

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL  
HELD NOVEMBER 8, 2021**

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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  
J. Nicol, Deputy Corporate Officer  
C. Poirier, Manager, Communications & Grants  
D. Lind, Director, Fire Services  
B. Bandy, Manager, Real Estate  
D. Law, Director, Financial Services  
J. Rice, Director, Operation Services  
K. Flick, Director, Community Infrastructure & Development  
S. Melenko, Information Tech. 1

Others: Media and Members of the Public

Mayor Cumming called the Regular Open meeting to order at 8:40 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  
Sylx People of the Okanagan Nation.*

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

Moved by Councillor Gares, seconded by Councillor Quiring:

THAT Council move to the Committee of the Whole meeting.

**CARRIED**

Mayor Cumming reconvened the Regular Open meeting at 9:59 am and requested a motion to move to In Camera.

**RESOLUTION TO  
CLOSE MEETING**

Moved by Councillor Quiring, seconded by Councillor Gares:

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

- (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

- (c) labour relations or other employee relations;
  - (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;
  - (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - (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;
- (2)(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 1:32 pm.

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer  
K. Poole, Director, Community Safety, Lands and Administration  
K. Austin, Manager, Legislative Services  
J. Nicol, Deputy Corporate Officer  
C. Poirier, Manager, Communications and Grants  
D. Law, Director, Financial Services  
K. Flick, Director, Community Infrastructure & Development Services  
J. Rice, Director, Operation Services  
Supt. S. Baher, OIC, RCMP  
D. Lind, Director, Fire Services  
R. Friesen, Deputy Fire Chief  
A. Hofsink, Deputy Fire Chief  
C. Ovens, General Manager Public Works  
C. Broderick, Manager, Current Planning  
E. Croy, Transportation Planner  
A. Stuart, Manager, Financial Planning & Reporting  
K. Walsh, Financial Analyst

T. Martens, Manager, Financial Operations  
L. Walker, Manager, Customer Service - Recreation  
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.*

**RECOGNITION**

The Mayor recognized that Thursday is Remembrance Day.

Councillor Mund recognized that today is Indigenous Veterans Day.

**ADOPTION OF THE AGENDA**

**APPROVAL OF ITEMS  
LISTED ON THE  
AGENDA**

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT the agenda for the November 8, 2021 Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted amended to include:

1. **SEE ITEM – 7.D. (i) General Matters – Public Input –** Development Variance Permit Application for 4001 34A Avenue (DVP00539)
  - Email dated November 5, 2021 from Joe and Kathleen Diett
  - Petition dated November 5, 2021 from Alexis Park residents and property owners
  - Email dated November 5, 2021 from Kali Ann Yanke
  - Letter dated November 5, 2021 from Mark and Debbie Brownlow
  
2. **ADD ITEM – 12.A. (v) New Business – Correspondence –** Recreation & Parks Services Amendments to Fees & Charges Bylaw

**CARRIED**

**ADOPTION OF MINUTES**

**COUNCIL MEETINGS**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT the minutes of the Regular Meeting of Council held October 25, 2021 be adopted;

AND FURTHER, that the minutes from the Special Meeting of Council held October 26, 2021 be adopted;



AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held October 25, 2021 be received.

**CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

**GENERAL MATTERS**

**INTRODUCTION –  
DEPUTY FIRE CHIEFS**

The Director, Vernon Fire Rescue Services introduced new Deputy Fire Chiefs Russ Friesen and Alan Hofsink.

**PRESENTATION –  
RCMP QUARTERLY  
REPORT  
(7400-30)**

Supt. Shawna Baher, OIC, RCMP, will provide the Third Quarter report for 2021.

The following points were reviewed:

- Community Service
- Section Report
- Fires of 2021
- Operations
- Dispatched vs. Self Generated
- Opioid Pilot Project
- Reserve Constable Traffic Enforcement
- Monthly Traffic Chart
- Forensic Identification Section
- Police Dog Service
- Youth
- 3<sup>rd</sup> Quarter Statistics

Moved by Councillor Fehr, seconded by Councillor Anderson:

THAT Council receives the RCMP 3<sup>rd</sup> Quarter Report (July to September 2021), as provided by Supt. Shawna Baher, OIC, RCMP, at the November 8, 2021 Regular Council Meeting.

**CARRIED**

**PRESENTATION –  
RESTORATIVE  
JUSTICE SEMI-  
ANNUAL  
PRESENTATION  
(7500-20-06)**

Margaret Clark, Manager of Restorative Justice, Canadian Mental Health Association, provided a 2021 semi-annual review for restorative justice services and presented a newly created video on the Canadian Victims Bill of Rights.

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT Council receives the 2021 Semi-Annual Review, as provided by Margaret Clark, Manager of Restorative Justice, Canadian Mental Health Association, at the November 8, 2021 Regular Council Meeting.

**CARRIED**



**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION #00539 –  
4001 34A AVENUE  
(DVP000539)**

Moved by Mayor Cumming, seconded by Councillor Quiring:

THAT Council support Development Variance Permit Application (DVP00539) to vary the following sections of Zoning Bylaw #5000 to allow for a four and a half storey, 29 unit rental apartment building to be constructed on Lot A, Plan 28535, Sec 3, Twp 8, ODYD (4001 34A Street):

- a) to vary the minimum rear yard setback from 9.0m to 1.7m for the building wall and 0.6m for the cantilever balconies (Section 9.12.5);
- b) to vary the minimum number of required off-street parking spaces for residents from 40 spaces to 33 spaces (Section 7.1.2, Table 7.1);

AND FURTHER, that Council support of DVP00539 is subject to the following:

- a) the site plan, floor plans, elevations, landscaping plan, shadow analysis and parking study generally noted as Attachments 2-8 contained in the report titled "Development Variance Permit for 4001 34A Street" dated October 27, 2021 and respectfully submitted by the Economic Development Planner be attached to and form part of DVP00539 as Schedule 'A'.

**Public Input  
DVP #00539**

The Corporate Officer advised that four written submissions and a petition had been received:

Mayor Cumming called a first time for representation from the public in attendance who believe their interest in property is affect by Development Variance Permit #00539.

**1. Griffith Cornell**

- Inconsistencies in package to residents – no park that is adjacent and is 100 feet below the existing building
- Opposed, will negatively impact his property
- States lane is rarely used, not true
- Access is from back lane frequently
- Trying to fit a square peg in a round hole – building is too large
- Site Plan – looks to be non-existent
- Balconies will extend into neighbours yards
- No room for garbage cans with parking on street
- **Council** – what about garbage pick-up and how it will be possible with on-street parking? **Admin.** automated garbage collection will enable pick-up as long as there is separation between the vehicle and the garbage can.

**2. Dawn Tucker**

- Know the neighbourhood well and has noted that the laneway is used very frequently

- People walk their children along laneway because of parking on 34A Street
  - Feels that the study is not accurate, street is always packed with cars making it difficult for snow removal
  - Not enough on-site parking, there have been vehicle accidents because of so much on-street parking
  - Utilities run down the middle of the laneway
  - Need common sense, jamming the building into a really steep piece of land
  - Neighbourhood has mixed uses and tenants will not pay for parking if they start charging in the proposed development.
3. Mark Brownlow
- Proposed development is too close to his home
  - Developer needs to dig down about 30 feet
  - Land is unstable, worried for his home
  - Leaks at end of street infrastructure
  - Back alley access – used as drive-through
  - Proposed pine trees will be taken down, deer, squirrel and quail will have no home
  - Doesn't make sense, will be in shadow 100% of the time
  - Developer does not live in Vernon
  - Using a buffer from a neighbour's property
  - Had little time to prepare a presentation
  - **Council** – is the shadow analysis provided in the package?  
**Admin.** the shadow from the east is not shown
4. Judy Elliott
- Has lived in the neighbourhood for 50 years
  - Proposed a park but now an apartment
  - Cars parked on street, makes snow removal difficult and fire trucks can't get by
  - Infrastructure is old and needs to be replaced
  - Alley is walked daily by different residents
  - Concerned about shade from the proposed building
5. Arnold Jansen
- Will lose all privacy due to large balconies, faces south
  - Not clear if it is rental or strata
  - Tenants will be looking down on his home and yard
  - Blasting was problematic in the past, concerned if there is more blasting
  - Foundations of homes in area may shift
  - Area has been fixed in the past and building has shifted, building had to be lifted as it is built on fill
  - Worried that there will be problems in neighbourhood with water drainage because of existing soil disturbance
  - Concerned about additional noise and traffic
  - Worried about ambient light if balconies are built, sunlight will be blocked in early morning
  - Feels that his overall quality of life will diminish

