



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, June 19, 2023 at 4:30 p.m. in Council Chambers.

Present: Mayor Huck Galbraith
Councillor Tundra Baird
Councillor Roxanne Davyduke
Councillor David Ramey
Councillor Brian Schreiner
Councillor Shawn Shishido
Councillor Sarah Yerhoff

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner – Kurt Inglis
Clerk-Secretary – Andraya Holmes

Other: Press and Public

LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the June 19, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of June 5, 2023

The minutes of June 5, 2023 incorrectly listed Councillor Schreiner as present.

Moved by Councillor Yerhoff, seconded by Councillor Ramey
“THAT the June 5, 2023 Council Meeting minutes be adopted as amended.”

CARRIED

DEVELOPMENT MATTERS AND RELATED BYLAWS

Development Variance Permit #0061-23-DVP-END

The Planner gave an overview of the application.

Mayor Galbraith invited members of the public to make representation.

John Brennan, 1104 High Street

- Concerns not with the application at hand, but with the forthcoming rezoning and the project planned for Lot B.
- Concerns that the new development will change the character of the neighbourhood.
- Concerns about trees being removed from the subject properties.

Mayor Galbraith invited the applicant to make representation.

James Kay, Applicant

- Explained that the purpose of this application is to legalize the lots to allow the proposed boundary lot adjustment subdivision to proceed.

Councillor Baird asked the Planner if there are any plans for the unconstructed portion of Regent Avenue.

Planner responded that there are no plans to construct a road given the steep grade, but it is currently being used for underground utilities.

Councillor Baird asked the applicant what the plans are for development of proposed Lot B.

Mr. Kay explained that a rezoning application is forthcoming, and that the vision for the lot is to build three dwelling units on the property.

The Planner clarified that if Council decides to approve the variances in this application, it has no effect on their ability to approve or deny the forthcoming re-zoning application, or any future variance applications that may be brought forward.

Councillor Ramey asked if the lots could be developed as they are.

The Planner responded that, as the lots are now, the single-family dwelling straddles the lot line between Lots 2 and 3, and Lot 1 and 4 have minimal development potential because of their size.

Councillor Davyduke asked whether waiving the requirement for construction to centreline at this stage will apply to future applications that may involve additional density.

The Planner responded that any further development that results in an increase in density will trigger this requirement again, and could only be waived through a further variance application.

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE

DISTRICT PLAN 1904 and located at 117 Cliffview Drive, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC to permit a variance to Section 602.10.d by reducing the minimum rear yard setback area for the single-family dwelling on proposed Lot A, from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A';

AND THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 117 Cliffview Drive, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC, to permit a variance to the following Sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- *Section 2.0 of Schedule "A" by not requiring High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';*
- *Section 2.0 of Schedule "A" by not requiring Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';*
- *Section 6.0 of Schedule "A" by not requiring the provision of ornamental street lighting, as part of the proposed boundary lot adjustment shown on Schedule 'B'; and*
- *Section 7.0 of Schedule "A" by not requiring the provision of underground wiring for power, telephone and cablevision, as part of the proposed boundary lot adjustment shown on Schedule 'B'."*

CARRIED

Road Closure Request – Unconstructed Portion of Regent Avenue Between High Street and Cliffview Drive

The Planner gave an overview of the request.

Councillor Ramey asked if this request would close the entire unconstructed portion of Regent Avenue.

The Planner responded that this request is only to close the portion that would end at the western property line of Lot B.

Councillor Baird asked about potential use of the land if the road is closed and sold.

Chief Administrative Officer responded that the depth of the waterline running through the unconstructed road needs to be verified. Once the depth of the line is confirmed, appropriate uses for that land can be determined.

