

Minutes
Regular Meeting of Council
Village of Lumby
Village Office, Council Chambers
Monday October 6, 2008

Councillor Leroux called the meeting to order at 6:30 p.m.

Members Present: Mayor Eric Foster
Councillor Deb Leroux
Councillor Matt McLenehan
Councillor Elinor Turrill
Councillor Ben Winters

Staff: Frank Kosa, Administrator

Gallery: There were eight people present in the gallery

08/234 Moved by Councillor Turrill, seconded by Councillor Winters that the agenda be adopted.

CARRIED

08/235 Moved by Councillor Leroux, seconded by Councillor Winters that minutes of the September 2, 2008 Regular Meeting of Council be adopted.

CARRIED

08/236 Moved by Councillor Leroux, seconded by Councillor McLenehan that minutes of the September 15, 2008 Regular Meeting of Council be adopted.

CARRIED

Delegations:

Cheryl Altwasser was present to discuss with Council the process relating to the Proposal Call for the Senior Citizen's Housing Facility. Ms. Altwasser presented Council with a list of questions, which related to the feasibility of a future proposal call or contacting the prospective developers such as the Odd Fellows organization, and possible other parties that have shown interest.

Mayor Foster informed Ms. Altwasser that the proposal call was a legal process and that the Odd Fellows proposal did not meet the requirements of the Proposal and that it would not have been legal to contact other parties at the time of the closing of the Proposal Call. Mayor Foster stated that Council wishes to continue to seek a proponent to develop a facility and that the Village is and will be contacting interested parties, and that Council will consider its options after the election. Mayor Foster stated that he would attend the Seniors Luncheon on Thursday and explain the process and what future steps the Village Council will pursue to seek a proponent for the development of a Seniors Supportive Housing Facility.

08/237 Moved by Councillor Leroux, seconded by Councillor McLenehan that the Development Variance Permit for the property legally described as Lot 2, District Lot 183, ODYD, Plan 3552 located at 2001 Catt Avenue to permit a variance to Sections 402.2.b and 701.10 of the Village of Lumby Zoning Bylaw 395, 1986 by decreasing the rear yard setback for a balcony projection from 7 metres to 2.6 metres and that prior to the issuance of the Development Variance Permit, an approved Setback Permit from the Ministry of Transportation be submitted to the Village be granted.

CARRIED

08/238 Moved by Councillor Leroux, seconded by Councillor Winters that the application for a Development Variance Permit for the property legally described as Parcel A(KB38483), District Lot 164, ODYD, Plan 4566 located at 1743 Vernon Street to permit a variance to Sections 402.b and 701.10.d of the Village of Lumby Zoning By-law 395, 1986 by decreasing the front yard setback of an open porch addition to a single detached dwelling from 7 metres to 3.19 metres be granted.

CARRIED

08/239 Moved by Councillor McLenehan, seconded by Councillor Winters that Council authorize the issuance of a Development Permit for the property legally described as Lot 6, District Lot 18, Osoyoos Division Yale District, Plan 33933 located at 1431 Dyffryn Road subject to the following conditions:

1. Requirements, conditions or standards applicable to Section 920 of the Local Government Act:

- a) The dimensions and siting of buildings, parking spaces and loading bays to be constructed on the land be in general accordance with attached Schedule 'A';
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with attached Schedule 'B';
- c) The landscaping shall be in general accordance with attached Schedules 'A' and 'C';
- d) In accordance with Section 403 of the Village of Lumby Zoning Bylaw No. 395, 1986, a solid 2.5 m high fence or an evergreen hedge not less than 2 m in height must be provided around outdoor storage areas;
- e) Prior to issuance of the Development Permit, the Village of Lumby receives notification from the Ministry of Environment that an assessment report has been received, demonstrating that the proposed development meets the requirements of Section 4(2) or of Section 4(3) of the Riparian Area Regulations;
- f) Prior to issuance of the Development Permit, an irrevocable letter of credit be provided in the amount equal to 1.5 times the estimated cost of screening outdoor storage areas and paving the loading area between the existing building and proposed new building. The estimates shall be prepared by qualified screening and paving contractors.

2. As a condition of the issuance of this Permit, the Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Village of Lumby may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- a. a Bearer Bond in the amount of \$ _____; or

- b. a Performance Bond in a form acceptable to the Village of Lumby in the amount of \$ _____; or
 - c. an Irrevocable Letter of Credit in the amount of \$ _____; or
 - d. a certified cheque in the amount of \$ _____.
3. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
4. If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this Permit shall lapse.