- No place for electric cars for charging or parking
  - **Council:** how long has zoning been in place? **Admin.** existing building has been there since the 1970's
6. Kali Yanke
- Nice community with children playing
  - Aerial map view is old, a lot of green space is gone, not maintained for kids to play on
  - Balconies will be looking directly into neighbouring property
  - No room for more parking, no room for recycling bins and yard waste bins
  - Difficult for snow plow
  - Would like it to be affordable housing
  - Would like the proposal denied
7. Jeff White
- No parking for guests
  - Needs to take garbage across the street
  - Lived in area for 14 years
  - Backyard will be a fishbowl with no light and privacy
  - Lots of rock on proposed development
  - Has 9 year-old son, needs to sit on front deck to watch him play due to cars speeding
  - No greenspace on proposed building
  - Need more park space
  - Existing building has hallways lit up, there will be light pollution from proposed building
  - Invested in home and feels it was for nothing
  - Hard to park as it is – minimum of seven more cars on street with new development
  - Snow removal and accidents will increase
  - Garbage cans will be a problem
  - Infrastructure is aging
  - **Council** - what is setback on west side of building? **Admin.** will be 4.5m from property line
8. Brian Kowalski
- His lot will be completely shaded in the winter months
  - Doesn't feel the building needs to be built
  - Could have a house instead on property
9. Joe Diett
- Lives across from proposed project – will have no privacy
  - Parking is terrible as it is, some people park in his driveway as it is
  - Pathway to curling club has a sign that says 'keep out', is not accessible
  - Is in total disagreement with proposal
  - **Council** – is path on public or private land? **Admin.** there is no right-of-way at this location



10. Arnold Jansen

- Will there be a penthouse on this building? **Admin.** No plans for a penthouse, can only be strata titled if there is 4% rental rate in Vernon, right now it is 0.1%
- **Council** – was this land ever planned for parkland? **Admin.** This property is privately owned, not owned by the City and has not been planned for park in recent history.

**THE QUESTION WAS CALLED ON THE MAIN MOTION AND DECLARED DEFEATED, with Mayor Cumming, Councillors Mund, Anderson and Fehr opposed**

**COUNCIL INQUIRIES**

**ILLEGAL SUITES**

Council inquired regarding the number of illegal suites are located on 34A Avenue. Council expressed concern over the lack of information regarding the number of illegal suites in Vernon. **A. Admin.** advised that the City only has information on the number of complaints; an accurate count of the number of illegal suites would be challenging and time-consuming to obtain.

**ADMINISTRATION UPDATES**

**ADMINISTRATION UPDATES (0550-05)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive the Administration Updates dated November 8, 2021, for information.

**CARRIED**

**UNFINISHED BUSINESS**

**RANDOMIZED NAMES ON BALLOTS (4200-01)**

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council receive the report titled “Randomized Names on Ballots” dated October 28, 2021, respectfully submitted by the Manager, Legislative Services;

AND FURTHER, that Council direct Administration to prepare an amendment to the Elections Procedure Bylaw #3971 to authorize the order of candidate names on ballots to be drawn by lot.

**CARRIED, with Councillor Anderson opposed**

**DOWNTOWN  
WASHROOMS –  
VANDALISM UPDATE  
(0810-20)**

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council receive the memorandum titled “Downtown Washrooms – Vandalism Update” dated October 28, 2021, respectfully submitted by the Director, Operation Services for information.

**CARRIED**

**OFFICIAL COMMUNITY  
PLAN: COUNCIL  
WORKSHOP SUMMARY  
(6480-06)**

Moved by Councillor Gares, seconded by Councillor Quiring:

THAT Council receive the memorandum titled “Official Community Plan: Council Workshop Summary” dated October 27, 2021 and respectfully submitted by the Manager, Long Range Planning and Sustainability.

**CARRIED**

**5661 OKANAGAN  
LANDING ROAD  
REZONING  
AMENDMENT BYLAW  
#5773 – REQUEST  
FOR PROCESSING  
TIME EXTENSION  
(ZON00329)**

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT pursuant to the “Bylaws – Inactive Policy” Council approves a one-year extension to the processing period for 5661 Okanagan Landing Road Rezoning Amendment Bylaw #5773 to October 15, 2022.

**CARRIED**

**MATTERS REFERRED**

THAT Council brings forward, as public information, the following motion **declassified** from confidential to non-confidential at the November 8, 2021, In Camera meeting:

**DETAILED FLOOD  
MAPPING, RISK  
ANALYSIS AND  
MITIGATION PROJECT  
FUNDING (5225-20)**

*‘THAT Council receive the memorandum titled “Detailed Flood Mapping, Risk Analysis and Mitigation Project Funding” dated October 29, 2021, respectfully submitted by the Water Resource Engineer;*

*AND FURTHER, that Council authorize the expenditure of up to \$299,550 to complete the Detailed Flood Mapping, Risk Analysis and Mitigation project, to be funded by the UBCM Community Emergency Preparedness Fund, Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning grants;*

*AND FURTHER, that Council declassify the resolution authorizing the expenditure of up to \$299,550 to complete the Detailed Flood Mapping, Risk Analysis and Mitigation project, to be funded by the UBCM Community Emergency Preparedness Fund, Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning grants.’*



**DECRIMINALIZATION  
OF PERSONAL  
POSSESSION OF  
DRUGS IN B.C.**

*'THAT Council authorize the Mayor to write the Solicitor General, Minister of Mental Health and Addictions, Minister of Health and the Premier, on behalf of Council asking that the Province of B.C. not pursue an exemption from Health Canada under Section 56(1) of the Controlled Drugs and Substances Act, as such action in the absence of significant of new investment in treatment capacity and a safe drug supply **may** result in unanticipated outcomes including: an increase in the open use of drugs in public parks and spaces; reducing positive engagement between police and persons in need of support (though this unfortunately may not be universal); increased use of tainted drugs; reduction of referrals to mental health and addictions professionals; strong public backlash at the local community level with few or no tools to assist those most in need of supports;*

*AND FURTHER, that decriminalization alone will not resolve the current crisis or significantly reduce overdose deaths without an immediate and significant increase in services and supports for persons with substance abuse disorders.*

***CARRIED, with Councillor Fehr opposed'***

*'THAT Council declassify the November 8, 2021 resolution regarding decriminalization of personal possession of drugs in B.C. and remove from In Camera.'*

*'THAT Council declassify the November 8, 2021 vote on the resolution regarding decriminalization of personal possession of drugs in B.C. and remove from In Camera.'*

**NEW BUSINESS**

Correspondence:

**2022 – 2026  
PROPOSED FINANCIAL  
PLAN FOR COUNCIL  
CONSIDERATION  
(1700-02)**

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council receive for information the memorandum titled "2022 – 2026 Proposed Financial Plan for Council Consideration" dated November 8, 2021 respectfully submitted by the Director, Financial Services.

**CARRIED**

**2022 & 2023  
CEMETERY FEE  
AMENDMENTS  
(1810-01)**

Moved by Councillor Anderson, seconded by Councillor Fehr:

THAT Council receive the memo titled "2022 & 2023 Cemetery Fees Amendment" dated October 12, 2021, respectfully submitted by the Manager, Financial Operations and Manager, Parks and Public Spaces Maintenance;



AND FURTHER, that Council direct Administration to amend the Fees & Charges Bylaw No. 3909 to increase all cemetery fees by 10% per year for 2022 and 2023.

**CARRIED**

*Councillor Quiring declared a conflict of interest as he is the Downtown Vernon Association Council representative. Councillor Anderson declared a conflict of interest as he is looking to purchase property in the downtown area. Both Councillors left the meeting at 4:25 pm.*

**REQUEST FOR  
EXTENSION OF 2020  
SECURITY CAMERA  
GRANT AGREEMENT  
(4000-02)**

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council direct Administration to amend the 2020 Security Camera Grant Agreement with the Downtown Vernon Association, by extending the term of the agreement to December 31, 2022.

