

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL  
HELD MONDAY, JANUARY 7, 2019**

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PRESENT: Mayor V. Cumming

Councillors: S. Anderson, A. Mund, K. Gares,  
K. Fehr, (B. Quiring, D. Nahal, absent)

Staff: W. Pearce, CAO  
P. Bridal, DCAO, Director, Corporate Services  
N. Nilsen, Communications Officer & Grants Coordinator  
S. Koenig, Director, Operations  
K. Flick, Director, Community Infrastructure & Development  
D. Law, Director, Financial Services  
K. Kryzak, Manager, Parks and Public Spaces Maintenance  
G. Gaucher, Manager, Protective Services  
B. Bandy, Manager, Real Estate

Mayor Cumming called the Regular Open meeting to order at 8:43 am and requested a motion to move to Committee of the Whole.

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

**RESOLUTION TO  
CLOSE MEETING**

Moved by Councillor Mund, seconded by Councillor Fehr:

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;*
- 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 Cumming called the Regular Open meeting back to order at 1:31 pm.

PRESENT: Mayor V. Cumming

Councillors: S. Anderson, A. Mund, K. Gares,  
K. Fehr, (B. Quiring, D. Nahal, absent)

Staff: W. Pearce, Chief Administrative Officer  
P. Bridal, DCAO/Director, Corporate Services

- J. Nicol, Legislative Committee Clerk
- N. Nilsen, Manager, Communications & Grants
- D. Law, Director, Finance
- K. Flick, Director, Community Infrastructure & Development
- S. Koenig, Director, Operations
- D. Ross, Director, Recreation Services
- S. Wright, Recreation Coordinator\*
- M. Beauregard, Manager, Building Services\*
- R. Nuriel, Economic Development Planner\*
- B. Bandy, Manager, Real Estate\*
- E. Croy, Transportation Planner\*
- C. Broderick, Manager, Current Planning\*
- J. Niu, Environmental Planning Assistant\*

\*Attended, as required

Others: Media and Members of the Public

**ADOPTION OF THE AGENDA:**

**APPROVAL OF  
ITEMS LISTED ON  
THE AGENDA**

Moved by Councillor Gares, seconded by Councillor Anderson:

THAT the agenda for the January 7, 2019, Regular Open meeting of the Council of The Corporation of The City of Vernon be amended as follows:

1. **SEE ITEM: 8.C** - Unfinished Business - Memo dated Feb 4, 2019 re: Facilitated meeting expense from Activate Safety Task Force Recommendation

AND FURTHER, that the Agenda be adopted, as amended.

**CARRIED.**

**ADOPTION OF MINUTES:**

**COUNCIL  
MEETINGS**

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT the minutes of the Regular Meeting of Council meeting held December 10, 2018 be adopted;

AND FURTHER, that the minutes of the Public Hearing held on December 10, 2018 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held December 10, 2018, be received.

**CARRIED.**

**BUSINESS ARISING FROM THE MINUTES:**

GENERAL MATTERS:**PUBLIC  
SUBMISSIONS  
– “5012 SILVER  
STAR ROAD  
CLOSURE  
BYLAW  
NUMBER 5729,  
2018”**

Pursuant to Section 40 (3) (b) of the *Community Charter*, Council provided an opportunity for the public to make submissions to City Council regarding the proposed **"5012 Silver Star Road Closure Bylaw Number 5729, 2018"**.

The Corporate Officer advised that no submissions had been received.

Mayor Cumming called a first time for representation from the public. There being none, Mayor Cumming called a second, third, and final time for representation from the public, there being none, Mayor Cumming closed the Public Input regarding the proposed **"5012 Silver Star Road Closure Bylaw Number 5729, 2018"**.

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR  
5350 ANDERSON  
WAY  
(DVP00444)**

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Council support Development Variance Permit Application #DVP00444 to vary the following sections of Zoning Bylaw #5000 in order to construct a six storey hotel on Lot A, Plan KAP88388, DL 38, ODYD (5350 Anderson Way):

- a) to vary the minimum number of required on-site loading spaces from four spaces to two spaces (Section 7, Table 7.2); and
- b) to vary the minimum front yard landscape buffer on the north end of Anderson Way from 3.0m to 2.29m for approximately 7.3m, and from 3.0m to 1.3m for the remainder of the front yard (Section 13.1.8);

AND FURTHER, that Council support of DVP00444 is subject to the following:

- a) That the site, elevation and landscaping plans generally noted as Attachments 1 to 5 inclusive in the report titled "Development Variance Permit Application for 5350 Anderson Way" and dated December 12, 2018 by the Economic Development Planner be attached to and form part of DVP00444 as Schedule 'A'.

**CARRIED.****Public Input – DVP  
#00444**

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

Mayor Cumming called a first time for representation from the public in attendance who believe their interest in property is affected by

Development Variance Permit #00444 to vary sections of Zoning Bylaw #5000 in order to construct a six storey hotel at 5350 Anderson Way.

**1. Dean Roosevelt**

- Used to drive five-tonne truck
- What was the rationale for reducing the on-site loading spots and was the industry consulted?
- **A. Admin:** Delivery trucks are to be managed by hotel staff, only one delivery at a time. If, under special circumstances, two deliveries are required at the same time, both hotel and restaurant delivery bays can be utilized.

Mayor Cumming called a second and third time for representation from the public. There being none Mayor Cumming closed the Public Input session for DVP00444.

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

***Issuance of Permit #00444***

Moved by Councillor Mund, seconded by Councillor Gares:

THAT the Corporate Officer be authorized to issue Development Variance Permit #00444 to vary sections of Zoning Bylaw #5000 in order to construct a six storey hotel on Lot A, Plan KAP88388, DL 38, ODYD (5350 Anderson Way), once all conditions of Council are satisfied.

**CARRIED.**

**COUNCIL INQUIRIES**

**KAL TIRE MULTI-USE FACILITY (7800-01)**

Council spoke to the railings on the west side of Kal Tire Multi-Use Facility. This construction is part of the budget for 2020 and will be done in three phases.

**CIVIC ARENA TEAR-DOWN (7820-01)**

Council spoke to the Civic Arena Demolition. A Resident was very appreciative of the tear down as some items belonging to his family were returned in the process.

**ADMINISTRATION UPDATES**

**ADMINISTRATION UPDATES (0550-05)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receives the Administration Updates dated January 7, 2019.

**CARRIED.**

UNFINISHED BUSINESS**DELEGATION  
RESPONSE - BC  
CHILD CARE  
SPACE GRANTS  
(8000-06)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council authorize Administration to proceed with the Community Child Care Planning Program assessment should the grant application be successful;

AND FURTHER that, Council authorize Administration to apply for the \$1M Childcare BC New Spaces Fund for public-sector (no deadline) if, after reviewing the results of the Community Child Care Planning Program assessment, it is demonstrated that there is a need for additional child care spaces in the City of Vernon.

**CARRIED, with Councillor Anderson opposed.**

**DELEGATION  
RESPONSE –  
VERNON WINTER  
CARNIVAL SOCIETY  
(0230-20-40))**

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT Council authorizes the Vernon Winter Carnival Society (WCS) to remain as a tenant at the current City owned building (the “**building**”) located at 3401 – 35<sup>th</sup> Avenue for a term to end no later than May 1, 2020 conditional that:

1. WCS be responsible for all repairs and maintenance to the building;
2. WCS will secure, at their cost, structural building and air quality assessments from qualified professionals, and will provide such to the City each year beginning in 2019;
3. WCS accepts all liability for the building, without exception, and indemnifies and holds the City harmless for any issues relating to the condition and use of the building;
4. WCS continues to actively seek a new location for their operations;
5. WCS will not request funding – related to maintenance repairs for the building from the City of Vernon or the Regional District of the North Okanagan;
6. WCS will enter into a licence of occupation agreement with the City no later than March 1, 2019;
7. The City of Vernon shall not be responsible for any lost, stolen or damaged equipment belonging to the WCS;
8. WCS shall not sub-let or permit any other use of the building;
9. WCS shall provide and maintain in good standing, a Comprehensive Liability Insurance Policy in the amount of

\$5,000,000. The Policy shall name the City of Vernon as an additional insured, while WCS occupies the building;

10. WCS agrees that the Society will vacate the building immediately if ordered by a Provincial or Federal authority, or if the building suffers structural failure; and

11. WCS acknowledges that no further extensions to the Licence of Occupation will be offered at the subject building.

Moved by Councillor Gares, seconded by Councillor Anderson :

THAT Council **amends** the resolution by:

1. Eliminating the Term of May 1, 2020;
2. Removing conditions 2) and 11); and
3. Adding '**and its use**' following the word building in 3) as follows:

THAT Council authorizes the Vernon Winter Carnival Society (WCS) to remain as a tenant at the current City owned building (the "**building**") located at 3401 – 35<sup>th</sup> Avenue conditional that:

1. WCS be responsible for all repairs and maintenance to the building;
2. WCS accepts all liability for the building **and its use**, without exception, and indemnifies and holds the City harmless for any issues relating to the condition and use of the building;
3. WCS continues to actively seek a new location for their operations;
4. WCS will not request funding – related to maintenance repairs for the building from the City of Vernon or the Regional District of the North Okanagan;
5. WCS will enter into a licence of occupation agreement with the City no later than March 1, 2019;
6. The City of Vernon shall not be responsible for any lost, stolen or damaged equipment belonging to the WCS;
7. WCS shall not sub-let or permit any other use of the building;
8. WCS shall provide and maintain in good standing, a Comprehensive Liability Insurance Policy in the amount of \$5,000,000. The Policy shall name the City of Vernon as an additional insured, while WCS occupies the building;

- 9. WCS agrees that the Society will vacate the building immediately if ordered by a Provincial or Federal authority, or if the building suffers structural failure; and

**CARRIED, with Councillors Mund and Fehr opposed.**

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

*Councillor Fehr left the meeting at 2:41 pm due to a potential conflict.*

**ACTIVATE SAFETY TASK FORCE – FACILITATED MEDIATION – CENTREVILLE NEIGHBOURHOOD COUNCIL (6460-20)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council direct Administration to fund the Facilitated Centreville Neighbourhood Council Meeting of February 6, 2019, from the 2017 unexpended, uncommitted budget, to a maximum amount of \$2500.00 conditional on the following:

- 1. That the facilitated meeting be a distinct and stand-alone meeting to discuss various issues and concerns rather than a Regular Centreville Neighbourhood Council meeting;
- 2. That the organizers of the meeting be directed to invite a larger number of affected businesses by utilizing the City’s mailing list for the Business Improvement Areas 1 and 2, and request RSVP’s in order to determine attendance; and
- 3. That the Facilitator, Urban Matters, be requested to provide Council with an independent report on the meeting for Councils review and information.

**CARRIED.**

*Councillor Fehr returned to the meeting at 3:07 pm*

**MATTERS REFERRED FROM THE IN-CAMERA MEETING – December 10, 2018**

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **December 10, 2018**, In Camera meeting:

**ADVISORY PLANNING COMMITTEE – APPLICATIONS FOR MEMBERSHIP (0540-20)**

*‘THAT Council appoint **Lisa Briggs** to the Advisory Planning Committee as the representative for Independent Living Vernon for a term to expire on December 31, 2022.’*

*‘THAT Council appoint **Don Schuster** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.’*

*‘THAT Council appoint **Monique Hubbs-Michiel** to the Advisory Planning Committee as the Community at Large representative for a*

*term to expire on December 31, 2022.'*

*'THAT Council appoint **Mark Longworth** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **Harpreet Nahal** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **William Tarr** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **Jamie Paterson** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **Larry Lundgren** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **Phyllis Kereliuk** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council appoint **Doug Neden** to the Advisory Planning Committee as the Community at Large representative for a term to expire on December 31, 2022.'*

*'THAT Council direct Administration to re-advertise for a representative with experience with accessibility for the disabled/mobility impaired and for a youth representative for the Advisory Planning Committee;*

*AND FURTHER, that Council authorize the Mayor to send a letter of appreciation, on behalf of Council, to those Advisory Committee members that are not returning for their valued contribution to the committee and community.'*

#### MATTERS REFERRED FROM THE IN-CAMERA MEETING – January 7, 2019

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **January 7, 2019**, In Camera meeting:



**DOGS AT  
MARSHALL FIELDS**

*THAT Council directs Administration to advise K-9 Control NOT to enforce the 'dogs on leash' Bylaw in the Area of Marshall Fields where 'dogs on leash' are permitted, until Council has determined further action following the delegation to Council on January 21, 2019.*

**NEW BUSINESS****CORRESPONDENCE:****RENEWAL OF  
DVP00373 FOR 9 –  
9750 DELCLIFFE RD  
(DVP00373)**

Moved by Councillor Anderson, seconded by Councillor Gares:

THAT Council renew Development Variance Permit Application DVP00373, expiring January 10, 2020, to vary Zoning Bylaw #5000 by a) reducing the minimum riparian area setback from 15.0m to 10.0m from Okanagan Lake High Water Mark (Section 4.13.2), and b) permitting projection of unenclosed steps into the minimum side yard setback area from 0.8m to 1.2m (Section 4.4.2) to construct a single family dwelling at 9 – 9750 Delcliffe RD (Lot 9, Plan KAS143, Sec 4, Tp 13, ODYD) subject to the following:

- a) That the site and elevation plans shall be attached to the Development Variance Permit as "Schedule A"; and
- b) That the Riparian Areas Regulation assessment report shall be attached to the Development Variance Permit as "Schedule B".

**CARRIED.**

**CLAREMONT  
WATER LOCAL  
SERVICE AREA  
(LSA)(P. 99)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council direct Administration to create a bylaw "To impose a parcel tax for the Claremont Water Local Area Service" and a bylaw "To direct the preparation of a parcel tax roll for the Claremont Water Local Service Area."

**CARRIED.**

**REPORTS:****LEGISLATIVE MATTERS:****ADOPTION**

- 5729

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Bylaw #5729, "**5012 Silver Star Road Closure Bylaw Number 5729, 2018**" - a bylaw to authorize closure and removal of the dedication as highway at 5012 Silver Star Road, be **adopted**.

**CARRIED.**

- 5732

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Bylaw #5732, “City of Vernon 2019 Financial Plan Bylaw Number 5732, 2018” – a bylaw to adopt the “Financial Plan” for the Years 2019 – 2023, be **adopted**.

**CARRIED.**

- 5730

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Bylaw 5730, “Zoning Text (Additional Setbacks from City Roads) Amendment Bylaw Number 5730, 2018” – a bylaw to amend City of Vernon Zoning Bylaw #5000, be **adopted**.

**CARRIED.**

**COUNCIL INFORMATION UPDATES:**

**COUNCILLOR AKBAL MUND**

Councillor Mund provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Worked multiple Salvation Army Kettle Shifts
- Attended opening of new Protective Services Office
- Attended Chamber of Commerce Christmas Luncheon

**COUNCILLOR KARI GARES**

Councillor Gares provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Attended Chamber of Commerce Christmas Luncheon

**COUNCILLOR KELLY FEHR**

Councillor Fehr provided a verbal report on the following matters:

- Attended Chamber of Commerce Christmas Luncheon
- Attended retirement celebration at NOYFSS
- Received correspondence from Carol Fawcett regarding grants.

**MAYOR VICTOR CUMMING**

Mayor Cumming provided a verbal report on the following matters:

**MEETING/EVENT  
ATTENDANCE**

- Attended the Queen Silver Star Talent Show
- Attended Chamber of Commerce Christmas Luncheon

INFORMATION ITEMS:

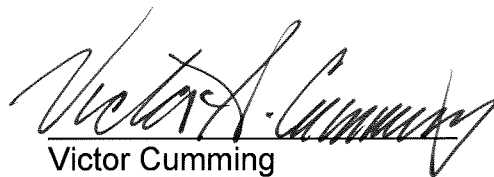
Council received the following information items:

- A. Letter dated November 2018 from the Hon. Andrew Scheer, Leader of the Official Opposition, re: Congratulations on Recent Election.
  
- B. Minutes from the following Committees of Council:
  - i) Economic Development Advisory, Sept 27, 2018
  - ii) Advisory Planning, Oct 10, 2018
  - iii) Tourism Commission, Nov 15, 2018

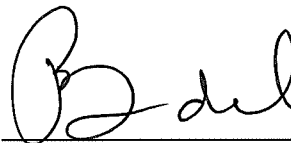
**CLOSE OF  
REGULAR OPEN  
MEETING**

Mayor Cumming closed the Regular Meeting at 3:17 pm.

CERTIFIED CORRECT:



Victor Cumming  
Mayor



Patti Bridal  
Corporate Officer