



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Tuesday, April 6, 2021 at 4:30 p.m. in Council Chambers.

Present: Mayor Greg McCune
Councillor Tundra Baird
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Shawn Shishido
Councillor Brian Schreiner

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Clerk Secretary – Laurel Grimm

Other: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the April 6, 2021 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Council Meeting Minutes of March 15, 2021

Moved by Councillor Shishido, seconded by Councillor Case

“THAT adoption of the March 15, 2021 Council Meeting minutes be adopted as circulated.”

CARRIED

PETITIONS AND DELEGATIONS

None

PUBLIC HEARINGS

0032-21-DVP-END (Tiefenbach)

The Planner and Deputy Corporate Officer spoke to the report.

WRITTEN SUBMISSIONS:

Ryan Nitchie, Columbia Shuswap Regional District

- Co-owner of Rail Trail Corridor.
- Proposal must provide for adequate on-site parking to facilitate proposed use.

- Under no circumstances will the owners of the Rail Trail Corridor permit parking for the proposed development on the jointly owned rail trail corridor lands.

Councillor Shishido asked whether this process would be triggered again if the property were to change ownership. The Planner and Deputy Corporate Officer stated that this variance is attached to the property and not to the owner and that any future changes would have to comply with City bylaws. The owners have acknowledged that they must maintain the loading area to the south to an adequate service standard.

0010-20-OR-END (Shipmaker)

Councillor Case and Councillor Baird declared a conflict of interest and left the meeting (4:35 p.m.)

The regular meeting gave way to the public hearing at 4:35 p.m.

The regular meeting re-convened at 5:44 p.m.

Councillor Case and Councillor Baird entered the meeting (5:45 p.m.)

DEVELOPMENT MATTERS

0032-21-DVP-END (Tiefenbach)

Legal: LOT 6 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE

LOT 7 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE

Address: 600 Railway Street, Enderby BC

Applicant: Zev Tiefenbach

Owner(s): Cardiff Miller Art Inc.

Moved by Councillor Case, seconded by Councillor Baird

“THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 6 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE and ii) LOT 7 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE, and located at 600 Railway Street, Enderby B.C. to permit variances to the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- *Section 901.2.a by increasing the maximum percentage of off-street parking spaces that may be made up of small-car parking spaces from 40% to 41.6%, as shown on the attached Schedule ‘A’;*

- *Section 901.2.e.iii by waiving the requirement for an off-street parking area and maneuvering aisle to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';*
- *Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A'; and*
- *Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and*
- *Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A',*

subject to the following conditions:

1. *The property owner providing a grading plan to manage run-off for the proposed parking and loading areas in a reasonable manner, to the satisfaction of the City;*
2. *The property owner providing a sworn affirmation confirming that they acknowledge that:*
 - i. *The property owner is responsible for implementing dust control measures and maintaining the parking and loading areas to a reasonable standard which is free of weeds, and that failure to do so could result in the City pursuing enforcement action if there are demonstrated nuisances;*
 - ii. *The property owner is responsible for maintaining the paved portion of the lot to ensure that dirt and debris from the unpaved parking and loading areas are not tracked on to the adjacent road network, and that failure to do so could result in the City pursuing enforcement action or performing the works on the property owner's behalf as a service to property, with the associated costs (including an administration fee) being borne by the property owner;*
 - iii. *Any future access to the property off Railway Street would require an access permit, which would not be issued for a commercial property without the access being constructed to the standards of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time; and*
 - iv. *The property owner is responsible for ensuring that emergency responder access is kept clear and that there are no conflicts with the adjacent Riverwalk.*

AND THAT Council grants an exemption to Section 1401.3.b of the City of Enderby Zoning Bylaw No. 1550, 2014 for the properties legally described as i) LOT 6 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE and ii) LOT 7 DISTRICT LOT 149 OSOYOOS DIVISION YALE DISTRICT TOWNSITE OF BELVIDERE EXCEPT THE RIGHT OF WAY OF THE SHUSWAP AND OKANAGAN RAILWAY AS SHOWN ON THE PLAN OF SAID TOWNSITE OF BELVIDERE, and located at 600 Railway Street, Enderby B.C. to permit a building within 30 m (98.42 feet) from the Natural Boundary of the Shuswap River, subject to the property owner registering a covenant on the title of the properties, which shall be registered with priority over any financial charges, in order to:

- i. *Require the Covenantor to acknowledge and agree that the City of Enderby, Government of British Columbia, and Regional District of North Okanagan does not*

represent that any building or structure constructed in compliance with the covenant terms will not be damaged by flooding or erosion, and the Covenantor agrees not to claim damages or to hold the City of Enderby, Government of British Columbia, or Regional District of North Okanagan responsible for damages caused by flooding or erosion; and

- ii. Require the Covenantor to indemnify and save harmless the City of Enderby, Government of British Columbia, and Regional District of North Okanagan from any claims, demands, actions, and costs associated with losses or damages occurring as a result of the breach of any provisions of the Covenant by the Covenantor.”*

CARRIED

Councillor Case and Councillor Baird declared a conflict of interest and left the meeting (5:47 p.m.)