CARRIED

08/240 Moved by Councillor Turrill, seconded by Councillor Winters that Council approve the temporary closing of Glencaird Street from Duke Lane to Norris Avenue from 11 a.m. to 2 p.m. on Sunday, October 19th, 2008 for the Annual Minor Hockey Street Hockey Event.

CARRIED

08/241 Moved by Councillor Leroux, seconded by Councillor McLenehan that the Village of Lumby supports the recommendations of the Okanagan Airshed Coalition as set forth in the Okanagan and Similkameen Valley Air Quality Management Plan.

CARRIED

08/242 Moved by Councillor Leroux, seconded by Councillor Winters that the Village of Lumby Wildfire Protection Plan be tabled for further clarification as to the funding required to meet the recommendations of the Plan.

CARRIED

08/243 Moved by Councillor Winters, seconded by Councillor Turrill that the accounts for the period of August 30 to October 1, 2008 in the amount of \$164,521.89 be approved for payment.

CARRIED

08/244 Moved by Councillor Turrill, seconded by Councillor Leroux that the August, 2008 Financial Report be accepted for information.

CARRIED

08/245 Moved by Councillor Leroux, seconded by Councillor Winters that the correspondence items be received and filed.

CARRIED

08/246 Moved by Councillor Winters, seconded by Councillor Turrill that the information items be noted and filed.

CARRIED

Council Reports:

Councillor Winters reported that he spoke to Mrs. Eckert relating to the concern of the walkway at Skyview Cres and the weeds. Administration informed Council that the upgrade of the pathway will be included in the 2009 Parks Budget.

Councillor Turrill reported that the Monashee Frontier Rendezvous Festival was a success as to the first event and that the Committee would review the overall activities and develop a plan for the 2009 festival.

Councillor Turrill reported that the Health Society ordered the x-ray machine as the cost increase of 7% was forth coming. The society was continuing to raise the necessary funding to meet their goal of \$110,000.

Councillor McLenehan reported that the Salmon Trail Committee and the Green House Gas Committee would be meeting in the near future to develop budgets for Council's consideration in the 2009 budget process.

Councillor McLenehan stated that the mural of the history of the lands adjacent to the Salmon Trail has been installed.

Councillor Leroux informed Council that she attended the Okanagan Film Commission September Meeting, and that the new studio is doing well with the Okanagan First Nations Alliance commencing a

educational program for their youth at the studio. There is also fourteen movies being worked on within the area, and that the studio is being well received by the industry and that there are four film companies using the studio. The Commission is also attempting to develop a one-permit system for the Film Producers, that will work throughout the Okanagan.

The Okanagan Library is working on renovations to the Vernon Public Library, the Summerland Library and that a new branch was opening in Princeton.

Councillor Leroux informed Council that the UBCM Conference was very successful, and that the meeting that had been arranged with the various Ministers and ministries were very informative and that the Village's position on various matters were well received.

Mayor Foster reported that the UBCM Conference as stated by Councillor Leroux was very successful with the meetings with the Ministers and staff.

Mayor Foster stated he met with the Minister of Forests and the matter of the Community Forest was discussed in relation to the Village and OKIB Joint Community Forest Application. Mayor Foster stated that he would be meeting with Chief Alexis to discuss the position of the OKIB and report back to Council as to the future progress of the application.

Mr. Dave Otten was present in the audience and inquired of Council as to the position of the Village relating to the noise being created by the chipping operation, as it is affecting the residents quality of life.

Mayor Foster informed Mr. Otten that the Village is working on a review of the Noise By-law as it has been challenged by the operator. The Village will respond in a more detailed manner upon review of legal advice.

08/248 Moved by Councillor Leroux, seconded by Councillor Turrill that the Council enter into an in-camera meeting, under section 90(1)(i) of the Community Charter.

CARRIED

08/249 Moved by Councillor Winters, seconded by Councillor Leroux that the resolution relating to the Senior's Housing Facility Proposal call from the

July 3rd, In-Camera Meeting of Council be removed from In-camera to the open meeting.

08/030 Moved by Councillor Leroux, seconded by Councillor McLenehan that the Village of Lumby advise the Vernon Valley Lodge #18 Independent Order of Odd Fellows that there proposal for a Senior's Supportive Living Housing Facility be rejected with thanks because it did not meet a majority of the items required in the request for proposals.

CARRIED

08/250 Moved by Councillor Leroux, seconded by Councillor Winters that Council revert to an open meeting.

CARRIED

08/251 Moved by Councillor Winters that the meeting be adjourned.

CARRIED

Mayor Eric Foster

Clerk, Frank Kosa