

THE CORPORATION OF THE CITY OF VERNON
MINUTES OF THE REGULAR MEETING OF COUNCIL

January 10, 2022, 8:40 a.m.
CITY HALL COUNCIL CHAMBER

Mayor and Council
Members Present:

Mayor V. Cumming
K. Fehr
K. Gares
A. Mund
T. Durning

Mayor and Council
Members Absent:

S. Anderson
B. Quiring

Staff Present:

W. Pearce, Chief Administrative Officer
C. Poirier, Manager, Communication and Grants
K. Poole, Director, Community Safety, Lands and Administration
K. Flick, Director, Community Infrastructure and Development
D. Law, Director, Financial Services
J. Rice, Director, Operation Services
D. Ross, Director, Recreation Services
K. Austin, Corporate Officer, Mgr. Legislative Services
J. Nicol, Deputy Corporate Officer
I. Adkins, Manager, Roads, Drainage and Airport
C. Broderick, Manager, Current Planning
M. Austin, Current Planner
M. Faucher, Current Planner
J. Perrott, Manager, Economic Development and Tourism
L. Cordell, Manager, Long Range Planning and Sustainability
B. Everdene, Long Range Planner
B. De Dood, Assistant Manager, Protective Services

1. CALL REGULAR MEETING TO ORDER

Mayor Cumming called the Regular Open meeting to order at 8:40 am.

1.a 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.

1.b Move to Committee of the Whole

Moved by: Councillor Mund

Seconded by: Councillor Gares

THAT Council move to the Committee of the Whole meeting.

CARRIED

Mayor Cumming reconvened the Regular Open meeting at 8:32 am

2. RESOLUTION TO CLOSE MEETING

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 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;
- (1)(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;
- (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.

3. RECONVENE OPEN COUNCIL MEETING AT 1:30 PM

Mayor Cumming reconvened the Regular Open Meeting at 1:30 pm.

3.a 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.

3.b Agenda

Moved by: Councillor Fehr

Seconded by: Councillor Gares

THAT the agenda for the January 10, 2022 Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted. amended to include:

1. ADD ITEM – 12. A.(iv) NEW BUSINESS — Memo – “Snow Removal – Downtown Core” from the Director, Operation Services;
2. ADD ITEM - 12.A.(v) NEW BUSINESS - Memo - "Appointees to Committees, Commissions and Task Forces"

CARRIED

4. ADOPTION OF MINUTES AND RECEIPT OF COMMITTEE OF THE WHOLE

Moved by: Councillor Gares

Seconded by: Councillor Mund

THAT the minutes of the Regular Meeting of Council held December 13, 2021 be adopted;

AND FURTHER, that the minutes of the Special Meeting of Council held on December 14, 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held December 13, 2021 be received.

CARRIED

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

6.a Development Variance Permit Application #00537 - 9261 Eastside Road

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT Council approve Development Variance Permit #DVP00537 on Lot 1, Sec 10, TP 13, ODYD, Plan EPP42660 (9261 Eastside Road) by varying Zoning Bylaw #5000, Section 4.16.1 – Hillside Development Areas

regulations to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;

AND FURTHER that Council's approval of Development Variance Permit #DVP00537 is subject to the following:

- a) That the proposed development substantially complies with the site plan, by Hillside Design and Drafting Inc., dated December 19, 2021, to be attached to and form part of DVP00537;
- b) That the proposed development generally complies with the house elevations, by Hillside Design and Drafting Inc., dated December 19, 2021, to be attached to and form part of DVP00537;
- c) That the proposed development strictly complies with the Geotechnical Assessment, by Geopacific Consultants, dated December 9, 2021, to be attached to and form part of DVP00537; and,
- d) That the slope analysis, by McPherson Maddox, December 2, 2021, be attached to and form part of DVP00537, as outlined in the report titled "Development Variance Permit Application for 9261 Eastside Road" dated December 20, 2021 and respectfully submitted by the Current Planner.

6.a.1 Public Input - DVP #00537

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

Mayor Cumming called for a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit #00537.

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#00537.