0010-20-OR-END (Shipmaker)

Legal: LOT 2 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN KAP46537 EXCEPT PLAN
KAP92074

Address: 222 Salmon Arm Drive, Enderby BC

Applicant: Earl Shipmaker

Owner(s): Jim’s Finishing Ltd., 633176 Alberta Ltd., Case Holdings Ltd.

*Moved by Councillor Schreiner, seconded by Councillor Davyduke
“THAT Council receives and files the attached Staff Reports dated January 6, 2021 and March 11, 2021;*

AND THAT upon consideration of input at the Public Hearing, Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1716, 2021 which proposes to change the future land use designation of the property legally described as LOT 2 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP46537 EXCEPT PLAN KAP92074, and located at 222 Salmon Arm Drive, Enderby BC, from Residential Low Density to Residential Medium Density be given Third Reading and Adoption;

AND THAT upon consideration of input at the Public Hearing, Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1717, 2021 which proposes to rezone the property legally described as LOT 2 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP46537 EXCEPT PLAN KAP92074, and located at 222 Salmon Arm Drive, Enderby BC, from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Low Intensity (R.3-A) zone be given Third Reading and Adoption;

AND FURTHER THAT Council give Third Reading and Adoption to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1717, 2021, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.”

CARRIED

Council discussed overall benefits of additional housing in the community, addressed public concerns around traffic and determined that the net increase of 2 dwellings would not have an

overall substantial impact to the neighborhood. The re-zoning application would be using the land for the highest and best use and address broader community needs.

*Mayor McCune left the meeting (5:56 p.m.)
Councillor Case entered the meeting (5:56 p.m.)
Councillor Baird entered the meeting (5:57 p.m.)
Mayor McCune entered the meeting (5:58 p.m.)*

Agricultural Land Reserve Subdivision Application – 107 Timberlane Road

Moved by Councillor Schreiner, seconded by Councillor Baird
“THAT Council supports the proposed Agricultural Land Reserve Subdivision Application for a six-lot subdivision at 107 Timberlane Road, Enderby BC and authorizes the application to proceed to the Agricultural Land Commission.”

CARRIED

License of Occupation – Encroachment at 905 Sicamous Street

Moved by Councillor Baird, seconded by Councillor Shishido
“THAT Council authorizes the Corporate Officer to execute the attached License of Occupation, substantially as presented, with Daniel O’Hanley for a portion of the single-family dwelling at 905 Sicamous Street, Enderby BC which encroaches into the Sicamous Street road dedication.”

CARRIED

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

North Okanagan Land to Table Network: Liz Blakeway, Network Director

Moved by Councillor Case, seconded by Councillor Baird
“THAT the North Okanagan Land to Table Network request for core funding be postponed until the next regular meeting of Council;

AND THAT Staff report back to Council on whether this request may be eligible under the COVID-19 Safe Restart Grant funding.”

CARRIED

Enderby & District Economic Development Association: Serena Summers and Clyde MacGregor

Moved by Councillor Baird, seconded by Councillor Case
“THAT Council does not designate the Enderby & District Economic Development Association as the economic development provider for the City of Enderby and does not provide a letter of support for the Southern Interior Development Initiative Trust recovery grant.”

CARRIED

Council expressed concerns around overlapping services and competing grant applications. There are other groups in the community that appear to be in competition with this association and it is important that Council considers carefully which project it supports for a given grant.

BYLAWS

None

REPORTS

Mayor and Council Reports

Councillor Schreiner

Councillor Schreiner attended the Financial Portfolio Budget Meeting.

Councillor Case

The Funtastic Annual General Meeting is on April 22, 2021. A decision will be made as to whether they are able to move forward with the tournament this year because of the COVID-19 restrictions. Grants have been approved for the youth baseball teams.

Councillor Baird

Had a meeting with Shuswap Marine Rescue Society to determine locations for the “Kid’s Don’t Float” Kiosks.

Councillor Davyduke

Councillor Davyduke attended the Financial Portfolio Budget Meeting. The Enterprize Challenge will be holding their event online to determine who moves forward to the next round.

