

## **THE CORPORATION OF THE CITY OF ENDERBY**

Minutes of a **Regular Meeting** of Council held on Monday, May 5, 2014 at 4:30 p.m. in the Council Chambers of City Hall

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Present: Mayor Howie Cyr  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Raquel Knust  
Councillor Beryl Ludwig  
Councillor Greg McCune

Chief Administrative Officer – Tate Bengtson  
Deputy Administrative Officer – Barry Gagnon  
Chief Financial Officer – Jennifer Bellamy  
Assistant Corporate Officer and Planning Assistant – Kurt Inglis  
Recording Secretary – Bettyann Kennedy  
The Press and Public

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### **APPROVAL OF AGENDA**

The following item was added to the agenda under Petitions and Delegations:

- Ron Surry, President – Royal Canadian Legion

The following item was added to the agenda under Business Arising from the Minutes and/or Unfinished Business:

- Little City Fashions - Remediation

Moved by Councillor Ludwig, seconded by Councillor Baird that the agenda be approved as amended.

Carried Unanimously

### **ADOPTION OF MINUTES**

Regular Meeting Minutes of April 22, 2014

Moved by Councillor Baird, seconded by Councillor Case that the minutes of the regular meeting of April 22, 2014 be adopted as circulated.

Carried Unanimously

### **PUBLIC AND STATUTORY HEARINGS**

The regular meeting gave way to the Public Hearing.

The regular meeting re-convened at 4:38 p.m.

### **PETITIONS AND DELEGATIONS**

Paul Demenuk and Mike Simpson – Shuswap Watershed Council

Re: Proposed Program Objectives and Activities Underway in 2014

Mr. Demenuk produced a powerpoint presentation that covered the following information about the program:

- The Shuswap Watershed Water Quality Program (SWWQP) is proposed to be a collaborative program. Their focus is on water quality and the causes and effects that certain activities have on the quality of our rivers and lakes.
- Vision - to enhance water quality and safe recreation use in the Shuswap watershed.
- Water quality monitoring is ongoing. Although the testing shows the water to be generally “good”, there are some hot spots in the lakes. Salmon carcasses and human activities (land used for agriculture) affect the phosphorous levels from Salmon and Shuswap Rivers.
- The program is needed because other level of governments are not doing enough. There has been a lack of planning, sharing of information, and public participation. The Water Sustainability Act focuses on use, not quality.
- 4 objectives:
  - Collaborate to ensure safe drinking water, support tourism through fishing, boating and swimming, and save time and money by working with partners.
  - Coordinate the data collected and use science to support decision making.

- Communicate by engaging residents and visitors about water quality and the activities of the program and sharing the information through various means.
- Educate recreational users about safety on the water.
- The program covers the entire Shuswap watershed.

Mr Simpson explained what is being done and the monies are being spent. The 2014 budget is a total of \$266,000. Open houses are planned in this area and they are seeking Council's participation in these events. He also explained how this program differs from the concluded SLIPP program. SLIPP was strategic, and SWWQP's focus in on water quality.

In response to questions:

- Open houses are being planned for July and August so as to include seasonal residents.
- Grants are funded from gas tax, CSRD taxes, and municipal government contributions.
- Issue of invasive mussels needs to be addressed at the provincial level, because once they are here, it is too late. Public education on this issue will help though.
- Recreation Safety Model will focus on recreational safety on the water. The River Ambassador program offers an excellent opportunity to share information.

Bob Cowan – Enderby Drill Hall Committee

Re: 100<sup>th</sup> Anniversary of Drill Hall

This year marks the 100<sup>th</sup> anniversary of the Drill Hall. A history of the Drill Hall was circulated. An invitation was extended to the Mayor and Councillors to cut the cake at the centennial celebrations taking place at noon on June 7<sup>th</sup> at the hall. Various user groups will be providing displays, demonstrations, and other activities.

Kara Wilhelms – Enderby and District Resource Centre

Re: Grant Update – Community Action Initiative

Ms. Wilhelms was hired to secure grants for the Centre. They are currently working on a “connectedness” grant to help individuals and families affected by mental health issues, substance abuse, and unhealed trauma.

The goal of the interagency committee (primary and secondary partners) is to work with community members to find out what they need.

They hope to be successful in securing grand funding. Success if the program will impact employment, counselling, community image, increase support, and help attract young families.

*Late Item:* Ron Surry, President – Royal Canadian Legion

- Mr. Surry expressed thanks for the property tax exemption they receive.
- They are second behind only the Lions Club in donations to the community.
- They support various veteran services and also honour first responders.
- Expressed appreciation for help with Cenotaph park upgrades.
- The entertainment events at the Legion results in attracting people from outside the area into town. Their “Jammers” sessions are particularly successful.
- Personal support from Mayor and Council who attend various functions is appreciated.
- Hall upgrades are being planned.
- Overall, the Enderby Legion is very successful and financially sound.

## **BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS**

*Late Item:* Little City Fashions – Remediation

Moved by Councillor McCune, seconded by Councillor Baird that:

WHEREAS on May 6, 2013 Council resolved (the “May 2013 Resolution”) to impose remedial action requirements upon the registered owners (the “Owners”) of the property located at 607 Cliff Avenue, Enderby, B. C., and more particularly known and described as:

PID: 012-977-535  
 Parcel A (DD KC7720 and Plan B1133)  
 District Lot 150  
 Kamloops (formerly Osoyoos) Division Yale District  
 Plan 211A

AND WHEREAS pursuant to section 76(3) of the *Community Charter*, SBC 20013, c 26 (“Community Charter”) Council may extend the time limit for completing the remedial action requirements described in the May 2013 Resolution.

NOW THEREFORE, the Mayor and Council of the City of Enderby, in open meeting assembled, resolve as follows:

1. Pursuant to section 76(3) of the *Community Charter*, Council extends the time limit for completing the remedial action requirements described in the May 2013 Resolution to thirty (30) days from the date notice of this Resolution is sent to the Owners;
2. If the Owners have not completed such remedial action requirements within thirty (30) days from the date notice of this Resolution is sent to the Owners, then the City may take action as more particularly described and authorized by Council in the May 2013 Resolution (a copy of the May 2013 Resolution is attached as Appendix “A” to this Resolution); and
3. The City is to provide notice of this Resolution to the Owners in accordance with section 77 of the *Community Charter*.

#### APPENDIX “A” of May 5, 2014 Resolution

Excerpt from the Regular Council meeting of May 6, 2013:

*“THAT Council considers the background report from the Deputy Chief Administrative Officer dated April 30, 2013 regarding the structure located at 607 Cliff Avenue within the City of Enderby (the “Property”), formerly containing the business operated as “Little City Fashions”; and*

*THAT Council resolves to impose remedial action requirements in respect of the structure located upon the Property on the following terms:*

1. *Pursuant to Section 73 of the Community Charter. Council declares that the structure located upon the Property is in or creates an unsafe condition and that, pursuant to Section 74 of the Community Charter, Council further declares that the condition of the structure constitutes a nuisance as being so dilapidated or unclean as to be offensive to the community;*
2. *A remedial action requirement is imposed upon Paul van Dokkumburg, Joan van Dokkumburg, Mark Noakes, and Shannon Noakes (the “Owners”) whereby that within thirty (30) days from the time that Notice of this Resolution is served upon the Owners:*
  - a. *The structure must be removed from the Property;*
  - b. *All items of rubbish and debris must be removed from the Property; and*
  - c. *Any natural or artificial openings in the ground upon the Property must be filled and the Property left in a reasonably level condition;*
3. *Upon expiration of the thirty (30) day notice period, if the Owners have neglected, refused or otherwise failed to satisfactorily carry out the remedial action requirements, the City hereby authorizes its agents, contractors, and/or staff of the City to enter upon the Property and carry out the remedial action requirements at a time and in a manner convenient to the City; and*
4. *In the event that, as a result of the neglect, refusal or failure of the Owners to satisfactorily carry out remedial action requirements and the City (its agents, contractors, or employees) enters upon the Property and carries out remedial action requirements, then such charges, fees and costs incurred by the City in doing so shall be payable forthwith by the Owners to the City and any such amount which remains unpaid by December 31<sup>st</sup> in the year that such charges, fees and costs were incurred by the City shall be a charge or lien on the Property and deemed to be taxes in arrears and shall be collected in the same manner and with the same like remedies as ordinary taxes on land and improvements under the Community Charter.”*

Carried Unanimously

**BYLAWS – 3<sup>rd</sup> Reading and Adoption****Zoning Bylaw Text Amendment Bylaw No. 1536, 2014**

A bylaw to amend the City of Enderby Zoning Bylaw No. 966, 1987 in order to prohibit Medical Marihuana Production Facilities in all zones throughout the City of Enderby and to regulate Medical Marihuana Production Facilities when located within the Agricultural Land Reserve

Moved by Councillor Case, seconded by Councillor Knust that Zoning Bylaw Text Amendment Bylaw No. 1536, 2014 be given third reading and adoption.

Carried Unanimously

**Zoning Bylaw Text Amendment Bylaw No. 1538, 2014**

A bylaw to amend the City of Enderby Zoning Bylaw No. 966, 1987 in order to broaden residential uses within the General Commercial (C.1) and Highway and Tourist Commercial (C.2) zones

Moved by Councillor Baird, seconded by Councillor McCune that Zoning Bylaw Text Amendment Bylaw No. 1538, 2014 be given third reading and adoption.

Carried Unanimously

**BYLAWS – Adoption****2014 – 2018 Financial Plan Bylaw No. 1539, 2014**

A bylaw respecting the 2014 – 2018 Financial Plan

Moved by Councillor Ludwig, seconded by Councillor Case that 2014 – 2018 Financial Plan Bylaw No. 1539, 2014 be reconsidered and adopted.

Carried Unanimously

**Sewer Frontage Tax Bylaw No. 1540, 2014**

A bylaw to impose a sewer frontage tax on owners of land pursuant to the provisions of the Community Charter

Moved by Councillor McCune, seconded by Councillor Case that Sewer Frontage Bylaw No. 1540, 2014 be reconsidered and adopted.

Carried Unanimously

**Water Frontage Tax Bylaw No. 1541, 2014**

A bylaw to impose a water frontage tax on owners of land pursuant to the provisions of the Community Charter

Moved by Councillor Ludwig, seconded by Councillor Baird that Water Frontage Tax Bylaw No. 1541, 2014 be reconsidered and adopted.

Carried Unanimously

**Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1542, 2014**

Schedules 3, 4, and 9 substituted

Moved by Councillor Knust, seconded by Councillor Case that Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1542, 2014 be reconsidered and adopted.

Carried Unanimously

**Annual Tax Rate Bylaw No. 1543, 2014**

A bylaw for the levying of rates for Municipal, Regional Hospital District, Regional Library, and Regional District Purposes

Moved by Councillor Ludwig, seconded by Councillor Baird that Annual Tax Rate Bylaw No. 1543, 2014 be reconsidered and adopted.

Carried Unanimously

**REPORTS****Councillor Case**

- Attended the annual Our Enderby Clean-up.
- Participated in the Hike for Hospice by hiking the Cliffs.
- SILGA
  - No surprise that Southern BC growth rate is small and the population is elderly.

- Election Reform – although this will mostly impact larger communities, Councillor Case encouraged everyone to check out the website.
- Did plenty of walking around Penticton and engaged with residents and merchants. When retailers were about their market, the comment was that although good from a social aspect, not good for existing businesses. This mirrors our merchant comments.
- Resolutions: MMBC – government encouraged to get them to better organize the program; Emergency Services – ICBC needs to compensate smaller communities.

#### Councillor McCune

- Thanks to everyone for participating in the Art Gallery auction.
- Would like to see pressure put on the Ministry of Transportation to have new signage at the south end of town by the long weekend. The Chief Administrative Officer reported that the sign is in production and he will contact them about expediting installation.

#### Councillor Baird

- The Zumbathon raised about \$300 for the Spray Park project. This amount will be generously matched by Alyson Witts.
- SILGA
  - Enjoyed the SILGA presentation about team-building by Westjet VP.
  - Penticton's revitalization efforts are amazing. The trails appear to be very well used.
  - Fink Machine was at the trade show. Golden has shown an interest in pursuing bio energy.

#### Councillor Ludwig

- Attended Art Gallery auction.
- Participated in Our Enderby clean up.
- SILGA
  - Downtown revite session – main message was to keep focus on the big picture.
  - Mayor of Calgary was an excellent speaker.
  - Rossland not pleased with the government auditor's "help" (lack of).

#### Mayor Cyr

- CAO Recruitment meeting at RDNO.
- Courtyard Gallery 1<sup>st</sup> anniversary celebrations.
- Senior Centre volunteer luncheon.
- Art Auction at the Legion.
- Kudos to Assistant Corporate Officer and Planning Assistant for organizing another successful clean up.
- SILGA:
  - Resolution to get representation on IHA Board was successful and will be forwarded to UBCM.
  - Physician recruitment – was able to network with other communities and share information
  - MIA presentation was interesting.
  - Presentation on downtown revitalization confirms that we are on the right track.
  - Lots of networking and sharing common concerns, particularly physician shortage.
- Met with MLA Kylo for over an hour discussing the issue of physician retention challenges.
- Upcoming meetings include Health Board, Regional District Board, and physician recruitment meeting in Kamloops.

#### RCMP Policing Report – Q1

Moved by Councillor Baird, seconded by Councillor Case that the report be received and filed.  
Carried Unanimously

Victims Assistance Activity Report – Q1

Moved by Councillor Case, seconded by Councillor Baird that the report be received and filed.  
Carried Unanimously

At the request of Council, staff will ask Victims Assistance if it would be possible to break down their statistics to be Enderby-specific.

Fire Department Report – Memo from Chief Alstad dated April 28, 2014

In addition to the written report, Chief Alstad reported that Enderby's first fire engine is being restored and will be ready for the 2015 Canada Day Parade. Fundraising was done to finance the project. The works are being done in stages by the AL Fortune auto body school.

The Fire Department meets at the Fire Hall every Tuesday at 7:00 pm and the meetings are open to anyone wishing to attend.

**NEW BUSINESS**Public Information Meeting – Amending Land Use Designation and Zoning at 6314 Hwy 97A and 91 Crandlemire Rd

Moved by Councillor Case, seconded by Councillor Baird that the correspondence be received and filed.

Carried Unanimously

Clayton Castle – Wastewater Collection System Operator Level 1 Certification

Moved by Councillor Baird, seconded by Councillor Ludwig that the memorandum be received and filed.

Carried Unanimously

Enderby Lions Club – Correspondence dated April 30, 2014

Re: Request to hold Beer Garden at Gazebo June 27 – June 30

Moved by Councillor Case, seconded by Councillor Ludwig that permission be granted to the Enderby and District Lions Club to hold a beer garden at Riverside Park at the following dates and times:

June 27	5:00 pm – 1:00 am
June 28	11:00 am – 1:00 am
June 29	11:00 am – 1:00 am
June 30	11:00 am – 7:00 pm

Carried Unanimously

Response to Chamber of Commerce letter dated April 2, 2014 – Memo from Assistant Corporate Officer and Planning Assistant

Re: Bed and Breakfasts within Additional Residential Zones

Moved by Councillor McCune, seconded by Councillor Case that Staff be directed to send a letter to the Chamber of Commerce advising that the City will consider the use of Bed and Breakfasts within additional residential zones as part of its forthcoming Zoning Bylaw review; and

THAT Council direct Staff to advise the Chamber of Commerce that in advance of the planned review its member may apply for a Rezoning or Zoning Bylaw Text Amendment, and that the Chamber may wish to champion this matter by making an application for a Zoning Bylaw Text Amendment on its own initiative.

Carried Unanimously

Upgrades to Mill Avenue Borrowing – AAP Process – Memo from Chief Financial Officer dated May 1, 2014

Moved by Councillor Ludwig, seconded by Councillor Baird that Council initiate the Alternate Approval Process; and

THAT Council determines the total number of electors to which the approval process applies to be 239; and

THAT the report respecting the basis on which the total number of electors has been determined be made available to the public; and

THAT Council approves the elector response form attached to the memorandum from the Chief Financial Officer dated May 1, 2014; and

THAT notice of the alternate approval process be published in the May 14<sup>th</sup> and May 21<sup>st</sup>, 2014 editions of the Okanagan Advertiser newspaper; and

THAT Council establishes the deadline for elector responses in relation to the approval process as 4:30 p.m. on Monday, June 23, 2014.

Carried Unanimously

Shuswap River Watershed Sustainability Plan – Memo from Chief Administrative Officer dated May 1, 2014

Moved by Councillor Bard, seconded by Councillor Ludwig that is supportive of the Shuswap River Watershed Sustainability Plan and is interested in exploring partnership opportunities.

Carried Unanimously

Metered Water Rates – 2014 Update – Memo from Chief Financial Officer dated May 1, 2014

Moved by Councillor McCune, seconded by Councillor Baird that Council approve the mock water meter rated as presented on Schedule “A” of the memorandum from the Chief Financial Officer dated May 1, 2014.

Carried Unanimously

### **PUBLIC QUESTION PERIOD**

*Gerry Marshall* asked Mayor Cyr to expand on his meeting with MLA Kylo regarding physicians. Mayor Cyr explained that government policies are hindering retention of doctors. The MLA will pursue our concerns with the Ministry.

*Sherry Vetter* asked what “dis-incentives” Mayor Cyr referred to. Mayor Cyr briefly explained that the policy of having to live in the community means not being able to take advantage of the locum program and having no financial assistance with additional education programs.

*Stacy Pavlov of the Advertiser* queried whether the remediation of Little City Fashions would be impacted by the June court date. The Chief Administrative Officer stated that action will go forward regardless of the trial date.

### **CLOSED MEETING RESOLUTION**

Moved by Councillor Baird, seconded by Councillor Knust that, pursuant to Section 92 of the *Community Charter*, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (d) of the *Community Charter*.

Carried Unanimously

### **ADJOURNMENT**

The Regular Meeting reconvened at 6:15 p.m.

Moved by Councillor McCune, seconded by Councillor Knust that the Regular Meeting adjourn at 6:15 pm.

Carried Unanimously

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**MAYOR**

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**CHIEF ADMINISTRATIVE OFFICER**