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

6.a.2 Issuance of Permit - DVP #00537

Moved by: Councillor Gares

Seconded by: Councillor Mund

THAT the Corporate Officer be authorized to issue Development Variance Permit #DVP00537 on Lot 1, Sec 10, TP 13, ODYD, Plan EPP42660 (9261 Eastside Road) to varying Zoning Bylaw #5000, Section 4.16.1 – Hillside Development Areas regulations to allow construction of buildings, structures or swimming pools on a slope of 30% or greater), once all conditions of Council are satisfied.

CARRIED

7. COUNCIL INQUIRIES

Fruit Union Plaza – Proposed Drive-Thru

Council expressed concern regarding the proposed drive-thru at Fruit Union Plaza. This drive-thru will block traffic, A&W drive-thru regularly backs up the existing lane, sometimes around the corner. **A. Admin.** advised that a drive-thru is a permitted use, staff have shared concerns regarding congestion with the applicant's engineer and the City has hired a third party engineering firm to review. This review indicated that a drive-thru would work in this location. Some reconfiguration of the existing parking lot is proposed.

Record Building Permit Value in 2021

Council noted the significant number of building permits for 2021 resulting in the highest building permit value on record. Thank you to staff.

8. ADMINISTRATION UPDATES

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT Council receive the Administration Updated dated January 10, 2022, for information.

CARRIED

9. UNFINISHED BUSINESS

9.a Retail Cannabis Application & Annual Business Licence Fee Amendments (4330-01)

Moved by: Councillor Gares

Seconded by: Councillor Mund

THAT Council support the proposed amendment to Fees & Charges Bylaw #3909 to lower the cost of business application and annual licensing for a Retail Cannabis Store as show in Attachment 1 in the memorandum titled "Retail Cannabis Application & Annual Business Licence Fee Amendments" dated December 22, 2021 and respectfully submitted by the Current Planner.

CARRIED

10. MATTERS REFERRED:

10.a Declassified Motions from the In Camera meeting held December 13, 2021:

10.a.1 Purchase of Park Land and Grey Canal Trail - 3398 Davison Road (0910-20, OCP00084, ZON000350):

'THAT Council receive for information the memorandum titled, "Purchase of Park Land and Grey Canal Trail – 3398 Davison Road", dated December 3, 2021, respectfully submitted from the Real Estate Manager;

AND FURTHER, that Council direct the Manager, Communications and Grants to prepare a media release in coordination with the RDNO, publicly announcing the purchase of City park land and RDNO sub-regional trail land as a continuance the Grey Canal Trail;

AND FURTHER, that Council declassify and remove from In Camera the following resolution from the In Camera meeting of August 17, 2020 and remove it from In Camera after the distribution of the above mentioned media release:

'PURCHASE OF PARK LAND AND GREY CANAL TRAIL – 3398 DAVISON ROAD (0912 20, OCP00084, ZON00350)

THAT Council direct Administration to purchase for park, that approximately 2.2 acres of the 3.6 acres of proposed park land at the southwest corner of 3398 Davison Road PID:030 713 200 Legal: Lot 1

Plan EPP80986 Section 4 Township 8 ODYD, border by Tassie Creek, shown as Park on the drawing as attached to this report titled, "Purchase of Park Land and Grey Canal Trail – 3398 Davison Road" dated August 4, 2020, from the Real Estate Manager, for the purchase price of \$118,895 with the source of funds Capital – Park Acquisition, which is 99% Parks D.C.C.s held in trust by the Regional District of North Okanagan and 1% Casino Reserves;

AND FURTHER, that Council direct Administration to facilitate the purchase for sub regional trail, the approximately 3.6 acres lot at 3301 Davison Road PID: 013 761 501 Legal: Parcel 1 Plan A911 Section 4 Township 8 ODYD, on behalf of the Regional District of North Okanagan, from Westco Properties Inc., for the purchase price of \$44,534, to be funded by RDNO.

CARRIED'

10.a.2 Proposed Purchase of Park - 125 Kalamalka Lake Road (0910-20):

'THAT Council receive for information the memorandum titled, "Proposed Purchase for Park – 125 Kalamalka Lake Road" dated December 3, 2021, respectfully submitted from the Real Estate Manager;

AND FURTHER, that Council declassify and remove from In Camera the following resolution from the in camera meeting of November 8, 2021, after the transaction is registered at the Land Title and Survey Authority of British Columbia:

'PROPOSED PURCHASE FOR PARK – 125 KALAMALKA LAKE ROAD (0910 20)

THAT Council direct Administration to purchase the approximately two acre parcel of land at 125 Kalamalka Lake Road, Vernon, B.C., Legal: Lot A Section 27 Township 9 ODYD Plan KAP78223, for the purchase price of \$192,000, for the use of park, open space and trail, as per the Offer to Purchase & Purchase and Sale Agreement as attached to this report titled, "Proposed Purchase for Park – 125 Kalamalka Lake Road", dated October 28, 2021, submitted by the Real Estate Manager, funded by \$190,080 from City of Vernon Parks DCC's held by the Regional District of North Okanagan and \$1,920 from the Land Sale Reserve;

AND FURTHER, that Council authorize the Mayor and Corporate Officer to sign the Release and Settlement Agreement as attached to this report.

CARRIED'

10.a.3 Tourism Commission Membership (0540):

'THAT Council waives the Council Committee Structure Policy with regard to the appointment of the applicants who may not reside in the City of Vernon.'

'THAT Council appoint Bobby Bissessar, Chelsea Pihach, Clara Snedden and Claus Larsen to the Tourism Commission as Accommodation Provider representatives from January 2022 until January 2024.'

'THAT Council appoint Gayle Woodhouse and Dauna Kennedy to the Tourism Commission as Arts and Culture representatives from January 2022 until January 2024.'

'THAT Council appoint Janine Collard to the Tourism Commission as an Attractions representative from January 2022 until January 2024.'

'THAT Council appoint Brett Woods to the Tourism Commission as a Biking representative from January 2022 until January 2024.'

'THAT Council appoint Mike Van Horne to the Tourism Commission as a Golf representative from January 2022 until January 2024.'

'THAT Council appoint Clinton Bialas to the Tourism Commission as a Restaurant representative from January 2022 until January 2024.'

'THAT Council appoint Troy Hudson to the Tourism Commission as a Ski representative from January 2022 until January 2024.'

'THAT Council appoint Vicki Proulx to the Tourism Commission as a Sport and Events representative from January 2022 until January 2024.'

'THAT Council appoint Richard Rolke to the Tourism Commission as the representative for the Greater Vernon Chamber of Commerce from January 2022 until January 2024.'

'THAT Council appoint Ian Jenkins to the Tourism Commission as the non-voting representative for the SilverStar Mountain Resort from January 2022 until December 2023.'

11. NEW BUSINESS

11.a 2021 Vernon Business Walks Report (6750-20)

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT Council receive the memorandum titled “2021 Vernon Business Walks Report” dated December 1, 2021 and respectfully submitted by the Manager, Economic Development and Tourism, for information.

CARRIED

11.b. 2022 SILGA Annual General Meeting and Request for Resolutions (0360-20-25)

Moved by: Councillor Mund

Seconded by: Councillor Gares

THAT Council receive for information the memo entitled “2022 SILGA Annual General Meeting and Request for Resolutions”, dated December 23, 2021, respectfully submitted by the Senior Executive Assistant.

CARRIED

11.c. Timeline Extension Request for 3912, 3914 Alexis Park Drive and 3703 Turtle Mountain Boulevard Rezoning Amendment Bylaw #5839 (3360/ZON00353)

Moved by: Councillor Gares

Seconded by: Councillor Durning

THAT pursuant to the “Bylaws – Inactive Policy”, Council approves a one year extension to the processing period for “3912, 3914 Alexis Park Drive and 3703 Turtle Mountain Boulevard Rezoning Amendment Bylaw #5839, 2020” to January 12, 2023.

CARRIED

11.d. Snow Removal (5400-11)

Moved by: Councillor Mund

Seconded by: Councillor Gares

THAT Council receive for information the Internal Memorandum dated January 7, 2022, titled "Snow Removal" and respectfully submitted by the Chief Administrative Officer.

CARRIED

11.e. Appointees to Committees, Commissions and Task Forces (110-11, 115-01)

Moved by: Councillor Fehr

Seconded by: Councillor Durning

THAT Council authorize the Administration to write all Council appointees to Council Committees, Commissions and Task Forces, to advise the appointees of the requirement to follow the City of Vernon Proof of Vaccine Policy and that appointments would be withdrawn should the volunteer not be able to or unwilling to demonstrate proof of vaccination, or to have secured an appropriate accommodation from the City.

CARRIED

11.f Kin Race Track Concept Plans (6520-32)

Moved by: Councillor Mund

Seconded by: Councillor Gares

THAT Council defer discussion of the two concept plans for the proposed park at the Kin Race Track Lands as attached to the report titled "Kin Race Track Concept Plans" dated December 29, 2021 and respectfully submitted by the Manager of Long Range Planning and Sustainability and the Long Range Planner, until January 24, 2022, when all Council members are present.

CARRIED

12. LEGISLATIVE MATTERS

12.a Rescind Readings

12.a.1 Bylaw 5596

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT Council rescind First, Second and Third Readings for Bylaw #5596, "3903 – 30th Street Official Community Plan Amendment Bylaw Number 5596, 2018" a bylaw to redesignate the subject property from "Mixed Use – Medium Density Commercial and Residential" to "Residential – Medium Density".

CARRIED

12.a.2 Bylaw 5597

Moved by: Councillor Mund

Seconded by: Councillor Gares

THAT Council rescind First, Second and Third Readings for Bylaw 5597, "3903 – 30th Street Rezoning Amendment Bylaw Number 5597, 2018" – a bylaw to rezone the subject property from R2 – Large Lot Residential" to "RM1 – Row Housing Residential".

CARRIED

12.b. Adoption

12.b.1. Bylaw 5789

Moved by: Councillor Mund

Seconded by: Councillor Durning

THAT Bylaw #5789, "3202 16th Avenue and 1504 32nd Street Rezoning Amendment Bylaw Number 5789, 2019" a bylaw to rezone the subject properties from "R2 – Large Lot Residential" to "RM2: Multiple Housing Residential" be adopted.

CARRIED

12.b.2 Bylaw 5878

Moved by: Councillor Gares

Seconded by: Councillor Durning

THAT Bylaw #5878 "Traffic (RV Parking) Amendment Bylaw Number 5878, 2021", a bylaw to include changes related to Recreational Vehicles parking with jacks and slides deployed (or equivalent materials), be adopted.

CARRIED

12.b.3 Bylaw 5879

Moved by: Councillor Gares

Seconded by: Councillor Durning

THAT Bylaw #5879 "Municipal Ticket Information (Traffic Bylaw RV Parking) Amendment Bylaw Number 5879, 2021", a bylaw to include penalties that align with Recreational Vehicles parking amendments made to Traffic Bylaw #5600, be adopted.

CARRIED

12.b.4 Bylaw 5880

Moved by: Councillor Gares

Seconded by: Councillor Mund

THAT Bylaw #5880 "Bylaw Notice Enforcement (Traffic Bylaw RV Parking) Amendment Bylaw Number 5880, 2021", a bylaw to include penalties that align with Recreational Vehicles parking amendments made to Traffic Bylaw #5600, be adopted.

CARRIED

12.b.5 Bylaw 5881

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT Bylaw #5881 "City of Vernon 2022 Financial Plan Bylaw Number 5881, 2021", a financial plan for a five year period for the years 2022 to 2026, as per section 165 of the Community Charter, be adopted.

CARRIED
with Mayor Cumming opposed

12.b.6 Bylaw 5900

Moved by: Councillor Mund

Seconded by: Councillor Fehr

THAT "City of Vernon Building Bylaw No. 5900, 2021", a bylaw for administration of the Building Code Regulation of Construction, be adopted.

CARRIED

12.a.9 Bylaw 5882

Moved by: Councillor Fehr

Seconded by: Councillor Gares

THAT Bylaw #5882 "Fees and Charges (Building Bylaw Number 5900) Amendment Bylaw Number 5882, 2021", a bylaw to amend Fees and Charges Bylaw Number 3909, 1993 for fees associated with City of Vernon Building Bylaw Number 5900, 2021, be adopted.

CARRIED

12.c. First, Second and Third Reading

12.c.1. Bylaw 5873

Moved by: Councillor Fehr

Seconded by: Councillor Gares

THAT Bylaw #5873, Fees and Charges (Refuse Collection and Recycling) Amendment Bylaw Number 5873, 2022, a bylaw to

amend Fees and Charges Bylaw Number 3909, 1993 for fees for refuse collection and recycling, be read a first, second and third time

CARRIED

12.d. First & Second Reading and Public Hearing Date

12.d.1. Bylaw 5883

Moved by: Councillor Gares

Seconded by: Councillor Fehr

THAT Bylaw #5883 "4408 25th Street Rezoning Amendment Bylaw Number 5883, 2022", a bylaw to rezone land from "R5 – Fourplex Housing Residential" to "R4 – Small Lot Residential" in order to provide for a future single family bareland strata development, be read a first and second time;

AND FURTHER, that the Public Hearing for Bylaw #5883 be scheduled for Monday, February 14, 2022 at 5:30 pm in the Council Chambers.

CARRIED

13. COUNCIL INFORMATION UPDATES

Councillor Mund:

- no report

Councillor Gares:

- no report

Councillor Fehr attended:

- Greater Vernon Chamber of Commerce luncheon
- Truth & Reconciliation sessions
- Independent Living Annual General Meeting
- Greater Vernon Advisory Committee

Councillor Durning:

- no report

Mayor Cumming attended:

- Advisory Planning Committee
- Greater Vernon Chamber of Commerce luncheon
- Meeting with Ministers Rankin and Osborne
- Met with District of Coldstream

14. INFORMATION ITEMS

14.a Correspondence

- A. Letter dated December 12, 2021 from Alison Slater, General Manager, Southern Interior Local Government Association (SILGA) re: Call for Resolutions for 2022 Convention.
- B. Letter dated December 12, 2021 from Alison Slater, General Manager, SILGA re: Call for Nominations 2022
- C. Letter dated December 15, 2021 from Peter Busse, Mayor, District of Lillooet re: BC Wildfires Petition
- D. Letter dated December 15, 2021 from Rachel Dumas, Director of Corporate Services, District of North Saanich re: Elected Officials – Parental Leave
- E. Letter dated December 17, 2021 from Hon. Minister Sheila Malcolmson, Ministry of Mental Health and Addictions re: Proposed Decriminalization of Drugs
 - Letter dated November 16, 2021 from Mayor Cumming to Hon. Adrian Dix, Ministry of Health, Hon. Sheila Malcolmson, Ministry of Mental Health & Addictions and Premier John Horgan re: Proposed Decriminalization of Drugs
- F. Letter dated December 23, 2021 from Bob Fleming, Director, Electoral Area “B” and Amanda Shatzko, Director, Electoral Area “C”, Regional District North Okanagan re: Greater Vernon Parks: Sports Fields / Beaches Agreement

14.b Minutes from Council Committees

- Tourism Commission, November 17, 2021
- Advisory Planning, November 23, 2021

15. RECESS MEETING

Mayor Cumming recessed the Regular Open Meeting at 2:30 pm.

16. RECONVENE MEETING

Mayor Cumming reconvened the Regular Meeting at 6:49 pm.

16.a Third Reading - Bylaw 5875

Moved by: Councillor Gares

Seconded by: Councillor Durning

THAT Council not approve Development Variance Permit #DVP00532 on Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt. Fosthall Drive) to vary the Zoning Bylaw #5000, Section 4.16 - Hillside Development Areas regulations for Proposed Strata Lot 1;

AND FURTHER, 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 third time.

CARRIED

17. CLOSE OF MEETING

Meeting was closed at 6:57 pm



Mayor



Corporate Officer