Councillor Shishido

Enderby and District Arts Council Meeting March 16, 2021. Arts Centre Committee is moving forward with a business case. Pilot Program moving forward in rented commercial space downtown Enderby.

Mayor McCune

Mel Arnold, MP, has sent out a meeting request. Council appreciated the invitation and will respond with a meeting request when federal issues arise for which Council is seeking support or advocacy.

Chief Administrative Officer

Street sweeping has been completed downtown and line painting has commenced. The pine beetle netting is being removed at the Riverside RV Park and there will also be some work done to trees at Tuey Park and the Shuswap Well that an arborist has identified as hazardous. Public Works will be working on the storm main replacement through the empty lot at 401 Vernon Street next week.

NEW BUSINESS

Notice on Title for 1005 Belvedere Street

Moved by Councillor Shishido, seconded by Councillor Case

“THAT Council confirms the recommendations of the Building Inspector with respect to Notice on Title File No. 21-0183-END-NT;

AND THAT Council directs the Corporate Officer to file a notice in the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter and that further information about the matter may be inspected at Enderby City Hall, pertaining to the property legally described as Lot 2, District Lot 150, K (Formerly 0) DYD, Plan KAP65066 and located at 1005 Belvedere Street.

CARRIED

Mayor McCune invited the owner or the owner's agent to speak, but they were not in attendance. Mayor McCune then invited the Chief Building Inspector, Dwayne Skublen, to speak to the matter. Mr. Skublen reviewed the file and the concerns around the lack of a building permit, potential safety concerns, and the potential trespass, which need to be resolved. Council asked Mr. Skublen about what enforcement action may be taken. Mr. Skublen described a range of tools. The Chief Administrative Officer advised that the choice of enforcement mechanisms would be looked at in the context of the overall infraction so that it was proportionate; the main objective is to get the Notice on Title registered so that there is a warning to future purchasers of the property.

BC Hydro: Community ReGreening Grant – Fiscal 2021-22

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the BC Hydro: Community ReGreening Grant – Fiscal 2021-22 correspondence.”

CARRIED

Glencore: Notification of Application for Crown Land Tenure for Brenda-Mine Site (Tracking Number: 100335369)

Moved by Councillor Baird, seconded by Councillor Case

“THAT Council receives and files the Glencore: Notification of Application for Crown Land Tenure for Brenda-Mine Site (Tracking Number: 100335369) correspondence.”

CARRIED

Community Futures British Columbia: Rural BC Economic Bulletin

Moved by Councillor Baird, seconded by Councillor Case

“THAT Council receives and files the Community Futures British Columbia: Rural BC Economic Bulletin correspondence.”

CARRIED

District of Sicamous: Invasive Asian Clams

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the District of Sicamous: Invasive Asian Clams correspondence.”

CARRIED

District of Sicamous: Aquatic Invasive Species Enforcement

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the District of Sicamous: Aquatic Invasive Species Enforcement correspondence”

CARRIED

City of Prince George: Opioid Crisis and Call for Overdose Action Plan

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the City of Prince George: Opioid Crisis and Call for Overdose Action Plan correspondence.”

CARRIED

City of Prince George: BC Hydro 2020 Street Lighting Rate Application

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the City of Prince George: BC Hydro 2020 Street Lighting Rate Application correspondence.”

CARRIED

Boys & Girls Clubs of the Okanagan

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the Boys & Girls Clubs of the Okanagan correspondence.”

CARRIED

North Vancouver District: Help Cities Lead (HCL) Campaign

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the North Vancouver District: Help Cities Lead (HCL) Campaign correspondence.”

CARRIED

The City of Victoria: Help Cities Lead Campaign

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files The City of Victoria: Help Cities Lead Campaign correspondence.”

CARRIED

Village of Belcarra: Endorsement of 9-8-8 Crisis Line Initiative

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the Village of Belcarra: Endorsement of 9-8-8 Crisis Line Initiative correspondence.”

CARRIED

The Corporation of the City of Vernon: Suicide Prevention Hotline

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the Corporation of the City of Vernon: Suicide Prevention Hotline correspondence.”

CARRIED

District of Coldstream: Suicide Prevention Hotline

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the District of Coldstream: Suicide Prevention Hotline correspondence.”

CARRIED

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Case (6:47 p.m.)

“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) (a) of the Community Charter.”

CARRIED

ADJOURNMENT

Moved by Councillor Shishido, seconded by Councillor Davyduke
“That the regular meeting of April 6, 2021 adjourn at 7:00 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER