



THE CORPORATION OF THE CITY OF VERNON

MATTERS REFERRED

April 26, 2021

A. AGENDA CHANGES:

1. **SEE ITEM – 11. B. (iii) NEW BUSINESS – Report – 30th Avenue Street Closure: Requirements for Participating Businesses** (previously circulated to Council).

B. COMMITTEE OF THE WHOLE – APRIL 26, 2021 (RATIFIED IN OPEN MEETING):

**FORTIS BC
LEGACY
RESERVE:
POTENTIAL
PROJECTS
(1700-02)**

‘THAT Council concentrate on the following projects which have received two or more votes and reject the items with single votes as follows:

1. *Kin Race Track Park (sports fields, trails, outdoor ice rink, dog park and set aside lands for affordable housing and the Active Living Centre) (5 votes)*
2. *Polson Park Revitalization (2 votes)*
3. *30th Avenue ‘flex-street’ (3 votes)*
4. *\$1.17M for Fire Services Strategic Plan (land) (2 votes)*
5. *RCMP Building Renovation (3 votes);*

Single vote items:

- *Land Purchase to support affordable housing*
- *Inner Core trails, sidewalks (Kin Race Tracks & Polson Park)*
- *Boat Launch Revitalization (8835 Okanagan Landing Road)*
- *Fire Services Boat*
- *Lakeview Pool (if grant is unsuccessful)*
- *Civic Block Improvements (Museum, 32nd Street frontage area upgrades, etc IF Cultural Centre moves ahead).’*

‘THAT Council direct Administration to defer the FortisBC Legacy Reserve project selection session to the May 10, 2021 Committee of the Whole Meeting.’

C. DECLASSIFIED MOTIONS FROM THE IN-CAMERA MEETING HELD APRIL 26, 2021:

**LEASE
RENEWAL –
VERNON T-
HANGARS INC.
(8400-02-10)**

'THAT Council direct Administration to renew the land lease with Vernon T-Hangars Inc., for the approximately 3,903 square meter area as shown on Plan KAP77306 located at the Vernon Regional Airport, for a term of five years commencing on January 1, 2021, with rent in year one of the renewal lease at \$14,187.59 plus GST and rent for years two through five increased annually by prior year Consumer Price Index All Items B.C.'



THE CORPORATION OF

INTERNAL MEMORANDUM

TO: Will Pearce, CAO

FILE: ~~5410-40~~ 8300-07

PC: Keri-Ann Austin

DATE: April 22, 2021

FROM: Kim Flick, Director, Community Infrastructure and Development

SUBJECT: 30TH AVENUE STREET CLOSURE: REQUIREMENTS FOR PARTICIPATING BUSINESSES

At its Special Regular Meeting of April 20, 2021, Council passed a resolution to close 30th Avenue between 29th and 31st Streets from 9:00 a.m. Thursday morning until 9:00 a.m. Monday morning, and provide tables and chairs to businesses that required them. Council directed Administration to report back at its Regular Meeting of May 10, 2021 with costs. Council indicated that it wanted the closure to begin May 13, 2021 and continue to September 6, 2021.

In advance of that report, Administration wanted to bring forward key considerations for businesses that would be participating in the program to provide more lead time for them to prepare. There are three key considerations that participating businesses need to be aware of:

1. **Liquor Service** – If the business wants to serve liquor in the space, approval is required from the Liquor and Cannabis Regulation Branch (LCRB) if the business hasn't already secured a Temporary Expanded Service Area Authorization. At its Regular Meeting of October 26, 2020, Council passed a resolution extending its blanket pre-approval to establishments who apply for expanded service areas under LCRB Policy Directive No.20-13 (which allows restaurants to make a simplified application to expand their liquor service areas) until October 31, 2021 (Attachment 1).
2. **Complete the Temporary Outdoor Commercial Use Agreement** – There is no application and no fee for this. Its purpose is twofold:
 - a. The business needs to provide proof of insurance naming the City as an additional insured.
 - b. The tables and chairs must be set up to ensure corridors are free for pedestrians, cyclists and emergency vehicles. The rules regarding set up are supplied to the business through this process.Businesses can email buildingcounter@vernon.ca to get information and complete the process.
3. **Prevailing Public Health Officer Orders must be adhered to** – Use of the space must always be in compliance with any prevailing orders from the Public Health Officer or other provincial government requirement related to the pandemic response.

RECOMMENDATION:

THAT Council receive for information the memorandum titled "30th Avenue Street Closure: Requirements for Participating Businesses" dated April 22, 2021 and respectfully submitted by the Director of Community Infrastructure and Development.