**CARRIED**

*Councillors Quiring and Anderson returned to the meeting at 4:27 pm.*

**2021 WILDFIRE  
SEASON UPDATE -  
STAFFING  
(7380-02)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive for information the memorandum dated October 29, 2021, and titled “2021 Wildfire Season Update – Staffing”, respectfully submitted by the Director of Fire Rescue Services.

**RECREATION & PARKS  
SERVICES  
AMENDMENTS TO  
FEES & CHARGES  
BYLAW**

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council receive the proposed Amendments to Schedule A of the Recreation & Parks Services Fees & Charges Bylaw #5876 for the period of January 1 to December 31, 2022 as outlined in Attachment “1” to the memorandum titled Recreation & Parks Services Amendments to Fees & Charges Bylaw, dated November 4, 2021 respectfully submitted by the Manager, Customer Service – Recreation;

**CARRIED**

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council, rescind the motion to receive the proposed Amendments to Schedule A of the Recreation & Parks Services Fees & Charges Bylaw #5876 for the period of January 1 to December 31, 2022 as outlined in Attachment “1” to the memorandum titled Recreation & Parks Services Amendments to Fees & Charges Bylaw, dated November 4, 2021 respectfully submitted by the Manager, Customer Service – Recreation;

**CARRIED**

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council approve the proposed Amendments to Schedule A of the Recreation & Parks Services Fees & Charges Bylaw #5876 for the period of January 1 to December 31, 2022 as outlined in Attachment “1” to the memorandum titled Recreation & Parks Services Amendments to Fees & Charges Bylaw, dated November 4, 2021 respectfully submitted by the Manager, Customer Service – Recreation.

**CARRIED**

**LEGISLATIVE MATTERS**

Bylaws:

**FIRST, SECOND AND THIRD READINGS**

- 5845

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT Bylaw #5845 “**Sewer User Rates (Rates Increases) Amendment Bylaw Number 5845, 2021**”, a bylaw to increase residential, multi-family, commercial and public institution sewer user rates, be **read a first, second and third time**.

**CARRIED**

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

- 5875

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Bylaw #5875 “**Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw Number 5875, 2021**”, a bylaw to discharge “City of Vernon Land Use Contract Bylaw Number 2613, 1977”, be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5875 be scheduled for **Monday, December 13, 2021 at 5:30 pm** in the Council Chambers.

**CARRIED**

**COUNCIL INFORMATION UPDATES**

**Councillor Mund:**

- North Valley Gymnastics fire – supportamateursports.org, support is needed

**NOTICE OF MOTION – COUNCILLOR ANDERSON**

Councillor Anderson gave the following Notice of Motion, to be brought forward at the Regular Meeting of November 22, 2021:

THAT Council amend Zoning Bylaw #5000 to prohibit pointed fences on properties.

**Councillor Gares:**

- No report

**Councillor Fehr:**

Attended:

- GVAC meeting
- North Okanagan Fire Evacuation meeting
- Affordable Housing Advisory Committee

**Councillor Quiring**

Attended:

- Visited Caetani House
- Climate Action Advisory

**Mayor Victor Cumming:**

Attended:

- Radio meetings
- Advisory Planning Committee
- Vernon Business Walks
- ESS Volunteer Event
- GVAC
- Residents' meeting
- Task Group for Climate Action
- Okanagan Basin Water Board
- Osoyoos Science meetings next year
- Video intro for BC Winter Games

**INFORMATION ITEMS**

Council received the following information items:

- A. Letter dated October 21, 2021 from Mayor Christine Fraser, Township of Spallumcheen re: Letter of Appreciation
- B. Minutes from the following Council Committees:
  - i) Tourism Commission, August 18, 2021
  - ii) Tourism Commission, September 15, 2021
  - iii) Advisory Planning, September 28, 2021
  - iv) Advisory Planning, October 13, 2021

**CLOSE**

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 4:45 pm.

**CERTIFIED CORRECT:**

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Corporate Officer