

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL
HELD OCTOBER 25, 2021**

PRESENT: Mayor V. Cumming

Councillors: S. Anderson, K. Gares, A. Mund,
B. Quiring, K. Fehr

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, Deputy Chief Administrative Officer
K. Poole, Director, Community Safety, Lands and Safety
K. Austin, Manager, Legislative Services
C. Isles, Executive Assistant
C. Poirier, Manager, Communications & Grants
D. Law, Director, Financial Services
J. Rice, Director, Operation Services
D. Lind, Director, Fire Services
L. Cordell, Manager Long Range Planning and Sustainability
K. Flick, Director, Community Infrastructure & Development
B. Everdene, Long Range Planner
S. Melenko, Information Tech.

Others: Media and Members of the Public

Mayor Cumming called the Regular Open meeting to order at 8:41 am.

**LAND
ACKNOWLEDGEMENT**

*As Mayor of the City of Vernon, and in the spirit of this gathering,
I recognize the City of Vernon is located in the traditional territory of the
Syilx People of the Okanagan Nation.*

Mayor Cumming requested a motion to move to Committee of the Whole.

Moved by Councillor Gares, seconded by Councillor Mund:

THAT Council move to the Committee of the Whole meeting.

CARRIED

Mayor Cumming reconvened the Regular Open meeting at 10:10 am and requested a motion to move to In Camera.

**RESOLUTION TO
CLOSE MEETING**

Moved by Councillor Quiring, seconded by Councillor Fehr:

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90(1) of the *Community Charter* as follows:

(c) labour relations or other employee relations.

CARRIED

Mayor Cumming called the Regular Open meeting back to order at 1:30 pm.

PRESENT: Mayor V. Cumming

Councillors: S. Anderson, K. Gares, B. Quiring,
A. Mund, K. Fehr

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, Deputy Chief Administrative Officer
K. Poole, Director, Community Safety, Lands and Administration
K. Austin, Manager, Legislative Services
C. Isles, Executive Assistant
C. Poirier, Manager, Communications and Grants
K. Flick, Director, Community Infrastructure & Development Services
J. Rice, Director, Operation Services
D. Lind, Director, Fire Services
C. Ovens, General Manager Public Works
B. Bandy, Manager Real Estate
C. Broderick, Manager Current Planning
M. Faucher, Current Planner
L. Cordell, Manager, Long Range Planning & Sustainability
D. Ross, Director, Recreation Services
S. Wright, Manager
G. Lefebvre, Manager Aquatics
J. Perrott, Manager, Economic Development and Tourism
R. Nuriel, Economic Development Planner
M. Dowhaniuk, Manager Infrastructure
A. Stuart, Manager Financial Reporting
G. Mulligan, Infrastructure Management Technician
D. Law, Director, Financial Services
M. Austin, Current Planner
S. Melenko, Information Tech.

Others: Media and Members of the Public

**LAND
ACKNOWLEDGEMENT**

*As Mayor of the City of Vernon, and in the spirit of this gathering,
I recognize the City of Vernon is located in the traditional territory of the
Syilx People of the Okanagan Nation.*

ADOPTION OF THE AGENDA

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT the agenda for the October 25, 2021 Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted amended to include:

- 1. CHANGE TO ORDER OF AGENDA – Move Item 9. A. Administration Updates** to be dealt with immediately following Item 7. **B. Delegation:** Sue Young and Jane Weixl

CARRIED

ADOPTION OF MINUTES

COUNCIL MEETINGS

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT the minutes of the Regular Meeting of Council held October 12, 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held October 12, 2021 be received.

CARRIED

BUSINESS ARISING FROM THE MINUTES

GENERAL MATTERS

PRESENTATION – OPERATOR OF THE YEAR

Mayor Cumming recognized Kevin Holman, Operator II, Vernon Water Reclamation Centre, as the recipient of the Environmental Operators Certification Program's 'Operator of the Year' Award.

DELEGATION: SUE YOUNG AND JANE WEIXL, RANDOMIZED BALLOT ORDER (3900-02 Election)

Sue Young and Jane Weixl presented to Council regarding their request to allow for Council candidates in the 2022 municipal election to be listed on the ballot in random order.

The following points were reviewed:

- Authorization under Sec 117 of *Local Government Act*
- Historical precedent
- Rationale
- Supporters listed
- Types of bias – serial and alphabetical
- Minimal to no additional cost randomization
- **Requests:** Bylaw amendments to allow Council candidates in the 2022 municipal election to be listed in random order on the ballot.

