



SPECIAL COUNCIL MEETING AGENDA

Monday, December 21, 2015 - 8:30 AM
Council Chambers
Municipal Hall, 13211 Henry Ave.
Summerland, BC

Page

1. **Call to Order**

2. **Adoption of Agenda**

2.1 Adoption of Agenda

Recommended Resolution:

THAT the agenda be adopted/amended.

3. **Unfinished Business**

3.1 Development Variance Permit Application - 14806 Biagioni Avenue

Deferred from the December 14, 2015 Regular Council Meeting

Recommendation:

THAT a Development Variance Permit to vary Table C.2.2 of Subdivision and Development Servicing Bylaw 99-004 to waive the requirement for curb, gutter, sidewalk, and road construction adjacent to Lot 3, Block 2, DL473, ODYD, Plan 1005, located at 14806 Biagioni Avenue be granted subject to:

- ***an 8m by 8m road dedication to accommodate a corner truncation at the intersection of Fosbery Road and Biagioni Avenue; and***
- ***a requirement that the applicant complete road repairs offered in the binding letter of intent attached as Schedule A to the report dated December 21, 2015 from the Development Planner;***

AND THAT the Mayor and Corporate Officer be authorized to execute all documents related to this matter.

3 - 9

10 - 11

4. Staff and Other Reports

4.1 2016 Acting Mayor Appointments

Recommendation:
THAT the 2016 Acting Mayor appointments be made as follows:

January	Councillor _____
February	Councillor _____
March	Councillor _____
April	Councillor _____
May	Councillor _____
June	Councillor _____
July	Councillor _____
August	Councillor _____
September	Councillor _____
October	Councillor _____
November	Councillor _____
December	Councillor _____.

12 - 14

4.2 Landfill Scale Replacement

Recommendation:
THAT the Mayor and Corporate Officer be authorized to execute an agreement with Cantex as described in the report dated December 17, 2015 from the Manager of Works, regarding the purchase of a joint use scale at the landfill.

5. Resolution to Close Meeting to the Public

5.1 Resolution to Close Meeting to the Public

Recommended Resolution:
THAT this meeting now be closed to the public pursuant to Section 90(1)(i) of the Community Charter for Council to discuss:

- **the receipt of advice that is subject to solicitor-client privilege.**

6. Adjournment

6.1 Adjourn Meeting

Recommended Resolution:
THAT the meeting be adjourned.



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: December 21, 2015
TO: Linda Tynan, Chief Administrative Officer
FROM: Alex Kondor, Development Planner
SUBJECT: Development Variance Permit LOT 3, BLOCK 2, DL 473, ODYD, PLAN 1005
(14806 Biagioni Avenue)

STAFF RECOMMENDATION

That Council pass the following resolution:

THAT a Development Variance Permit to vary Table C.2.2 of Subdivision and Development Servicing Bylaw 99-004 to waive the requirement for curb, gutter, sidewalk, and road construction adjacent to Lot 3, Block 2, DL473, ODYD, Plan 1005, located at 14806 Biagioni Avenue be granted subject to:

- an 8m by 8m road dedication to accommodate a corner truncation at the intersection of Fosbery Road and Biagioni Avenue; and*
- a requirement that the applicant complete road repairs offered in the binding letter of intent attached as Schedule A to the report dated December 21, 2015 from the Development Planner;*

AND THAT the Mayor and Corporate Officer be authorized to execute all documents related to this matter.

PURPOSE:

To present a comprehensive review of the applicant's request for a Development Variance Permit.

BACKGROUND:

Current Use:	Vacant
Parcel Size:	3561m ² (0.88ac)
Zoning:	I-Institutional
OCP:	Administrative
M.o.T. Approval:	n/a

This application for a Development Variance Permit was originally presented to Council on December 14th 2015. After lengthy discussion, the following resolution was passed:

THAT the matter pertaining to the Development Variance Permit Application for the property located at 14806 Biagioni Avenue, be deferred, pending further discussions with the proponent.

DISCUSSION:

At the December 14th meeting, Council provided direction that staff should work with the applicant to find a solution that would allow the building project to proceed. Since the date of the meeting, staff have met several times with the representatives of the congregation.

The proposed solution, as outlined in the staff recommendation, is that Council waive all of the requirements of the Subdivision and Development Servicing Bylaw by issuing a Development Variance Permit. The Development Variance permit would be subject to the terms and conditions of the 'binding letter of intent' from the applicant. If Council were to approve the staff recommendation, the requirement for bonding for works and services is removed which in-turn would remove the financial barrier for the applicant.

Recognizing the pavement on Biagioni Avenue is in poor condition, the applicants have met with staff on-site and have agreed to make several road repairs including:

- Replacing approximately 700 sq. ft of asphalt along the Biagioni Avenue property frontage
- Overlaying new asphalt to damaged areas along the Biagioni Avenue property frontage
- Crack sealing of pavement on both sides of Biagioni Avenue between Fosbery Road and Rosedale Avenue. (These works extend beyond the frontage of the property. The frontage is the typical limit for required improvements.)
- Installing an engineered drainage swale

The applicants have committed to completing these repairs by November 1st 2016. As well, the 8m x 8m road dedication to accommodate the corner truncation at the intersection of Fosbery Road and Biagioni Avenue would be provided.

Alternatively, Council discussed approving the variance request and allowing the applicant to provide a cash contribution. This cash would be held until the road is scheduled for replacement. A detailed cost estimate from District staff is attached as Schedule "B".

Cost estimates in the December 14th Council report included works on both Biagioni Avenue and Fosbery Road. The values below have been revised to reflect works on Biagioni Avenue only:

- Re-building Biagioni Avenue to a local road standard: \$43,085.00
- Re-building Biagioni Avenue to a rural road standard: \$26,095.00

These estimates reflect the cost should the District complete the works. The applicant believes they could complete the works for substantially less as they rely upon a volunteer labour model. The applicant's original intent in making a variance request was to avoid installing and replacing works they believe are not warranted and to avoid having to provide cash or bonding for the works.

Section 3.15 of the District's Subdivision and Development Servicing Bylaw allows an applicant to provide the District of Summerland cash-in-lieu of required works if the District of Summerland anticipates upgrading or realigning the road within 5 years. District staff do not anticipate the upgrading or realigning of Biagioni Avenue within the next 5 years. Therefore, staff are not recommending cash-in-lieu as a solution.

CIRCULATION COMMENTS:

The Works and Utilities Department's preference is to have the road re-constructed to a rural standard. That said, staff have met on site with the applicants and agree that the proposed road repairs should be sufficient for the foreseeable future.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the application other than possible relocation of the hydrant that is in trespass if the corner truncation is not acquired.

CONCLUSION:

As directed, staff have discussed this Development Variance Permit application further with the applicant. In order to find a solution that allows the project to proceed within the applicants desired time-lines and obtain road improvements, staff are proposing that a Development Variance Permit be issued to vary all of the off-site requirements of the Subdivision and Development Servicing Bylaw. The Development Variance Permit would be subject to the condition that the applicant must complete the road repairs outlined in the attached letter of intent and provide road dedication for an 8.0 m x 8.0 m corner truncation.

OPTIONS:

1. Approve the application to waive all works required per the Subdivision and Development Servicing Bylaw on Biagioni Avenue subject to dedication of an 8m by 8m corner truncation and the conditions outlined in attached Schedule "A" **(staff recommendation)**
2. Approve the application to waive all works required per the Subdivision and Development Servicing Bylaw on Biagioni Avenue subject to dedication of an 8m x 8m corner truncation and a cash contribution from the applicant in an amount deemed satisfactory to Council.
3. Approve the issuance of the Development Variance Permit to waive the requirement for curb, gutter and sidewalk, but require road construction to be to a rural standard, subject to an 8m x 8m corner truncation at the intersection of Fosbery Road and Biagioni Avenue **(original staff recommendation)**
4. Approve a Development Variance Permit to waive the requirement for curb, gutter, sidewalk and road improvements with no conditions.
5. Deny the application.
6. Send the application back to staff for further review.

Respectfully submitted,



Alex Kondor - Development Planner

Approved for Agenda

Lorrie Coates

Lorrie Coates, for Linda Tynan, CAO
December 18, 2015

Schedule "A" – Binding Letter of Intent

BINDING LETTER OF INTENT

This Binding Letter of Intent (the "Letter") made as of the _____ day of December, 2015,

BETWEEN:

District of Summerland of 13211 Henry Avenue, Summerland, BC V0H 1Z0 (the "District")

AND

Summerland Congregation of Jehovah's Witnesses of 9518 Julia Street, Box 159 Summerland, BC V0H 1Z5
(the "Owner")

BACKGROUND:

For the past three (3) years, the Owner has been in possession of an undeveloped lot (the "Property") located at 14806 Biagioni Avenue in Summerland, BC (Lot 3; Block 2; DL 473 ODYD; Plan 1005.) The Owner wishes to build a new place of worship on the Property and would like to commence with the construction in December 2015.

The Owner applied for a variance to remove the development requirements of the Subdivision Development and Servicing Bylaw No. 99-004, Section 3.11 requiring the Owner to install curbs, gutters, sidewalks, road resurfacing and drainage along the west side of the center line of the Biagioni Avenue extending from the southeast corner of the Property to the northeast corner of the Property and as depicted in the District's Standard Drawing 100-9.

As a result of the deliberations by the District's council members, it was recommended that the aforementioned development requirements be waived in exchange for a community contribution made by the Owner towards the District of Summerland.

The District is the municipality having jurisdiction over the public works in the region which encompasses the Property.

TRANSACTION:

As directed by the District's council, the Owner will commit to performing the following tasks which will constitute the Owner's community contribution. These tasks will include and be limited to:

- 1) Dedicating to the District an 8m x 8m triangle of our property at the corner of Fosberry Rd and Biagioni Avenue to ensure the fire hydrant resides on the District's property and resolves any trespass issues.
- 2) Removing and replacing 700 sq ft of pavement along the west side and up to the yellow center line of Biagioni Avenue in front of the Owner's property, as per the recommendations of the contractor, Black Top Paving. The attached photos will be included in order to define the three (3) sections of Biagioni Avenue to be remediated, as identified by Black Top Paving.
- 3) Overlaying hot mix asphalt to the remaining sunken and/or damaged areas with the approximate 14 tonnes of high quality materials, as per the recommendations of Black Top Paving.

*Letter of Intent - Community Contribution for 14806 Biagioni Ave
December 17, 2015*

- 4) Hot crack sealing of 5000 lineal feet of pavement along both sides of Biagioni Avenue from the intersection of Rosedale Avenue to the intersection of Fosberry Road and Biagioni Avenue.
- 5) Installing a drainage swale, complete with a stone base, along the west side of the Owner's property along Biagioni Avenue, as per the civil engineering plans.

It is the Owner's opinion that its community contribution will provide more extensive remediation services across a greater area than simply focusing the road resurfacing on just the pavement adjacent to Owner's property. This contribution will extend the longevity of the entire section of Biagioni Avenue being remediated.

This proposal represents an acceptable solution for the Owner and will enable it to work within its present project budgetary constraints. This proposal will also ensure the time invested and the expenses incurred thus far are not wasted and will permit the volunteer construction management team to complete the project before the diminishing weather window closes.

The Letter serves as the Owner's solemn commitment to the District to complete the aforementioned community contribution as a condition of development approval in the form of a building permit. The Owner commits to having the works completed on or before November 1, 2016.

Dated: _____

Dated: _____

Signed: _____

(Name) _____

District of Summerland

Signed: _____

(Name) _____

Summerland Congregation
of Jehovah's Witnesses



**Biagioni Avenue
Repair Area #1**



**Biagioni Avenue
Repair Area #2**



**Biagioni Avenue
Repair Area #3**
*Note: Repair is made up to
the yellow center line*

Schedule B – Works Estimate

<i>Local Road</i>	<i>Cost</i>
Curb and gutter	\$5,320.00
Sidewalk	\$9,270.00
Saw cut asphalt	\$490.00
Asphalt removal and disposal	\$2,160.00
Road sub base gravel	\$3,600.00
Road base gravel	\$3,600.00
Asphalt paving	\$9,000.00
Catch basin and drywell (2)	\$9,600.00
Line painting	\$45.00
Local Road Standard Total	\$43,085.00

<i>Rural Road</i>	<i>Cost</i>
Saw cut asphalt	\$490.00
Asphalt removal and disposal	\$2,160.00
Road sub base gravel	\$3,600.00
Road base gravel	\$3,600.00
Asphalt paving	\$9,000.00
Drainage swale	\$6,750.00
300mm wide Shouldering	\$450.00
Line painting	\$45.00
Rural Road Standard Total	\$26,095.00

(This is a class D estimate and does not include flagging, GST, engineering and contingency.)



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
STAFF REPORT

DATE: December 21, 2015
TO: Linda Tynan, Chief Administrative Officer
FROM: Katie Karn, Deputy Corporate Officer
SUBJECT: 2016 Acting Mayor Appointments

STAFF RECOMMENDATION:

That Council pass the following resolution:

THAT the 2016 Acting Mayor appointments be made as follows:

January	Councillor _____
February	Councillor _____
March	Councillor _____
April	Councillor _____
May	Councillor _____
June	Councillor _____
July	Councillor _____
August	Councillor _____
September	Councillor _____
October	Councillor _____
November	Councillor _____
December	Councillor _____

PURPOSE:

To approve the 2016 Acting Mayor appointments.

BACKGROUND and DISCUSSION:

From time to time, a Council member may be required to act in the absence of the Mayor, either at Council meetings, public events, or other matters. The Mayor must consider the appointment of an Acting Mayor to fulfill these needs.

According to the District's Council Procedure Bylaw the Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.

The Acting Mayor must fulfill the responsibilities of the Mayor in his absence and has the same powers and duties as the Mayor in relation to the applicable matter.

SUMMARY

The Mayor will require someone to act in his place from time to time, and who will have all the necessary authority to conduct the District's affairs as well. The Acting Mayor appointments will fulfill these needs

OPTIONS:

1. Approve the 2016 Acting Mayor appointments, as required to take place annually in December, as per the Council Procedure Bylaw.

Respectfully Submitted

Katie Karn

*Katie Karn
Deputy Corporate Officer*

Approved for Agenda

Lorrie Coates

**Lorrie Coates, for Linda Tynan, CAO
December 18, 2015**



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: December 21, 2015
TO: Linda Tynan, Chief Administrative Officer
FROM: Maarten Stam, Manager of Works
SUBJECT: Landfill scale replacement

STAFF RECOMMENDATION:

That Council pass the following resolution:

THAT the Mayor and Corporate Officer be authorized to execute an agreement with Cantex as described in the report dated December 17, 2015 from the Manager of Works, regarding the purchase of a joint use scale at the landfill.

PURPOSE:

To obtain a scale for the landfill that will be purchased by the District and Cantex with each party contributing 50%.

BACKGROUND:

The scale at the landfill has been out of service since the beginning of December. A flat rate is being charged to customers based on the Unscaled Loads section of the Fees and Charges Bylaw. Replacement of the existing scale needs to happen as soon as possible. Council has approved the purchase of a scale in the 2015 financial plan.

DISCUSSION:

It was staff's intention to replace the existing scale and there is \$51,655 in the 2015 financial plan for that purpose. After preliminary research was done to determine the requirements, Measurements Canada indicated that the size of the current scale does not meet their requirements. It will have to be replaced by a longer scale. There has not been a tender issued for the replacement of the scale because additional funds are needed. The cost of an 80 foot scale is estimated at \$90,000. The additional \$38,345 was to be considered by Council in the upcoming budget discussions. The failure of the existing scale has made this an urgent matter.

As well, in the upcoming budget discussions, the acquisition of a second shared scale was going to be included for Council's consideration. As Cantex has the gravel lease near the landfill and the contract for the administrative services of the landfill, District staff have been discussing what opportunities may arise from a shared scale.

An advantage to the District would be the ability to have two way traffic when there are line ups at the landfill and decrease the wait time. Another advantage is that the District would have use of a scale that can accommodate longer loads for the same investment dollars needed for the size of scale currently in use. A disadvantage to a shared scale

would be that the gravel trucks would take priority and it may not be available to District when needed. Staff believe that it would be a significant improvement to our customers to have the second shared scale.

Cantex is able to have a shared scale onsite and operational by the middle of January 2016. If the District were to do a tendering process, staff estimate it to be 3 months or longer before there would be a working scale on site.

The discussion with Cantex has been a 50/50 cost share agreement on the purchase and installation of the scale. Joint use of the shared scale for the first 4 years would be within the current term of the Landfill Administrative Services contract. However, future use of the shared scale for Cantex's gravel operation could be complicated should a new contractor be selected when the current Landfill Administrative Services contract expires. This point has been considered and the agreement would allow Cantex use of the shared scale for an additional period of 5 years without any fees paid to the District.

FINANCIAL IMPLICATIONS:

Cantex is willing to finance the purchase of the shared scale with the District making lease payments for 48 months. The amount of the monthly lease payment is estimated at \$835 including PST. When the cost of the purchase and installation of the scale are known, this amount would be adjusted to reflect the 50/50 cost share. It is anticipated to be about \$80,000 in total, with the District's share being \$40,000. The District would pay \$1.00 at the end of the lease period and ownership would be transferred.

Alternatively, the District could pay the estimated \$40,000 upfront. The ownership would be 50/50 for the first 4 years. The same \$1.00 payment at that point in time would be made and ownership would be transferred to the District. This option has not been discussed with Cantex as yet.

In either option, the District would use funds from the Materials Management BC program for the purchase. There are sufficient funds on hand from this program to replace the current scale and purchase a second shared scale.

CONCLUSION:

Moving forward with a direct award for the purchase of the shared landfill scale is justified as the operational need cannot be met with a tendering process.

In the 2016 financial plan, Council will have the opportunity to consider the purchase of an additional scale at the landfill.

OPTIONS:

1. Approve the direct award purchase of the shared scale from Cantex
2. Approve the direct award lease to purchase of the shared scale from Cantex
3. Reject the shared scale option and send the purchase of the scale back to staff to issue a tender

Respectfully submitted,

Maarten Stam

Maarten Stam
Manager of Works

Approved for Agenda

Lorrie Coates

Lorrie Coates, for Linda Tynan, CAO
December 18, 2015