Respectfully submitted:

X 

Signer 1

Kim Flick, Director
Community Infrastructure and Development

Attachment 1: Temporary Expansion of Liquor Service Areas Memo

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THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 8300-07

PC: Kim Flick, Director Community Infrastructure and Development **DATE:** October 5, 2020

FROM: Laurie Cordell, Manager, Long Range Planning and Sustainability

SUBJECT: TEMPORARY EXPANSION OF LIQUOR SERVICE AREAS

At its Regular Meeting of May 25, 2020 Council passed the following resolution:

“THAT Council provide pre-approval to all liquor primary and manufacturer establishments within Vernon who may apply for an expanded service area food primary, liquor primary and manufacturer licensees (i.e. wineries, breweries, distilleries) to temporarily expand their service areas until October 31, 2020 in alignment with the Liquor Control and Cannabis Regulation Branch Policy Directive No. 20-13 and City requirements.”

This was in response to the provincial Liquor and Cannabis Regulation Branch Policy Directive No. 20-13 (the Directive) to allow restaurants to make a simplified application to temporarily expand their service areas until October 31, 2020 to enable physical distancing. As a part of the Directive, local governments have the option of providing a blanket approval for the temporary expansions throughout the City or reviewing each individual application as they are made.

The Liquor and Cannabis regulation Branch has now issued Policy Directive 20-26, Temporary Expanded Service Area, extension (Attachment 1) that will extend these approvals to October 31, 2021.


This directive requires a response by October 16, 2020, in advance of Council consideration of longer term extension of patio approvals. However, as the resolution includes the need to meet any City requirements, the risk with supporting this is directive is minimal.

RECOMMENDATION:

THAT Council provide pre-approval to all liquor primary and manufacturer establishments within Vernon who may apply for an expanded service area food primary, liquor primary and manufacturer licensees (i.e. wineries, breweries, distilleries) to temporarily expand their service areas until October 31, 2021 in alignment with the Liquor Control and Cannabis Regulation Branch Policy Directive No. 20-26 and City requirements.

Respectfully submitted:

Oct 5 2020 11:28 AM

X Laurie Cordell 
Laurie Cordell DocuSign

Laurie Cordell
 Manager, Long Range Planning and Sustainability

Attachment 1: Liquor and Cannabis Regulation Branch Policy Directive No. 20-26

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Date: September 18, 2020

To: All Licensees
All LCRB Staff
All Industry Associations
All local government, First Nations and police agencies

Re: **Temporary Expanded Service Area, extension**

Current Policy

Under the Liquor Control and Licensing Regulation (LCLR), s.109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area (TESA) authorization to Food Primary, Liquor Primary, and Manufacturer licensees.

Under LCLR, s. 109.4 all TESA authorizations expire at the end of the day on October 31, 2020. Further, under LCLR s. 109.5, the TESA provisions in the LCLR will be repealed on October 31, 2020.

See Policy Directive 20-13 for further information.

New Policy

In light of the ongoing COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's (PHO) March 2020 declaration of a public health emergency, this time-limited measure is being amended to support the PHO's direction and recommendations.

The TESA provisions in the LCLR will now expire on **October 31, 2021**. Licensees may apply for new TESA authorizations up to this date.

The GM's authority to extend existing approved TESA authorizations up to this date, without first requiring the licensee to make an application, has also been made explicit.

The LCRB is reaching out to local authorities with approved TESAs in their jurisdiction to confirm their support for extending the TESAs to October 31, 2021. To limit the risk of disruptions in service, local authorities must confirm their position with the LCRB by October 16, 2020.

If concerns related to public safety and public interest are raised regarding the TESA authorizations or the operation of particular TESAs, the LCRB will work with licensees and local authorities to ensure TESAs operate in a manner that balances the interests of licensees, municipalities and the general public.

If the local authority is supportive, the LCRB will reissue authorization letters to licensees with existing TESAs in that jurisdiction prior to October 31, 2020. The new authorization letter will provide an extended expiry date of the TESA. Unless a new authorization letter has been issued, the existing TESA will expire on October 31, 2020.

Licensees will not need to apply to the LCRB for an extension, and there will be no fee charged.

All other requirements relating to TESA authorizations remain the same. To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

Approved TESAs must be in compliance with local bylaws and requirements. If the local authority bylaws or requirements change and prevent the operation of TESAs in that jurisdiction, the local authority should advise the LCRB.

For licensees who are applying for new TESA authorizations, an expedited online application is available at no charge. Please check our website for a link to the application.

Explanation

The new policy is provided in the context of the provincial state of emergency and public health emergency related to the COVID-19 pandemic. Extending TESA authorizations, which increase the size of existing service areas, is expected to support licensees in complying with requirements under the PHO and recommendations, in particular with respect to social/physical distancing.

Further Information

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <http://www.gov.bc.ca/liquorregulationandlicensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Disclaimer

This communication is intended to be used only for general informational purposes and may not apply to all situations. This communication does not constitute legal advice nor is it a comprehensive statement of the legal obligations that arise under the Liquor Control and Licensing Act, regulations, or any other applicable laws. When interpreting and applying the information contained in this communication, you are encouraged to seek specific advice from your professional advisors as appropriate in the circumstances.

Original signed by
Mary Sue Maloughney,
Assistant Deputy Minister and General Manager