Moved by Councillor Quiring, seconded by Councillor Mund:

THAT Council direct Administration to provide a report regarding randomized candidates on ballots for the 2022 Municipal Election, including the pros and cons and any costs associated.

CARRIED

ADMINISTRATION UPDATES

**ADMINISTRATION
UPDATES
(0550-05)**

Moved by Councillor Gares, seconded by Councillor Mund:

THAT Council receive the Administration Updates dated October 25, 2021, for information.

CARRIED

**PRESENTATION:
SOCIAL PLANNING
COUNCIL QUARTERLY
REPORT
(0360-20-35)**

Annette Sharkey, Executive Director, Social Planning Council of the North Okanagan, Lisa Church, Turning Points Collaborative and Rachael Zubick, provided the Quarterly Report: July 1 to September 30, 2021 and information on the Strengthening Communities Grant – Logic Model for Vernon.

The following points were noted:

Action Teams

- Homelessness/Housing – Point in Time Graphic reviewed
- Harm Reduction/HART
- Anti-racism/Inclusiveness/Multiculturalism
- Emergency Planning for Vulnerable Populations
- Evaluation of Partners in Action Committee

Strengthening Communities Grant

- Logic Model for Vernon reviewed

Moved by Councillor Quiring, seconded by Councillor Gares:

THAT Council receive the Social Planning Council /Partners In Action Quarterly Report, July 1 to September 30, 2021, for information.

CARRIED

**PUBLIC SUBMISSIONS:
“33 STREET AND 35
AVENUE (ADJACENT
TO VERNON
RECREATION CENTRE)
ROAD CLOSURE
BYLAW 5869, 2021”**

Pursuant to Section 40 of the *Community Charter*, Council is providing an opportunity for the public to make submissions to City Council regarding the proposed “33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021”.

Mayor Cumming called a first time for representation from the public.

Mayor Cummings called a second time and there being none, called a third and final time for representation from the public. Mayor Cumming closed the Public Input regarding the proposed **“33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021”**.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION #00541 –
6664 JADE ROAD
(DVP000541)**

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT Council support Development Variance Permit Application DVP00541 to vary the following bylaw regulations to permit the construction of a carport on LT 27 DL 67 ODYD PLAN 20126 (6664 Jade Road):

- a) Zoning Bylaw #5000, Section 9.2.5 minimum front yard setback from 7.5m to 1.4m;
- b) Subdivision and Development Servicing Bylaw #3843, Schedule B, Section 3.5.3 maximum driveway width from 7.5m to 9.15m;

AND FURTHER, that Council’s support of DVP00541 is subject to the following:

- a) the site plan illustrating the general siting of the proposed carport in Attachment 1, contained in the report titled ‘Development Variance Permit Application for 6664 Jade Road’, dated October 14, 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00541 as ‘Schedule A’..

CARRIED

**Public Input
DVP #00541**

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 #00541. Mayor Cumming called a second, third and final time for representation from the public, and there being none, Mayor Cumming closed the Public Input for DVP#00541.

**Issuance of Permit
DVP 00541**

Moved by Councillor Quiring, seconded by Councillor Mund:

THAT the Corporate Officer be authorized to issue Development Variance Permit Application DVP00541 to vary the following bylaw regulations to permit the construction of a carport on LT 27 DL 67 ODYD PLAN 20126 (6664 Jade Road), **once all conditions of Council have been met.**

CARRIED

COUNCIL INQUIRIES**TIME LIMITED
PARKING – 35th
STREET**

Council inquired regarding signage referring to a parking limit of 15-minutes near 2700 35th Street. **A. Admin.** advised that the signage had been removed.

**SPEEDING –
FOOTHILLS DRIVE**

Council inquired regarding speeding on Foothills and Blackcomb Drives. Council suggested speed humps as a method of traffic calming.

FENCING BYLAW

Council expressed concern over wildlife being impaled on ornamental pointed fencing and asked whether a bylaw be drafted to prohibit this type of fencing. An Admin. update will be provided.

UNFINISHED BUSINESS**KAL TIRE PLACE
CONCESSION
EQUIPMENT
REPLACEMENT UPDATE
(7842-01)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council authorize Administration to spend up to \$15,000, to be sourced from the Recreation Facility Operating Reserve, to replace two standing freezers as outlined in the memorandum titled “Kal Tire Place Concession Equipment Replacement Update” dated October 15, 2021 respectfully submitted by the Manager, Recreation Customer Service.

CARRIED**MATTERS REFERRED**

THAT Council brings forward, as public information, the following motion **declassified** from confidential to non-confidential at the October 12, 2021, In Camera meeting:

**KAL TIRE PLACE
FACILITY USE
AGREEMENT –
BLADES OF LORI
SKATE SHARPENING
INC.
(7840-06)**

‘THAT Council authorize the Mayor and Corporate Officer to execute the Facility Use Agreement with Blades of Lori Skate Sharpening Inc. as substantially presented in the memo titled “Kal Tire Facility Use Agreement – Blades of Lori Skate Sharpening Inc.” dated September 29, 2021 respectfully submitted by the Manager, Customer Services – Recreation;

AND FURTHER, that Council declassifies the resolution from in camera after the fully executed Facility Use Agreement has been signed by all parties.’

NEW BUSINESS

Correspondence:

**RECREATION
SERVICES – 2021
THIRD QUARTER
REPORT
(7700-01)**

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council receive the memorandum titled "Recreation Services – 2021 Third Quarter Report" and the accompanying presentation, dated October 15, 2021 respectfully submitted by the Manager, Customer Service - Recreation.

CARRIED

**2021 THIRD QUARTER
DEVELOPMENT &
TOURISM INDICATORS
SUMMARY
(6970-20)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive for information the memorandum titled "2021 Third Quarter Development and Tourism Indicators Summary" dated October 13, 2021 and respectfully submitted by the Manager, Economic Development and Tourism.

CARRIED

**2021 SMALL BUSINESS
WEEK COMMUNITY
ACTIVITY SCHEDULE
(6750-01)**

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council receive for information the memorandum titled "2021 Small Business Week Community Activity Schedule" dated October 13, 2021 and respectfully submitted by the Manager, Economic Development and Tourism.

CARRIED

**PROPOSED SANITARY
SEWER RATE
INCREASE
(1670-08 2021)**

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT Council endorse an annual, cumulative 3% increase in all user fees and charges identified in the Sewer User Rates Bylaw #5400, from 2022 to 2026;

AND FURTHER, that Council direct Administration to bring an amended Sewer User Rates Bylaw before Council during the next Regular meeting for its first three readings.

CARRIED

**SEPTEMBER 30
VARIANCE ANALYSIS
(1830-02 2021)**

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council receive the internal memorandum dated October 13, 2021 and titled "September 30 Variance Analysis" respectfully submitted by the Manager, Financial Planning and Reporting.

CARRIED

Councillor Anderson left the meeting at 3:28 pm, returned at 3:30 pm

**2021 THIRD QUARTER
OVERTIME SUMMARY
(1610-06)**

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT Council receive the memorandum title “2021 Third Quarter Overtime Summary” dated October 14, 2021 respectfully submitted by the Director, Financial Service, for information.

CARRIED

**93rd BC YOUTH
PARLIAMENT (0220-01)**

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council receive for information, the internal memorandum titled “93rd BC Youth Parliament” dated October 20, 2021 and respectfully submitted by the Chief Administrative Officer;

AND FURTHER, that Council endorse the program as presented by the Youth Parliament of BC Alumni Society;

AND FURTHER, that Council’s nomination be forwarded to Administration no later than October 26, 2021;

AND FURTHER, that Council direct Administration to pay the \$425 registration fee, should the Nominee be accepted to the program, source of funds: the Mayor’s Discretionary Fund.

CARRIED

**NORTH OKANAGAN
REGIONAL HOUSING
STRATEGY (6441-20)**

Moved by Councillor Quiring, seconded by Councillor Gares:

THAT Council receive the North Okanagan Regional Housing Strategy and refer the Strategy to the Affordable Housing Advisory Committee for review and comment as outlined in the memorandum titled “North Okanagan Regional Housing Strategy” dated October 13, 2021 and respectfully submitted by the Manager, Long Range Planning and Sustainability.

CARRIED

Reports:

**ROSTER SPORTS
CLUB – APPLICATION
FOR AN AMENDMENT
TO A LIQUOR PRIMARY
LICENCE TO EXTEND
AN EXISTING
OUTDOOR PATIO
(4320-20, LL000100)**

Moved by Councillor Gares, seconded by Councillor Anderson:

THAT Council advise the Liquor and Cannabis Regulation Branch that Council supports the application submitted by the Roster Sports Club to amend Licence Number 031380 held by the Roster Sports Club located at 2319 53rd Avenue (Lot 26, Plan 28089, Section 10, Township 8, ODYD), to extend an existing outdoor patio based on the following reasons:

- The subject property is in the C5 – Community Commercial zoning district and is located on 53rd Avenue and 24th Street adjacent to commercial and industrial properties. There is also residential development located to the east of the property. The zoning district permits the existing sports club, pub and restaurant use;
- The subject property is in the North Vernon Neighbourhood and is surrounded by commercial, industrial and residential properties. It is designated Community Commercial in the Official Community Plan with the surrounding lots designated Light Industrial Service Commercial and Residential Medium Density. The subject use is compatible with existing and potential surrounding uses for the area;
- The subject property is adequately served with on-site parking. Traffic in the area is not expected to be impacted by the proposed licence. Similarly, noise in the area is not expected to change due to the proposed amendment to extend the existing outdoor patio;
- The RCMP and Bylaw Compliance have indicated that the proposed amendment to the liquor primary licence for extension of an existing outdoor patio at the Roster Sports Club does not present any policing concerns;
- The amendment to the liquor primary licence for an outdoor patio extension is not expected to negatively impact the community;
- All owners and occupiers of lands and businesses operating within a 60m radius of the subject property were notified of the application, and were provided the opportunity to provide comments to the City. A total of 139 property owners and occupiers, including businesses, were contacted. A Notice of Intent requesting public input was published in the September 16 and 23, 2021 editions of the Vernon Morning Star newspaper. A total of one email from the public was received by the response deadline, expressing support for the proposal;

AND FURTHER, that the Liquor and Cannabis Regulation Branch be advised that Council is in support of the subject amendment to the liquor licence application as it addresses the Liquor and Cannabis Regulation Branch criteria in the following manner:

- Noise in the area is not expected to change due to the proposed liquor primary licence amendment to extend an existing outdoor patio;
- The subject property has been in operation for over 20 years. The proposed liquor primary licence amendment for the extension of

the existing outdoor patio is not expected to negatively impact the community;

- It is not anticipated that a proposed liquor primary licence amendment to include an extension to the existing outdoor patio would result in Roster Sports Club, located at 2319 53rd Avenue (Lot 26, Plan 28089, Section 10, Township 8, ODYD), being operated in a manner that is contrary to its primary purpose of a sports club.

CARRIED

Moved by Councillor Mund, seconded by Councillor Gares:

**VERNON TOWNE
THEATRE – LIQUOR
PRIMARY LICENCE
APPLICATION
(4320-20 LL000101)**

THAT Council advise the Liquor and Cannabis Regulation Branch that Council supports the application submitted by the Okanagan Screen Arts Society for a liquor primary licence for the Vernon Towne Theatre located at 2910 30th Avenue (Lot 1, Plan KAP72404, Sec 34, Twp 9, ODYD), based on the following reasons:

- The subject property is in the C7 – Heritage Business District zoning district and is located within the downtown core at 2910 30th Avenue, adjacent to commercial, residential and institutional properties. The zoning district permits Liquor Primary Establishments as a primary use;
- The subject property is in the City Centre Neighbourhood and is surrounded primarily by commercial with some residential and institutional properties. It is designated Mixed Use – Medium and High Density Commercial and Residential in the Official Community Plan. The subject use is compatible with existing and potential surrounding uses for the area;
- The traffic in the area is not expected to be impacted by the proposed liquor licence. Similarly, noise in the area is not expected to change due to the proposed licence;
- The RCMP and Bylaw Compliance have indicated that the liquor licence for the Vernon Towne Theatre located at 2910 30th Avenue does not present any policing concerns;
- The liquor primary licence is not expected to negatively impact the community;
- All owners and occupiers of lands and businesses operating within a 60m radius of the subject property were notified of the application, and were provided the opportunity to provide comments to the City. A total of 191 property owners and occupiers, including businesses, were contacted. A Notice of Intent requesting public input was published in the September 16 and 23, 2021 editions of the Vernon Morning Star newspaper. A

total of four emails from the public were received by the response deadline, all expressing support for the proposal;

AND FURTHER, that the Liquor and Cannabis Regulation Branch be advised that Council is in support of the subject liquor primary licence application as it addresses the Liquor and Cannabis Regulation Branch criteria in the following manner:

- Noise in the area is not expected to change due to the proposed liquor licence;
- The Vernon Towne Theatre venue has been in operation for almost 100 years. Adding a liquor primary licence to the facility is not expected to negatively impact the community;
- It is not anticipated that the proposed liquor primary licence at the Vernon Towne Theatre, located at 2910 30th Avenue, would result in the facility being operated in a manner that is contrary to its primary purpose as a community art venue.

CARRIED

**LAND USE CONTRACT
DISCHARGE
APPLICATION FOR MT.
FOSTHALL DRIVE
(LUC00024)**

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council support Application LUC00024 to discharge Land Use Contract Bylaw #2613, 1977, LTO #N978 from the title of Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt Fosthall Drive) and allow the property to be governed by Zoning Bylaw #5000 and the underlying Small Lot Residential – R4 Zone, subject to the following bylaw requirements:

- a) That, prior to subdivision or land alteration, the property owner obtains a Hillside Development Permit according to the Hillside Guidelines 2008 including the provision of a slope analysis, visual impact study, geotechnical evaluation, grading plan, tree and vegetation plan, drainage management plan and an erosion control plan prepared by qualified professionals;
- b) That, prior to construction, subdivision or land alteration, the property owner obtains an Environmental Development Permit according to the Environmental Management Areas Strategy 2014 including the provision of an Environmental Impact Assessment prepared by a qualified professional;
- c) That no construction of a building, structure or swimming pool occurs on slopes 30% or greater, unless a development variance permit is approved by Council;

- d) That no new lots are created where less than 100m² of contiguous buildable area is provided, unless a development variance permit is approved by Council; and
- e) That, in accordance with Covenant #KX42816, the property not be built on, used or developed without written authorization from the City that access via a public or private roadway is acceptable and that storm, sanitary and drainage services are acceptable;

AND FURTHER that a Covenant be registered on title limiting the maximum height of primary buildings to the lesser of 8.0m or 2 storeys to reduce the visual impact of building elevations on the northwest downhill slope.

CARRIED

LEGISLATIVE MATTERS

Bylaws:

RESCIND READINGS

- 5867

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council rescind First and Second Readings for Bylaw #5867, **"2904 26th Street City of Vernon Heritage Revitalization Agreement Bylaw Number 5867, 2021"** – a bylaw, pursuant to Part 15 of the *Local Government Act*, to enter into a Heritage Revitalization Agreement with the owner of a heritage property.

CARRIED

ADOPTION

- 5754

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Bylaw #5754, **"4300 35th Avenue Official Community Plan Amendment Bylaw Number 5754, 2019"** – a bylaw to realign the boundaries of the subject property for "Residential – Medium Density" and "Parks & Open Space", be **adopted**.

CARRIED

- 5755

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT Bylaw #5755, **"4300 35th Avenue Rezoning Amendment Bylaw Number 5755, 2019"** – a bylaw to rezoning the subject property from "A3 – Rural Small Holdings" to "RM1 – Row Housing Residential" and "P1 – Parks and Open Space", be **adopted**.

CARRIED

- 5869

Moved by Councillor Gares, seconded by Councillor Anderson:

THAT Bylaw #5869, “**33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021**” – a bylaw close all or part of a highway and remove the dedication of the highway, be **adopted**.

CARRIED

• **5870**

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Bylaw #5870, “**Tax Exemption Amendment Bylaw Number 5870, 2021**” – a bylaw to amend City of Vernon Tax Exemption Bylaw Number 5713, 2018, be **adopted**.

CARRIED

Councillor Fehr left the meeting at 3:30 pm returned at 3:32 pm.

COUNCIL INFORMATION UPDATES

Councillor Quiring:

- No Report

Councillor Fehr:

- No Report

Councillor Gares:

- Tourism Meeting
- Chamber Meeting – sick leave discussion
- RDNO Meeting

Councillor Anderson:

- No Report

Councillor Mund

- No report

Mayor Victor Cumming:

Attended:

- Advisory Planning Committee
- Internal Emergency Operations Centre review
- North Okanagan Community Life burger competition
- Minister Osborne call
- Ribbons of Green Trail Society meeting and walkthrough
- Federation of Canadian Municipalities Sustainable communities conference
- Tourism Meeting
- CAO/Mayor meeting – North Okanagan
- Regional District of North Okanagan Meeting

INFORMATION ITEMS

Council received the following information items:

- A. Minutes from the Committees of Council:
 - i) Transportation Advisory, October 17, 2019
 - ii) Economic Development Advisory, October 29, 2020
 - Advisory Planning, August 17, 2021
- B. Letter dated October 14, 2021 from Lisa Helps, Mayor, City of Victoria re: Paid Sick Leave for Workers

Mayor Cumming requested a motion to move to In Camera at 4:01pm.

**RESOLUTION TO
CLOSE MEETING**

Moved by Councillor Quiring, seconded by Councillor Mund:

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90(2) of the *Community Charter* as follows:

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

Mayor Cumming called the Regular Open meeting back to order at 4:08 pm.

CLOSE

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 4:08 pm.

CERTIFIED CORRECT:


Mayor


Corporate Officer