

**REZONING  
APPLICATION FOR  
7250 HITCHCOCK  
ROAD  
(ZON00296)**

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council support the application to rezone the S ½ of the S ½ of the SW ¼ of Sec 19 Twp 5 ODYD (7250 Hitchcock Road) within the Foothills Neighbourhood from NU (NORD) to HR1 (Hillside Residential Single and Two Family), HR2 (Hillside Residential Multi-Family), and P1 (Parks and Open Space) in order to allow the subdivision of single and two family lots, a multi-family lot, the dedication of undisturbed open space and a remnant parcel subject to the following conditions:

- a) Registration of a Section 219 "No Disturb" Covenant on the remnant parcel that would restrict future subdivision or development until the approval of a pre-plan, consistent with the Foothills Neighbourhood Plan, that would identify the location of a future road network that respects sensitive areas including seasonal water bodies or drainage courses, ensures access to lands beyond, and provides for future parks and trail connections;
- b) Preparation of a phased servicing plan that identifies onsite and offsite servicing upgrades necessary to support the development of the subject lands, including the first phase of development and the remnant parcel;
- c) The design of on-site and off-site works and services necessary to service the first phase of development and the remnant parcel; and
- d) Payment of water latecomer charges for use of reservoir capacity in the Sun Peaks Reservoir.



AND FURTHER, that prior to adoption of a zoning amendment bylaw:

- a) The applicant provide geotechnical information regarding slope and soil conditions along the edge of the ravine located along the east property line, including recommendations regarding the location of a no disturb covenant, a trail for public access, and safe building setbacks in this area; and
- b) Security in the amount of 125% of estimated costs be provided for the construction of a fence to delineate the recommended no disturb area and trail location along the east property line.

**CARRIED.**

**LEGISLATIVE MATTERS:**

**ADOPTION**

- 5726

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Bylaw #5726, "**Officers Bylaw Number 5726, 2018**" – a bylaw to provide for the establishment of officer positions, **be adopted.**

**CARRIED.**

- 5727

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Bylaw #5727, "**Delegation of Authority Bylaw Number 5727, 2018**" – a bylaw to provide for the delegation of powers, duties and functions **be adopted.**

**CARRIED.**

- 5720

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Bylaw #5720, "**30<sup>th</sup> Street North of Highway 6 and 29<sup>th</sup> Avenue East of 30<sup>th</sup> Street Municipal Fee Bylaw Number 5720, 2018**" – a bylaw to impose charges for undergrounding overhead utilities **be adopted.**

**CARRIED.**

**FIRST & SECOND READINGS AND PUBLIC HEARING DATE**

- 5728

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Bylaw #5728, "**7250 Hitchcock Road Rezoning Amendment Bylaw Number 5728, 2018**" a bylaw to rezone the subject property from 'NU (NORD)' to 'HR1 (Hillside Residential Single and Two Family)', 'HR2 (Hillside Residential Multi-Family)', and 'P1 (Parks and Open Space)', **be read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5728 be scheduled for **Monday, November 26, 2018**, at **5:30 pm**, in Council Chambers.

**CARRIED.**

**COUNCIL INFORMATION UPDATES:**

**COUNCILLOR DALVIR NAHAL**

Councillor Nahal provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Thank you to Staff for efforts over past four years
- Thank you to Council and the Community for this experience
- Proud of accomplishments

**COUNCILLOR BRIAN QUIRING**

Councillor Quiring provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- End of seven years on Council
- Thanks to Staff and Administration
- Proud of accomplishments, particularly efforts toward affordable housing
- Thanks to Mayor & Council

**COUNCILLOR SCOTT ANDERSON**

**MEETING/EVENT  
ATTENDANCE**

- Reiterated previous comments
- Quoted Councillor Bob Spiers: *'Nothing to Report'*

**MAYOR AKBAL MUND**

Mayor Mund provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Attended:**
- Emergency Policy & Planning Meeting
  - Nexus 30<sup>th</sup> Anniversary Event
  - Rail Trail Grand Opening – well attended
  - Emergency Services Show Case in Polson Park – well attended
  - United Way Breakfast Fundraiser
  - Airport Advisory Committee in Kelowna
  - Encouraged Voting for Cultural Facility
  - Candidates – watch what you say please – facts must be correct – suggested Social Media is not the place to obtain facts
  - Thank you to Council, Staff and Administration

COUNCILLOR CATHERINE LORD

Councillor Lord provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Last Council meeting
- Emailed staff to say thank you
- Thanks to two Councils worked with, Media and Staff
- Thanks to Residents for electing twice
- Made tremendous strides in 7 years – not an easy job
- Hard to make decisions that are right for Community amidst opposition
- Proud of Infrastructure Funding Plan and Goals that have been reached
- Past few years - Master Water Plan, Local Parks back to the COV, Public Consultation efforts noted
- Twinning of Kal Tire Place noted
- Living in tumultuous times – upcoming election is an opportunity to vote to continue positive progress
- Need a good balance of people with empathy and common sense
- Noted contributions of Councillor Spiers

COUNCILLOR JULIETTE CUNNINGHAM

Councillor Cunningham provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Concurred with Council comments
- 10 years at COV
- Believes COV is on solid foundation
- Master Plans completed over past several years noted
- Noted Infrastructure Plan
- Noted Significant work at Regional District level (Water Plan)
- Noted Cultural Facility referendum – supports and noted Mr. David Hesketh's bravery in supporting the project regardless of his health
- Noted importance of fiscal accountability
- Thanks to colleagues over past four years – important to have independent thinkers at the table who are willing to debate
- Noted progress toward affordable housing and steps needed to proceed
- Thanks to CAO for leadership and all of Staff
- Endorses Victor Cumming for Mayor of Vernon
- Has been appointed to the Okanagan College Board of Governors so will remain active in the Community
- Thank you to residents who supported over past 10 years

**RECONSIDERATION -  
29<sup>TH</sup> STREET  
PARKING LOT  
LANDSCAPING  
(0912-02)**

Moved by Councillor Nahal, seconded by Councillor Quiring:

THAT pursuant to section 33. of Council Procedure Bylaw #4840, that Council **reconsiders** the motion passed at the September 24, 2018 meeting as follows:

*'THAT Council direct Administration to proceed with the 29<sup>th</sup> Street parking lot landscaping as originally planned and outlined in the memo titled "29<sup>th</sup> Street Parking Lot Landscaping: and dated September 12, 2018 received from the Manager of Roads, Drainage and Airport;*

*AND FURTHER, that Council direct Administration to fund the estimated budget shortfall of \$60,000 from the 2017 year end uncommitted, unexpended balance.'*

**CARRIED.**

Moved by Councillor Nahal, seconded by Councillor Quiring:

THAT Council **rescinds** the following resolution passed at the September 24, 2018 Regular Council meeting:

*'THAT Council direct Administration to proceed with the 29<sup>th</sup> Street parking lot landscaping as originally planned and outlined in the memo titled "29<sup>th</sup> Street Parking Lot Landscaping: and dated September 12, 2018 received from the Manager of Roads, Drainage and Airport;*

*AND FURTHER, that Council direct Administration to fund the estimated budget shortfall of \$60,000 from the 2017 year end uncommitted, unexpended balance.'*

AND FURTHER, that Council direct Administration to remove the irrigation and shrubs from the 29<sup>th</sup> Street parking lot landscaping plan and install the trees with self-watering gator bags as detailed in the memo titled "29<sup>th</sup> Street Parking Lot Landscaping" and dated September 12, 2018 received from the Manager of Roads, Drainage, and Airport;

AND FURTHER, that Council direct Administration to fund the estimated budget shortfall of \$15,000 from the 2017 year end uncommitted, unexpended balance.

**CARRIED.**

**INFORMATION ITEMS:**

Council received the following information items:

- A. Minutes from the following Committees of Council:
  - (i) Economic Development, June 28, 2018
  - (ii) Tourism Commission, July 18, 2018
  - (iii) Advisory Planning, September 5, 2018

**CLOSE OF REGULAR  
OPEN MEETING**

Mayor Mund closed the Regular Meeting at 2:53 pm.

**CERTIFIED CORRECT:**

	
_____ Akbal Mund Mayor	_____ Patti Bridal Corporate Officer