Moved by Councillor Schreiner, seconded by Councillor Ramey

“THAT Council directs Staff to prepare a Road Closure and Removal of Dedication Bylaw to close the road and remove dedication for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule ‘A’;

AND THAT Council approves the offer from James Kay to purchase all or part of the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule ‘A’, for fair market value, for the purposes of lot consolidation;

AND THAT Council directs Staff to engage with the owners of 1104 High Street, adjacent to the proposed road closure area, to determine if they have any interest in acquiring half of the proposed road closure area shown on the attached Schedule ‘A’, for fair market value;

AND THAT Council confirms that the road closure for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule ‘A’, and the subsequent transfer of the road area to adjacent property owners for the purposes of lot consolidation be subject to the following conditions:

- *The City shall receive a statutory right-of-way, to its satisfaction, to protect the City’s current and future utility interests through the closed road area;*
- *The transfer of the closed road area is subject to the City of Enderby receiving fair market value, as reasonably determined by the City;*
- *All expenses related to advertising, survey, legal and other costs associated with raising title, sale, transfer, and consolidation shall be borne by the applicant(s);*
- *The associated Road Closure and Removal of Dedication Bylaw will not be adopted until the boundary lot adjustment shown on Schedule ‘B’ is completed.;*
- *The transfer of the road closure area to the applicant(s) must occur concurrently with the consolidation of the road closure area and the adjacent parcel(s), or otherwise be assured through a Letter of Undertaking; and*
- *All legislative conditions of the road closure process must be met and the Road Closure and Removal of Dedication Bylaw must be adopted.”*

CARRIED

BYLAWS

Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023

Councillor Yerhoff asked how removing a person from a public space works.

Chief Administrative Officer responded that a peace officer would ask the person to leave or, if they refused, would contact the RCMP to assist in providing them with education resources and move them along. Explained that this bylaw regulates only for the display and use of illegal drugs, not possession.

Councillor Yerhoff asked if there has been an increase in resources used and reports of drug use since January.

Chief Administrative Officer responded that there has not been a change in resources used. There have been reports from the garden contractor of paraphernalia found in garden beds in the City.

Councillor Schreiner asked if the RCMP are obligated to enforce our bylaws.

Chief Administrative Officer responded that they are not obligated, but do have the authority to enforce our bylaws. Noted that the RCMP have already been advised that Council is considering this bylaw.

Councillor Ramey asked if this bylaw is in line with other municipalities.

Chief Administrative Officer responded that this bylaw is on the stronger side of bylaws that have been or are being adopted by other municipalities.

Moved by Councillor Ramey, seconded by Councillor Baird
“THAT Council gives first reading to the Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023;

AND THAT Council refers Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023 to a Medical Health Officer and considers their feedback prior to giving second and third reading to the bylaw.”

CARRIED

REPORTS

Mayor and Council Reports

Councillor Shishido

The Enderby & District Museum Society is receiving funding from RDNO towards restoration of Enderby's first fire truck.

Attended a men's ball tournament at Riverside Park last weekend. Reported that the fields were very well maintained on the first day but could have used more attention on the second day of the tournament. Also reported that the food from the concession vendor was excellent.

Asked about the installation of a water bottle filling station at Riverside Park.

Chief Administrative Officer responded that a more cost effective solution has been found to add fixtures inside the washrooms to allow water bottles to be filled. These fixtures cost less and will be more cost effective to repair if vandalized.

Councillor Davyduke

Attended the graduation ceremony for A.L. Fortune. Reported that it was well done and was an honour to represent Council.

Has received good feedback about the concession at Riverside Park.

Reported that there are lots of people starting to use the river and lots of people at the Riverside RV Park.

Councillor Yerhoff

Attended a FACT Meeting.

Attended the Splatsin Tsm7aksaltn golf tournament fundraiser.

The Harvest Hut has been very successful so far this year.

Reported that the edible landscaping in the breezeway is looking great.

Attended a bingo night at the Senior's Centre.

Councillor Schreiner

Attended the Music by the River that was moved to the Drill Hall.

Will be attending an upcoming Rail Trail Advisory Meeting.

Will also be attending an upcoming meeting regarding Highway 97.

Splatsin is hosting an event for National Indigenous Peoples Day on Wednesday.

Councillor Ramey

Attended the car show at Parkview Place. Reported that it was a great event.

Fifty to 60 people were in attendance for the Music by the River Event at the Drill Hall.

Attended a Strategic Planning Session for the Okanagan Regional Library.

Councillor Baird

Reported that the Harvest Hut has been busy so far this year.

Attended the Parkview Place Car Show.

Attended the Music by the River event at the Drill Hall.

Finishing up planning for Canada Day.

Mayor Galbraith

Thanked Councillor Davyduke for filling in for him at the graduation ceremony.

Reported that there was a great turnout at the Splatsin Tsm7aksaltn golf tournament.

Attended a Mabel Lake Shareholders meeting with Splatsin Development Corporation.

Was invited to be a Reviewing Officer for the Cadets. Reported that they would be happy to contribute to community events if called upon.

Area F Director

Area F Director Hopkins reported that she had a productive Master Parks Planning meeting with members of Splatsin.

Has formed a regional Agrihub Group with the Regional District of North Okanagan with a location in Spallumcheen.

From the COVID-19 Safe Restart Grant, \$5000 has been allocated to the Enderby & District Museum Society for restoration of Enderby's first firetruck, \$6000 has been allocated to Recreation Services for the River Ambassador Program, and \$10,000 has been allocated to the Feed Enderby and District Food Bank.

There is a feasibility study ongoing for management of mosquitos. Suggested that there may be an opportunity for Enderby to be involved in this study.

Attended the first Strategic Planning session with the Okanagan Regional Library Board.

Reported that she is looking forward to the Canada Day parade.

Chief Administrative Officer

Line painting has been completed.

Tuey Park and Kildonan Boat Launch are now open to the public.

The website page for the Canada Day event is now live including the poster and logos for all sponsors supporting the event.

There is a pool inspection coming up on June 27th and a Water Treatment Plant inspection coming up in the first week of July.

Had another meeting with North Okanagan local government corporate officers to discuss the regional accessibility committee. The terms of reference for this initiative is now going to be reviewed by the Regional District Board. Once approved, the request for Council to formally join the committee will be brought forward.

Planning for the replacement of Reservoir #1 is ramping up. There is a lot of big picture analysis needed to ensure that the new Reservoir #1 is sized adequately for future needs.

2022 Annual Report

No public representations were made respecting the 2022 Annual Report.

Moved by Councillor Baird, seconded by Councillor Shishido
"AND THAT Council approves the 2022 Annual Report."

CARRIED

RDNO Building Permit Report – May 2023

Moved by Councillor Baird, seconded by Councillor Davyduke
“*THAT the RDNO Building Permit Report – May 2023 be received and filed.*”

CARRIED

NEW BUSINESS

Mobile Vendor Request – Philly Dogs (Phil Adkins and Isabelle Castella)

Isabelle Castella gave an overview of the application.

Councillor Baird asked where at Tuey Park the applicants are planning to set up.

Chief Administrative Officer replied that this location has been left open ended on purpose so that the applicants can decide what location will work best for them. Noted that in the past, vendors have set up at the northeast corner of the parking lot.

Councillor Ramey asked if this application would allow the applicant to set up at locations other than the two specified.

Chief Administrative Officer responded that this application only allows the applicant to operate at the locations specified, but that he will pass their contact information to the Events Coordinator for opportunities to participate as a food vendor at community events.

Moved by Councillor Baird, seconded by Councillor Shishido
“*THAT Council grants permission for Philly Dogs (Phil Adkins and Isabelle Castella) to operate as a mobile vendor in the grassy area east of the Water Treatment Plant and at Tuey Park, for the 2023 season, subject to the following conditions:*

1. *The operator must obtain a City of Enderby Business License;*
2. *The operator must pay the annual rental fee of \$100;*
3. *The operator shall be solely responsible for ensuring their vehicular access to the sites; and*
4. *The operator’s use of the land is on an ‘as-is’ basis, and must not be changed from that state without the express written permission of the City.”*

CARRIED

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Yerhoff
“*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) (k) and (e) of the Community Charter*”

CARRIED

MATTERS RELEASED FROM IN-CAMERA

Construction of Retaining Wall for Upper Portion of Trail Connecting Francis Drive to Cliff Avenue

Moved by Councillor Shishido, seconded by Councillor Baird
“THAT Council authorizes an expenditure of \$6,000, funded through the Local Government Climate Action Program, to fund the construction of a retaining wall for the upper portion of the trail connecting Francis Drive to Cliff Avenue;

AND THAT this resolution, but not the contents of the memorandum, be released from in-camera.”

CARRIED

ADJOURNMENT

Moved by Councillor Davyduke, seconded by Councillor Baird
“THAT the regular meeting of June 19, 2023 adjourn at 6:18 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER