

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: February 6, 2017
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt January 16, 2017 Regular Council and January 30, 2017 Committee of the Whole meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

1. Island Health re: Opioid Overdoses and Overdose Prevention

4.00 STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

- 1 1. Increase Level of Service- Medical Aid Responses

(b) Development Services

- 5 2. Amendment to Hunt Place Road Closure Bylaw

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 13 1. Village of Port Alice re: Hospital Parking

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 15 1. Memo – CVRD Financial Plan
- 17 2. Memo – 2017 – 2021 Financial Plan Timeline

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

In Camera Meeting:

That notice is hereby given that a Special In-Camera meeting closed to the public will be held February 6, 2017 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

-90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

-90 (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 19 1. DCBIA – Request for parking plan review
- 23 2. Island Health – Local Government Smoke-Free Bylaws

12.00 BYLAWS

For First Second and Third Reading

- 33 1. “Road Closure Amendment Bylaw No. 2869, 2017 ”
(To amend Road Closure Bylaw No. 2721 – Hunt Place)

For Third Reading

- 35 1. “Official Community Plan Amendment Bylaw No. 2854, 2016”
(1375 Piercy Avenue)
- 37 2. “Zoning Amendment Bylaw No. 2855, 2016”
(1375 Piercy Avenue)

For Amendment, Third Reading and Final Adoption ***

- 39 1. “Zoning Amendment Bylaw No. 2860, 2016”
(560 Pidcock Avenue)

***** Recommendation:**

That third reading of Zoning Amendment Bylaw No. 2860, 2016 be rescinded;

That “Zoning Amendment Bylaw No. 2860, 2016” be amended by removing legal description “*Lots 9 and 10, District Lot 127, Comox District, Plan 1951*” in section 2 (a) and replacing it with “*Parcel A (Being a consolidation of Lots 9 and 10) Block 1, District Lot 127, Comox District Plan VIP1951*”;

That “Zoning Amendment Bylaw No. 2860, 2016” pass third reading as amended; and

That “Zoning Amendment Bylaw No. 2860, 2016” be finally passed and adopted.

13.00 ADJOURNMENT

NOTE: There will be a Public Hearing scheduled for 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2864 to allow a secondary suite located at 1066 Evergreen Avenue



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 7200-00

From: Chief Administrative Officer

Date: February 6, 2017

Subject: Increase Level of Service - Medical Aid Responses

PURPOSE:

The purpose of the report is to seek Council approval for a trial period of increased medical Echo call responses by the Courtenay Fire Department.

CAO RECOMMENDATIONS:

That Council direct staff to proceed with a six month trial period of Echo call response, providing the Province of BC provides Naloxone nasal spray to the fire department.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

On April 14th, 2016 the Provincial Health Officer Dr. Perry Kendall declared a public health emergency due to dramatic rise in fatal drug overdoses across the Province. At that time the Province reported that there were 474 apparent illicit drug overdose deaths in 2015, which is a 30% increase in deaths from 2014 (365 deaths).

On Sept 28th, 2016 Premier Christy Clark advised the UBCM that the province was spending 10 million dollars to deal with the issue, with expanding the use of naloxone as one of the priorities. By the end of 2016 BC saw a total of 914 deaths with December having the highest number of fatalities ever recorded, with no signs of the problem slowing down so far in 2017.

DISCUSSION:

The Courtenay Fire Department currently responds to serious medical calls (such as cardiac arrest, choking, respiratory arrest, etc) referred to as **ECHO** calls only if the British Columbia Ambulance Service (BCAS) is delayed by 15 minutes. However; since the spring of 2016 when the fatal drug overdose crisis was declared, the Courtenay Fire Department has been looking into the possibility of increasing our serious medical responses to include immediate page out for all **ECHO** medical response regardless of a BCAS delay.

The purpose for this change is to attempt to deliver potentially lifesaving countermeasures faster than the service is currently being delivered. Based on 2016 stats, we would anticipate our call volume increasing from 30 calls that we did under our current system to approximately 140 calls.

The department is proposing a six month trial period of responding to echo calls. The trial period would determine if our efforts were of value to the patient and what effect the increase in and nature of responding to these calls have on our volunteers. This six month trial period would only involve volunteer members who wish to participate in responding to these situations and our on call duty officer of that particular day. This would be strictly volunteer time as no financial remuneration would be afforded to those members wishing to participate.

Our proposal is contingent on the Province providing us with the nasal spray version of naloxone. The department has decided that using the nasal spray administration method would not expose our firefighters to the possibility of an accidental needle injury during administration of the drug, as well as does not increase the burden of extra training and recertification that injecting the drug into an overdose victim would create. To date the province has stated that it would not supply fire departments with the naloxone and we would be required to purchase our own Naloxone from a supplier in Ontario.

The department is currently in discussion with the Province to approve the supply of naloxone as they are currently providing the drug to civilians, public health, interventions agencies and the RCMP free of charge.

FINANCIAL IMPLICATIONS:

Currently our firefighters do not receive pay for medical response calls. Those volunteering for the program would also not be remunerated. If the department was to proceed without the province supplying the Naloxone the cost would be approximately \$2500 per year. If the program were to continue past our trial period, there would also be a one cost for installing a tablet in our van for tracking and dispatch services (\$4000).

ADMINISTRATIVE IMPLICATIONS:

Administration of Fire Services is included in the Protective Services Financial Plan.

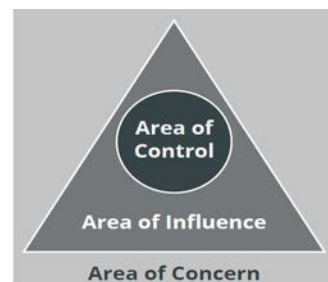
STRATEGIC PLAN REFERENCE:

We invest in our key relationships

- We value and recognize the importance of our volunteers
- We will continue to engage and partner with service organizations for community benefit

We focus on organizational and governance excellence

○ We responsibly provide services at a level which the people we serve are willing to pay



● **Area of Control**

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

▲ **Area of Influence**

Matters that fall within shared or agreed jurisdiction between Council and another government or party.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not applicable.

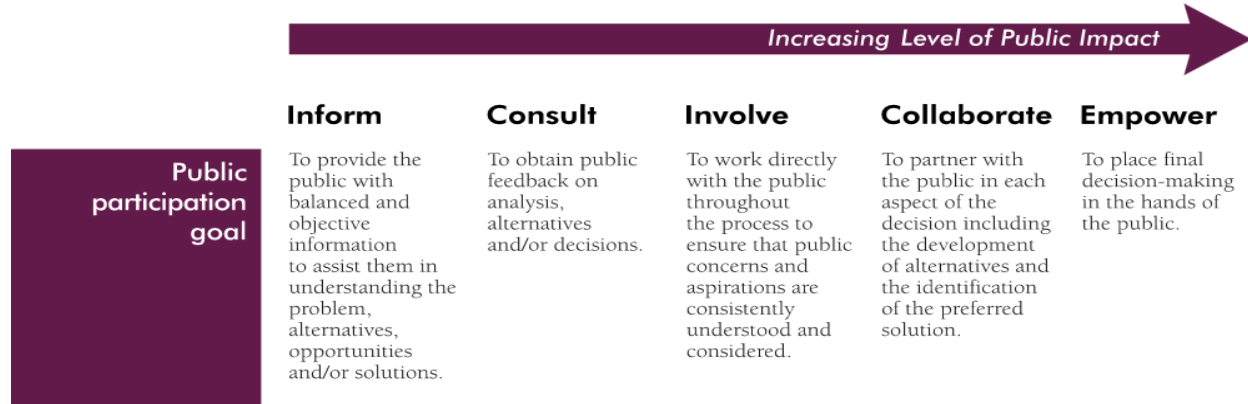
REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable.

CITIZEN/PUBLIC ENGAGEMENT:

By way of this report, Council would inform the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- Option 1: That Council direct staff to proceed with a six month trial period of echo call response, providing the Province of BC provides Naloxone nasal spray to the fire department (Recommended).
- Option 2: That Council direct staff to continue with the practice of the fire department providing assistance for echo calls where BCAS is delayed by 15 minutes and it is a code 3 call.
- Option 3: That Council direct staff to proceed with a six month trial period of echo call response, with the Fire department purchasing Naloxone nasal spray.

Prepared by:

Don Bardonnex
Fire Chief



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3320-20-12650

From: Chief Administrative Officer

Date: February 6, 2017

Subject: Bylaw 2869 - Amendment to Hunt Road Closure Bylaw No 2721, 2012

PURPOSE:

The purpose of this report is to consider an amendment to Road Closure Bylaw No. 2721, 2012 to update the referenced plan in that Bylaw.

CAO RECOMMENDATIONS:

That based on the February 6, 2017 staff report "Bylaw 2869 - Amendment to Hunt Road Closure Bylaw No 2721, 2012" Council approve Option 1 and proceed to First, Second and Third Readings of Bylaw 2869, 2017;

That Council direct staff to publish notice of the road closure pursuant to section 40(3) of the *Community Charter*; and

That the City waives its interest in acquiring the approximately 2420 square meter lot identified in section 3(c) of covenant FB414635.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In 2011 the City and PT Courtenay Enterprises Ltd. entered into a covenant at the time of a rezoning application related to expanded uses in the casino. The covenant restricts further development of the lands until the lands are subdivided and certain portions are transferred to the City. The transferred lands are intended to facilitate a potential extension of Tunner Drive. The covenant includes an option to transfer the lands back to the casino property in the event the City does not commence construction of the road before April 24, 2022.

DISCUSSION:

To facilitate the subdivision, a small 7.0 square meter portion of old road dedication needs to be closed and transferred to the casino owner. Road Closure Bylaw 2721, 2012 was adopted at the regular Council Meeting held January 7th, 2013. The casino owner subsequently chose not to move forward with the required subdivision and the process stalled for the last four years. During that time the surveyor who prepared the road closure plan has retired and the City has been advised the bylaw requires an amendment to include a new plan by an actively practicing land surveyor.

There are no differences in area or location of the road closure between the two plans.



In addition to the land proposed for the extension of Tunner drive, the 2011 covenant also requires PT Courtenay Enterprises Ltd to transfer approximately 2420 square metres of land to the City between Ryan Road and the casino. This land functions as an access road to the casino and a few other lots. This land provides no benefit to the City and would create a new unneeded asset with maintenance and replacement liabilities for the City. Staff recommend Council no longer require dedication of this land.

FINANCIAL IMPLICATIONS:

The are no financial implications associated with the road closure bylaw.

ADMINISTRATIVE IMPLICATIONS:

Staff have spent approximately 5 hours reviewing the file, and preparing the bylaw and report.

ASSET MANAGEMENT IMPLICATIONS:

There are limited asset management implications with the Road Closure Bylaw. While a very small portion of road is being disposed by the bylaw it is not currently being maintained by the City.

STRATEGIC PRIORITIES REFERENCE:

None.

OFFICIAL COMMUNITY PLAN REFERENCE:

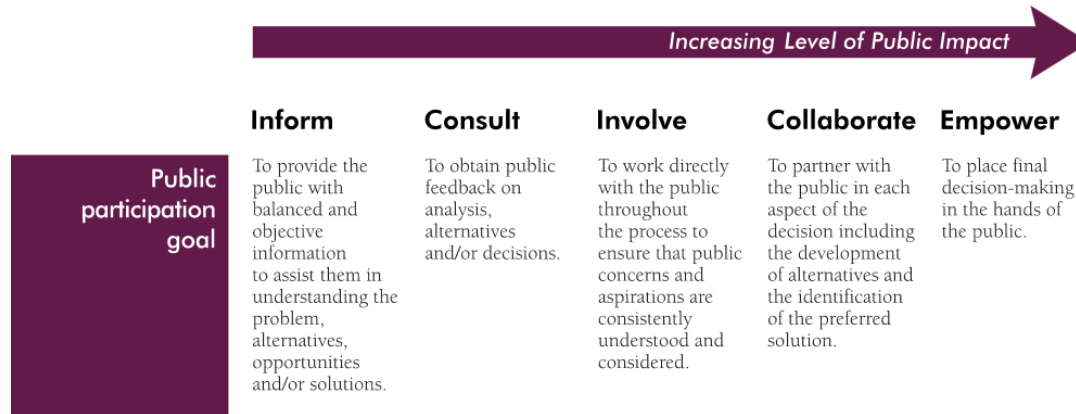
None.

REGIONAL GROWTH STRATEGY REFERENCE:

None.

CITIZEN/PUBLIC ENGAGEMENT:

The Community Charter requires that staff publish notice to the public of the road closure. Staff would consider this to be a **Consult** level of engagement based on the IAP2 Spectrum of Public Participation: http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1: That Bylaw 2869, 2017 to amend Road Closure Bylaw No. 2721, 2012” proceed to First, Second and Third Readings;

That Council direct staff to publish notice of the road closure pursuant to section 40(3) of the *Community Charter*; and

That the City waives its interest in acquiring the approximately 2420 square meter lot identified in section 3(c) of covenant FB414635.

Option 2: Council directs staff to do nothing with respect to amending the Bylaw and subsequently not proceed with closing a section of Hunt Drive and deny the request for the transfer of lands.

Prepared by:

Rich Feucht, P.Eng.
Development Engineer

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. Attachment No. 1 : Reference Plan EPP23849 (Hunt Road Closure)
2. Attachment No. 2: Original Bylaw 2721, 2012

Attachment No. 2: Bylaw No 2721, 2012

THE CORPORATION OF THE CITY OF COURTENAY

ROAD CLOSURE BYLAW NO. 2721, 2012

WHEREAS, pursuant to Section 40 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of seven (7) square metres in area in Part of Section 14, dedicated as Walkway at the Victoria Land Title Office by Plan VIP60575, Comox District, which is shown outlined in bold black on the reference plan prepared by M.R. Kuss, B.C.L.S. on the 10th day of August, 2012, a reduced copy of which is attached hereto as Schedule "A";

AND WHEREAS notices of Council's intention to close this portion of highway to traffic, to remove its dedication as highway, and to dispose of it were published in a newspaper and posted in the public notice posting place, and Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council;

AND WHEREAS the Council does not consider that the closure of that portion of highway will affect the transmission or distribution facilities or works of utility operators;

NOW THEREFORE the Council of the City of Courtenay in open meeting assembled, enacts as follows:

1. That portion of highway comprising of seven (7) square metres in area in Part of Section 14, dedicated as Walkway at the Victoria Land Title Office by Plan VIP60575, Comox District, which is shown outlined in bold black on the reference plan prepared by M.R. Kuss, B.C.L.S. on the 10th day of August, 2012, attached hereto as Schedule "A" (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule "A" and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Director of Legislative Services are authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as "**Road Closure Bylaw No. 2721, 2012**".

Read a first time this 10th day of December, 2012

Read a second time this 10th day of December, 2012

Read a third time this 10th day of December, 2012

Published in two editions of the Comox Valley Echo on the 18th and 24th day of December, 2012

Finally passed and adopted this 7th day of January, 2013

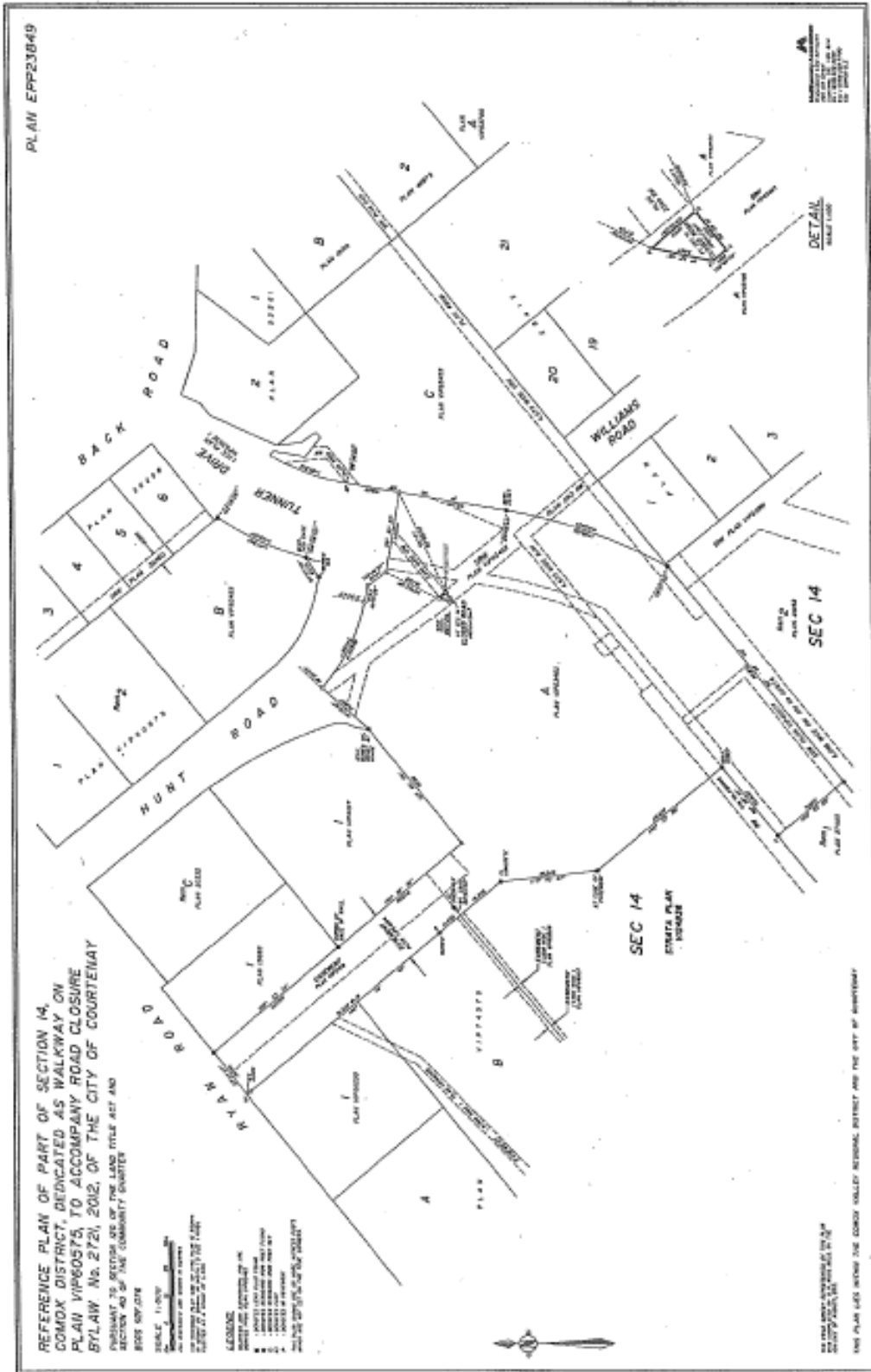


Mayor



Director of Legislative Services

Schedule A



Y:\SUBDIVISION\600-99\12650-59\12650\Road Closure\Hunt Road Walkway Road Closure Report.docx

January 17, 2017


Mayor & Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC
V9N 2J7

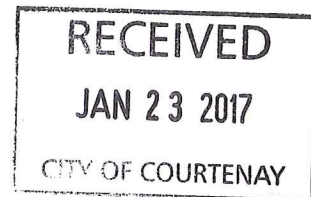
Mayor Jangula and Council,

The Village of Port Alice Council received a request from Lois Jarvis to support your initiative to establish a bylaw to prohibit paid parking at your hospital.

Please accept this letter as the Village of Port Alice Council's full support of your initiative to prevent paid parking.

Yours truly,


Mayor Jan Allen





THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council

File No.:

From: Director of Finance

Date: January 16, 2017

Subject: Comox Valley Regional District 2017 – 2021 Financial Plan

ISSUE:

The purpose of this Memorandum is to inform Council that Courtenay staff have reviewed the CVRD 2017 – 2021 Financial Plan and will be in the near future, discussing areas of concern with CVRD Staff.

BACKGROUND:

Each year, the CVRD requisitions funds from member municipalities and Electoral areas for the provision of specific services to the Comox Valley. There is specific budget documentation for each service requisition and this information is provided to financial officers of each municipality for review and questioning. For 2017, the Directors of Finance for Cumberland, Comox and Courtenay are meeting on Friday, January 20th to review the documents, ask questions and suggest budgetary changes. These changes are considered and may be incorporated into the CVRD Financial plans prior to being presented to the CVRD Board of Directors.

KEY CONSIDERATIONS:

In 2017, the key cost drivers for the City of Courtenay will be the Solid Waste Operation (391), the CV Sewer Operation (335), and the Water Supply Operation (300) and Transit Operation (780). The first three services will be undergoing significant capital projects (Water Treatment Plant, Sewer upgrades and Solid Waste enhancements) within the next three years which precipitates the requisitioning of higher fees from municipalities and electoral areas. Overall, the City's requisition represents close to 45% of the overall funding required by the CVRD.

Staff have reviewed the CVRD's 2017 – 2021 Financial Plan and will be raising concerns at the meeting on January 20th, particularly those related to the budget of "other Professional services", the review of maintenance costs, a review of facility utility costs to ensure they are more reflective of actual costs, and an indication by service, of the number of new staffing positions incorporated into the operations. The smoothing of large requisition increases over a longer period of time will also be suggested during the review process with CVRD staff.

Respectfully submitted,

Brian Parschauer, BA, CPA-CMA
Director of Finance



THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council
From: Director of Finance
Subject: 2017 – 2021 Financial Plan Timeline

File No.: 1715-01
Date: February 1, 2017

ISSUE:

This purpose of this memo is to provide Council with a timeline regarding the production of the City's 2017 - 2021 Financial Plan.

BACKGROUND:

Section 165 of The Community Charter indicates that a "municipality must have a five year financial plan adopted annually..". To that end, attached is a timeline for the production of this year's 2017 – 2021 Financial Plan.

KEY CONSIDERATIONS:

The key dates for Council's consideration are March 20th, 2017 and April 3rd, 2017. The first date is when Staff intend to provide Council with the Water and Sewer Budgets and the latter date is when Staff will be presenting the General Fund Operating and Capital budgets. All budgets must be adopted and approved prior to the production of the Tax Rate Bylaws. The concluding step in the process is the adoption of the Tax Rate Bylaws prior to May 15th.

Respectfully submitted,

Brian Parschauer, BA, CPA-CMA
Director of Finance

>>Attachment: 2017 – 2021 Financial Plan Timeline

2017 - 2021 Financial Plan

Date	Description	
	Operating	Capital
Oct-Nov, 2016		Capital budget discussions with AMWG and determination of 2017 Capital projects
October 21, 2016	CVRD Grant submission worksheets due from Departments (COMPLETED)	
November 18, 2016 to December 2, 2016	*Distribution of Operating Budget Worksheets - Water, Sewer, General; **Departments to complete budget worksheets and notes	
November 10, 2016	Deadline for Grant requests to the CVRD - Outdoor pool, special needs, Rescue 71, cemetery, skateboard park (Intermunicipal - Legislative Requirement) (COMPLETED)	
December 19th, 2016	Solid Waste budget to Council (first, second and third readings) (COMPLETED)	
January 6, 2017	Deadline for Departmental budget worksheet submissions and notes (FIRST ROUND COMPLETED)	
February 15, 2016	Budget reviewed and compiled, overall impact analyzed/discussed; preliminary budget drafted; Reserves Analyzed;	
February 15, 2016		Year end forecasts prepared; capital carry-forwards determined
February 28, 2016	* Review and Determine 2017 user fees for water, sewer and garbage services; (Solid Waste rates approved Dec 19th, 2016) * Prepare reports/recommendations on user rates for Council; Set rates for July 1st, 2017	Draft Capital Budget - discuss with Senior staff. Complete for January discussion with Council
2017		
March 15, 2016	Download preliminary Assessment Roll and calculate estimated new construction revenue based on preliminary assessment roll information	
March 20th, 2017	Water and Sewer budgets to Council (first and second readings)	
April 3rd, 2017	Operating and Capital Budget presentation and Discussions with Council	
January - April	Provide for Public Information: * Budget information on City Webpage **Advertise - availability of budget information ***Public Attendance at budget discussion meetings, solicit feedback; ****Work on Tax Notice Insert **Develop Front Office Poster Board Information *Finalize 2017 budget Taxes collected for other authorities (rev. and exp.)	
April 18th, 2017	-Water and Sewer budgets to Council (third reading) -Operating and Capital Budget (first and second readings)	
May 1st, 2017	Prepare/Adopt Financial Plan Bylaws (third reading)	
April - May	>Download final assessment roll - for tax rate calculations >>Discuss Multiplier Options with Council >>>Prepare Tax calculations and tax rate bylaws	
May 12, 2017	Final day for adoption of Tax Rate Bylaws	

DOWNTOWN
COURTENAY

Downtown Courtenay Business Improvement Association

PRESIDENT

Jenny Deters
Rattan Plus & Patio
250-650-2338

VICE-PRESIDENT

Sandra Viney
Atlas Café
250-338-9838

TREASURER

Alana Pearson
MNP
778-225-7246

RECORDING SECRETARY

Lorna Hughes
Cardero Coffee & Tea
250-338-2519

DIRECTORS

Brett Walker
Walker 24 Menswear

Colin Wilson
Dr. Colin Wilson, Chiropractor
250-898-8683

Craig Carson
Second Page Books
250-338-1144

Deana Simkin
Billy D's Pub & Bistro
250-334-8811

Grant Powers
Bank of Montreal
250-334-3181

Jorden Marshall
Hot Chocolates and
Cakebread Bakery
250-338-8211

Mackenzie Gartside
Select Mortgage
250-331-0800

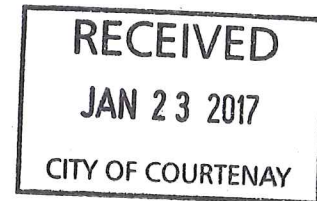
Tamara Carter
Sun Life Financial
250-331-1363

EXECUTIVE DIRECTOR

Avry Janes
250-650-9550
info@downtowncourtenay.com
#203 – 580 Duncan Ave.
Courtenay, BC
V9N 2M7

January 18, 2017

Mayor Jangula & Councillors
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7



Re: Request for Parking Plan Review

Dear Mayor and Council,

The Downtown Courtenay BIA board of directors would like to support the submission of the attached letter of concern on behalf of noted DCBIA members regarding an enforceable parking solution in Downtown Courtenay.

The board of directors echoes the sentiment in the letter in terms of welcoming renovations and development in the downtown core and additionally recognizes that densification is imminent in the long term and will contribute greatly to the vibrancy and sustainability of the area.

As such, we request an update on current processes or requirements in place for developers to provide parking as well as any future plans to deliver enforceable parking solutions as Downtown Courtenay continues to thrive and densify. Finally, we wish to review the current parking by-law officer role and enforcement mandate.

Sincerely,

Sandra Viney, Vice President
Downtown Courtenay Business Improvement Association

December 5, 2016

Mayor and Council
City of Courtenay

Dear Mayor and Council;

We write to bring to your attention our concerns regarding the re-development of the building at the southwest corner of 5th Street and England Avenue.

First, we want to state that we are not opposed to renovations and improvements to retail buildings in the downtown core. To the contrary, we applaud and support the efforts of landlords to make our downtown more attractive and shopper friendly.

Our concern is with the apparent residential density proposed in the re-development of this building, which has no parking available on the site. Currently, very few residential suites exist in this block, and those that do are provided with off-street parking by landlords. Parking during the business day, and into the early evening, is already crowded, as most of the businesses already here provide products and services to customers from across the valley and, significantly, from other communities on the island. Most of these customers drive into the area and park on the street near the stores they patronize. Reducing available parking due to residents and their visitors parking on the street would negatively affect these businesses due to the potential loss of customers.

We understand it has been suggested that efforts would be made to rent the units to tenants without vehicles. We have serious concerns about how realistic and practical this would be. We suspect that most landlords would be unlikely to leave suites empty because the potential tenants own vehicles. They need to cover their expenses too. Our request to council is to assist existing businesses in the area by ensuring a realistic, practical, and enforceable parking solution is arrived at before this development proceeds.

Thank you for your time and attention to our concern.

Ida-mare Huska: Post the Sub
SHEPHERD SMITH - Manager - THE EVERYTHING WET STORE


SUSAN DAVIDS - MANAGER - SQUARE 1 TRAVEL


Vashti White - owner - Secret Drawers

Gail Szumanski - Manager - Vogue Optical

Kim Zamena - owner - Ski Surf & Kayak Shop

DEREK DEWAR - owner Packables Travel Solutions
Jill White - TaleTops

Aphr Raley Co. 

Rick ALER - GM - 

Sharon Anderson - Shari-On's ALL SIZES

Andrew Pruitt - ANDREW RONALD - EXTREME
RUNNERS



LINDA RITCHIE

FD & INTERIORS

Kathy Vandehoist
Lina Sappia

Owner - Shoebiz
Cherry Wine

- Copy of letter delivered to City Hall Dec 8, 2016
Addressed to Mayor Larry Tangula + Council

Thank you
Kathy Vanderhorst
Shoebry

Excellent care, for everyone,
everywhere, every time.



January 12, 2017

His Worship Mayor Larry Jangula
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7



Dear Mayor Jangula:

Re: Recommendations – Local Government Smoke-Free Bylaws

On behalf of the Medical Health Officers for Island Health, the Tobacco & Vapour Prevention and Control program (TVPC) is writing to invite the City of Courtenay to partner with Island Health to take steps to reduce tobacco use, exposure to “second-hand” smoke, and to model a tobacco free lifestyle in the community of Courtenay. We recommend that the City of Courtenay prohibits smoking at patios, parks, playgrounds and beaches, and includes guidelines for post-secondary campuses through the creation of a smoke-free bylaw. We have attached a smoke-free bylaw template and fact sheet to help guide your process.

We recognize and commend Courtenay Council’s recent endorsement of the Canadian Cancer Society’s recommendation to the BC government for smoke and vape-free outdoor public places legislation. While this is commendable and forward thinking, such resolutions may take time before implementation. We are therefore encouraging Courtenay council to act now to protect and promote the health of the community by implementing municipal tobacco and vapour control bylaws.

As of September 1, 2016 the province of British Columbia updated several laws that govern tobacco and vapour products. The *Tobacco Control Act* and Regulation were replaced with the *Tobacco and Vapour Products Control Act* and Regulation. The scope of the new legislation is now expanded to include e-cigarettes and vapour products. However, it does not extend to all outdoor public spaces. The City of Courtenay can contribute to the health and wellbeing of all citizens across the life course by creating and implementing smoke-free bylaws in outdoor public spaces, public places, and work sites.

For the purpose of crafting smoke-free bylaws we advocate defining:

- “Smoke” or “smoking” to include or burning of a cigarette or cigar, or any substance using a pipe, hookah pipe, lighted smoking device, or electronic smoking device;
- “Burning” to mean to produce smoke, vapour or other substances that can be inhaled, including vegetative matter; and
- “Vegetative matter” as any plant product that can be dried and burned into vapour.

Environmental smoke whether from tobacco, marijuana, heated vapour, or the burning of other substances can contain Class A carcinogens similar to benzene and asbestos. These substances upon combustion are likely to produce fine particulate matter as well as a variety of noxious chemicals, all of which is harmful to human health. Repeated surveys have demonstrated overwhelming public support for local regulations which restrict the public consumption and use of tobacco, vapour, or other substances that can be inhaled.

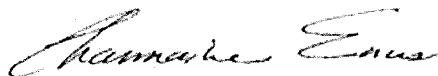
Therefore, the Medical Health Officers of Island Health recommend councils implement the following recommendations:

- Make outdoor public places smoke-free by prohibiting tobacco, vapour or other substances that can be inhaled in areas where children play, including beaches, parks, playgrounds, sports fields, and athletic stands.
- Add public places not included in the Tobacco and Vapour Products Control Regulation, such as patios of bars and restaurants (currently exempted by the Regulation), transit stops (not just shelters), construction and marine environments, and all other outdoor public places where individuals are required to queue for the receipt of any service.
- Include water pipes in bylaws. A developing health threat is associated with the use water pipes and regardless of the material smoked in these devices, the same restrictions as smoke-free places should apply. Consideration should also be given to preclude the sale and public use of water pipes within the boundary of the municipality.
- Council support for comprehensive tobacco legislation passed through the Union of BC Municipalities (UBCM) process. Such resolutions may take time before implementation, hence the importance of Council acting now to protect and promote the health of your constituents.

In addition to protecting citizens from second-hand smoke exposure, smoke-free outdoor places support individuals who want to quit smoking and provide positive role modelling for children and youth. Effective smoke control measures save lives, financial resources, and are vital to protecting the integrity of BC's healthcare system.

On behalf of Island Health Medical Health Officers and the TVPC program we thank you for taking the time to consider these recommendations. We look forward to working with you to enable the creation and enactment of policies.

Yours in health,



Dr. Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer



Shelley McClure, Ed.D, CEC, CAM |Leader, Operations
Tobacco & Vapour Prevention and Control Program

CE,SM/tm

THE CITY/ TOWN/VILLAGE OF ABCDEFG
SMOKING REGULATION BYLAW No. xxx, year

A Bylaw to Regulate Smoking in the (City/Town/Village of ABCD)

WHEREAS it has been determined that Environmental Smoke whether from tobacco, marijuana, heated vapour or the burning of other substances can contain Class A carcinogens similar to benzene and asbestos, contain fine particles that can be inhaled deep into the lungs causing harm both locally and in other parts of the body, and is a health hazard to the inhabitants of the (CITY/TOWN/VILLAGE);

AND WHEREAS it is generally recognized by scientific and medical communities that there is no safe level of smoke exposure and that whether the smoking occurs indoors or outdoors exposure to significant levels of Environmental Smoke can occur;

AND WHEREAS it is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of (CITY/TOWN/VILLAGE) to prohibit, regulate and impose requirements in relation to smoking in (CITY/TOWN/VILLAGE);

NOW THEREFORE, the (CITY/TOWN/VILLAGE), in public meeting assembled HERBY ENACTS AS FOLLOWS:

SECTION 1
INTERPRETATION

Name of Bylaw

- 1.1 This Bylaw may be known and cited for all purposes as the "Smoking Regulation Bylaw No. xxxx, year".

Definitions

- 1.2 In this Bylaw:

"burn" or "burning" means to produce smoke, vapour or other substances that can be inhaled;

"bus stop" means a place on a bus route marked by a sign at which buses stop to pick up and drop off passengers and includes a transit shelter;

“customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard or side walk, that is part of or connected to or associated with a business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;

“designated public space” includes but is not limited to public playing fields, public playgrounds, public squares, and outdoor public places where individuals are required to queue for the receipt of any service;

“outdoor workplace” means any outdoor place used in conjunction with the workplace, including but not limited to construction and marine sites as well as sites with flag persons;

“park” means any property owned and dedicated as a park by the (CITY/TOWN/VILLAGE) and including but not limited to public playgrounds, playing fields, beaches, or public trails;

“smoke” or “smoking” means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking device or electronic smoking device that burns tobacco, weed, or other substance.

Severability

- 1.3 If any section of or lesser portion of this Bylaw is held to be invalid by a court, such invalidity shall not affect the remaining portions of the Bylaw.

SECTION 2 HEALTH REGULATIONS

Prohibition of smoking

- 2.1 No person shall smoke in, at, on or within 6 metres (or greater; best practice is 9 meters) of any of the following:
 - a. any part of a park within the District of (CITY/ TOWN/VILLAGE);
 - b. a bus stop;
 - c. a customer service area;
 - d. any designated public space;
 - e. any outdoor workplace.
- 2.2 No person shall smoke in any place where prohibited by the *Tobacco and Vapour Products Control Act* and Regulation.

- 2.3 Section 2.1 does not apply to a ceremonial use of tobacco in relation to a traditional aboriginal cultural activity.

SECTION 3 VIOLATIONS AND PENALTIES

Offences under Bylaw

- 3.1 A person who:

- a. violates or who causes, permits or allows any of the provisions of this Bylaw to be violated;
- b. neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or
- c. fails to comply or allows another person to fail to comply, with an order or direction given under any provision of this Bylaw;

is guilty of an offence against this Bylaw, and liable to the penalties imposed under this Section 3.

Fine for offence

- 3.2 Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than (\$250) and not more than (\$2,000) for each offence. Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate offence.

SECTION 4 DUTY OF ADMINISTRATION AND ENFORCEMENT

- 4.1 The Bylaw Enforcement Officers of the (CITY/TOWN/VILLAGE) shall be responsible for administration of this Bylaw.

- 4.2 The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the (CITY/TOWN/VILLAGE) or its employees to enforce its provisions and;

- a. a failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
- b. the grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

**SECTION 5
ENACTMENT**

Force and Effect

5.1 This Bylaw comes into force and takes effect upon adoption.

READ A FIRST TIME THIS ## day of (month), (year)

READ A SECOND TIME THIS ## day of (month), (year)

READ A THIRD TIME THIS ## day of (month), (year)

DEPOSITED WITH THE MINISTER OF HEALTH THIS ## day of (month), (year)

ADOPTED THIS ## day of (month), (year)

"Signed Mayor"

"Signed Other"



Canadian Cancer Society
Société canadienne
du cancer

Outdoor Smoke and Vape-Free Places

Frequently asked questions: For BC municipalities

Why outdoor smoke and vape-free bylaws?

Equitable access to clean air for all British Columbians

Tobacco is BC's leading cause of preventable death. The Canadian Cancer Society (the Society) believes all British Columbians have the right to equitable access to clean air, positive role modelling and environments supportive of people who want to quit smoking.

The number of BC communities sheltered by tobacco bylaws with stronger protections than the province's *Tobacco and Vapour Products Control Act* have increased substantially over the past ten years, from 6 in 2006 to 69 in 2016. However, outside these communities, more than 1 million British Columbians remain unprotected from tobacco exposure in outdoor public places.

Protection from second-hand smoke

There is no safe level of exposure to second-hand smoke. It contains more than 4,000 chemicals, of which more than 70 are known to cause cancer. Every year, more than 800 Canadians who don't smoke die from second-hand smoke exposure.

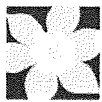
Tobacco smoke can be just as toxic outdoors as indoors; during periods of active smoking, air quality can quickly deteriorate to very poor levels and can be equivalent to indoor levels within 2 metres of the source, extending beyond this distance if several people are smoking. The amount of particulate matter, degree to which smoke lingers and amount of drift from outdoor to indoor environments are dependent on atmospheric conditions, the physical layout of the area, and the density and location of smokers. Research on hospitality patios and entrances to office buildings show that levels of particulate matter can be high as far as 9 meters from a burning cigarette.

Support people who want to quit smoking

The majority (85.7%) of British Columbians do not smoke. Of the minority who do smoke, two-thirds want to quit and are looking for tools to help them. Smelling smoke or seeing people smoking outdoors makes it hard for people who are trying to quit smoking and may trigger relapse. Studies show that when smoking bans have been implemented, many people who smoke have chosen to quit or cut back and that smoke-free patio regulations may help former smokers avoid relapse.

Positive role modelling

Tobacco use is started and established primarily during adolescence. Since most people who smoke start before the age of 18, it is important to model healthy behaviours. Youth who do not see others smoking or vaping will be less likely to view these as normal social behaviors, and thereby are less likely to start themselves.



Canadian Cancer Society
Société canadienne
du cancer

Protect the environment and reduce litter

Regulating smoking in public outdoor locations should serve to reduce the number of discarded butts. The 2015 Great Canadian Shore Cleanup reported the most littered item (44%) in BC were cigarette butts.

Smoking, particularly in wooded areas, increases the risk of fire. Smoking and smoker's materials were recorded as one of the top causes of fire in BC in 2012. Policies could help reduce this risk by establishing areas where smoking is, and is not, allowed.

What would a recommended bylaw include?

Recommended bylaws prohibit smoking and vaping on restaurant and bar patios, on city-managed properties, including: parks, playgrounds, trails, plazas, beaches, playing fields, recreation facilities and venues, and establish at least a 7.5 metre buffer zone (best practice is 9 metres) for the above mentioned, as well as around the doors, windows and air intakes of public buildings.

"Smoking" would include burning a cigarette or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device or electronic smoking device, with some exemptions for the ceremonial use of tobacco in relation to traditional aboriginal cultural activities.

Why include electronic smoking devices?

E-cigarette products and their use are considered within BC's *Tobacco and Vapour Products Control Act* and, to date, fourteen BC communities have regulated electronic smoking devices alongside tobacco products in tobacco bylaws. The Society believes these policies will help curb youth experimentation with e-cigarettes and help keep e-cigarettes from re-normalizing smoking behaviours.

E-cigarettes are likely to be less harmful than regular cigarettes; however, the long-term health effects of inhaling e-cigarette ingredients are presently unknown. Health Canada, the World Health Organization, and the US Federal Drug Administration have issued warnings against e-cigarette use, particularly by adolescents and pregnant women.

Data indicates that e-cigarette use amongst youth is increasing. According to the World Health Organization, adolescent e-cigarette use doubled from 2008 to 2012. More than half of Canadian youth trying e-cigarettes have never smoked, which suggests youth are experimenting with e-cigarettes, rather than using them to quit smoking.

Are e-cigarettes effective at helping people quit smoking?

The Society recognizes the potential benefit that e-cigarettes may provide to Canadians trying to quit smoking and is monitoring evolving research. Some studies have shown that e-cigarettes with nicotine may help users quit smoking, satisfying both a person's addiction to nicotine and smoking behaviours, such as oral fixation. However, research remains mixed as to whether e-cigarettes are effective for smoking cessation. Neither the World Health Organization, nor Health Canada have determined that e-cigarettes are effective at helping



Canadian Cancer Society
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du cancer

smokers quit. Nicotine gums, patches, lozenges, and inhalers, as well as some prescription medications are proven to be safe and effective tobacco cessation aids.

Where can people who want to quit smoking be directed?

Residents of British Columbia with a Medical Service Plan can access select nicotine replacement therapy for free through their pharmacy and can ask their physician for help to develop a quit plan. Quit support is also available through QuitNow.ca and RuntoQuit.com.

Is the public in support of outdoor smoke-free policy?

There is a growing appetite in Canada for smoke-free outdoor public places. A 2013 Angus Reid poll conducted on behalf of the Society, BC and Yukon showed 66% of British Columbians over the age of 18 support smoke-free outdoor restaurant and bar patios, 91% support a ban in children's playgrounds, and 66% support a ban in all parks and beaches. Support from British Columbians 15-18 years old increased to 79%, 96%, and 80% respectively.

Eighty-eight percent of the 24 BC municipalities and regional districts interviewed in the Propel Centre for Population Health Impact's 2016 survey of jurisdictions with outdoor smoke-free ordinances indicated that their bylaws had had a positive impact on their community. No respondents indicated a negative effect.

Do smoking bans take away too many freedoms?

Tobacco is the leading cause of preventable death in BC and no level of second-hand smoke exposure is safe. One person's right to smoke ends when it impacts another person's right to breathe clean air. Smoke-free places provide positive role modelling and support people who want to quit smoking by eliminating social triggers.

How can outdoor smoke and vape-free regulations be enforced?

Evaluations have found the fear of compliance issues exceed the number of actual problems. Effective compliance strategies employ a balance of education, voluntary compliance, inspection, and progressive enforcement. Communities such as Kelowna, Woodstock, Pemberton, and Bridgewater have shared strategies they've successfully employed.

Thirty percent of BC municipalities with tobacco bylaws report few or no public complaints, according to Propel's 2016 preliminary findings. Of the communities that have received complaints, the majority were about people smoking in prohibited areas. When people understand what tobacco restrictions are in place and why they have been implemented, they are more likely to comply, and are also more likely to speak up, encouraging others to comply. According to BC municipalities, "obtaining community buy-in" and setting "the goal of voluntary compliance" make enforcement much easier.

The Society is advocating for universal provincial policy and broad awareness measures which would make BC residents and tourists more aware of smoking restrictions. For example, Ontario banned smoking on restaurant/bar patios, playgrounds and sports fields, effective January 1, 2015. Smoking behaviour and exposure to secondhand smoke

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2869

A Bylaw to Amend Road Closure Bylaw No. 2721, 2012

WHEREAS Council adopted Road Closure Bylaw No. 2721, 2012 on the 7th day of January 2013;

AND WHEREAS the plan attached to that Bylaw must be updated so that it may be registered at the Victoria Land Title Office in order to effect the road closure authorized by that Bylaw;

The Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

- 1. Road Closure Bylaw No. 2721, 2012 is amended:
 - (a) by removing the phrase “M.R. Kuss on the 10th day of August, 2012” in section 1 and replacing it with “Michael Hansen on the 20th day of March, 2015”;
 - (b) by replacing the plan attached as Schedule “A” with the plan attached to and forming part of this Amendment Bylaw as Schedule “1”.
- 2. The Mayor and Director of Legislative Services are authorized to execute and deliver such agreements, advertisement, plans and other documents as are required to give effect to the foregoing.
- 3. This Bylaw may be cited as “Road Closure Amendment Bylaw No. 2869, 2017”.

Read a first time this day of , 2017

Read a second time this day of , 2017

Read a third time this day of , 2017

Published in two editions of the on the and day of , 2017

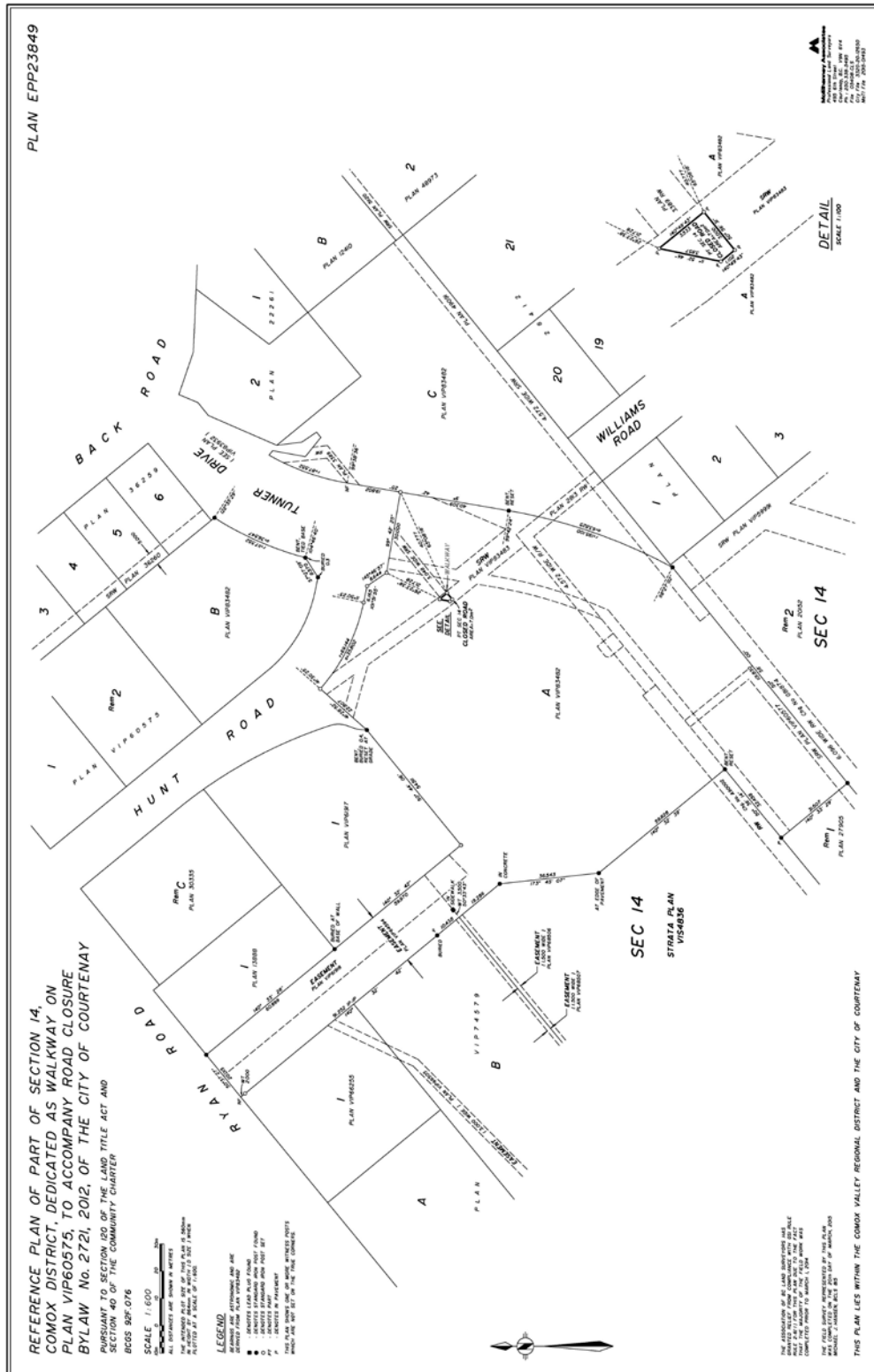
Finally passed and adopted this day of , 2017.

Mayor

Corporate Officer

Schedule "1" to Bylaw

[Plan EPP23849]



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2854

A bylaw to amend Official Community Plan Bylaw No. 2387, 2005

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Official Community Plan Amendment Bylaw No. 2854, 2016**”.
2. That Official Community Plan Bylaw No. 2387, 2005 be amended as follows:
 - a) By changing the land use designation of Lot 7, District Lot 104, Comox District, Plan 5659 (1375 Piercy Avenue) from Urban Residential to Multi Residential as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw; and
 - b) That Map #2, Land Use Plan be amended accordingly;
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19th day of December, 2016

Read a second time this 19th day of December, 2016

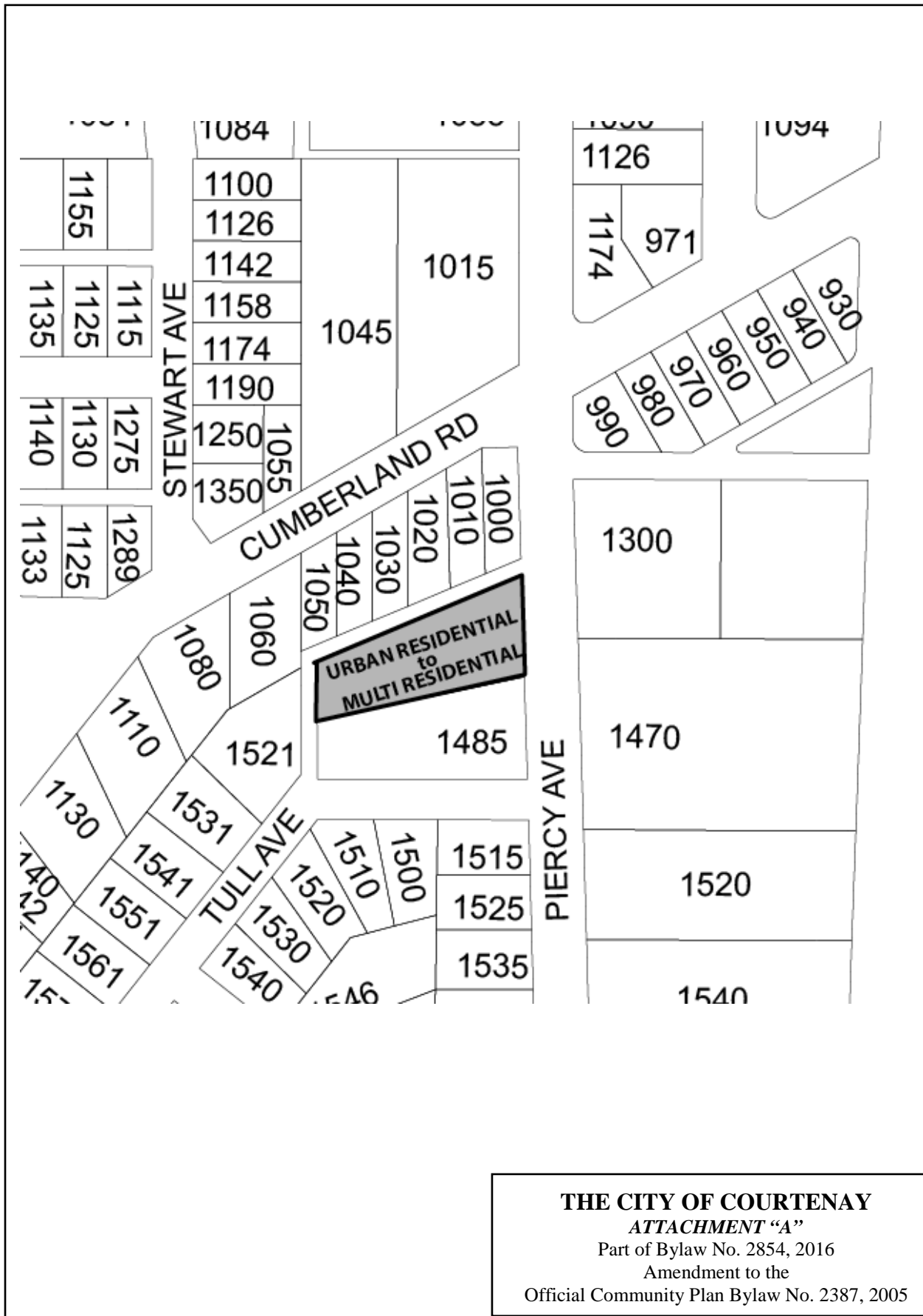
Considered at a Public Hearing this 16th day of January, 2017

Read a third time this day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2854, 2016
 Amendment to the
 Official Community Plan Bylaw No. 2387, 2005

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2855

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

- 1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2855, 2016**”.
- 2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 7, District Lot 104, Comox District, Plan 5659 (1375 Piercy Avenue), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential Two Zone (R-2) to Residential Four A Zone (R-4A); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
- 3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19th day of December, 2016

Read a second time this 19th day of December, 2016

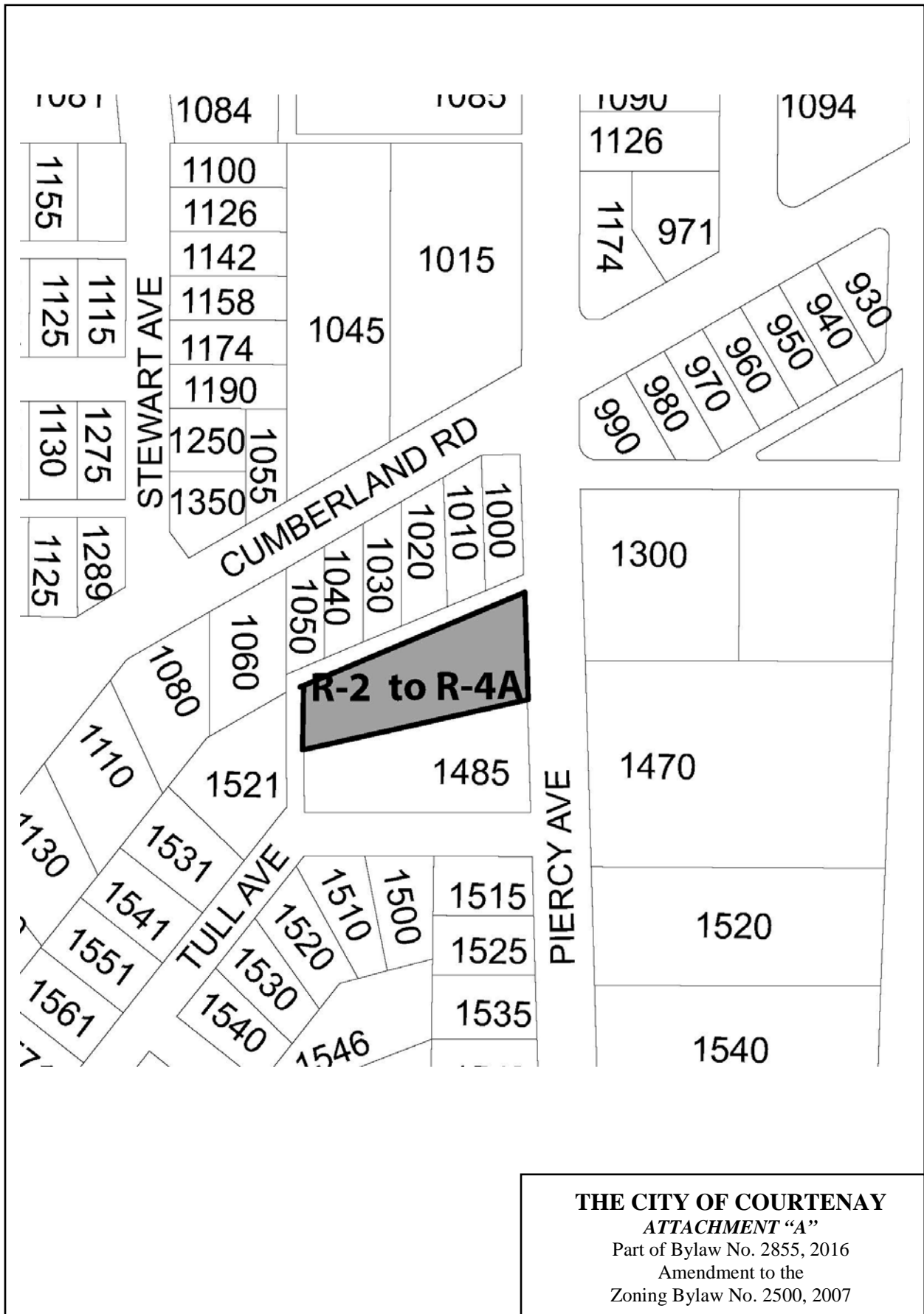
Considered at a Public Hearing this 16th day of January, 2017

Read a third time this day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2855, 2016
 Amendment to the
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2860

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 2860, 2016”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by amending Section 8.2.1(6) adding “(g) notwithstanding the required lot size stated in (e), a secondary residence is permitted on ~~Lots 9 and 10, District Lot 127, Comox District, Plan 1951~~ **Parcel A (Being a consolidation of Lots 9 and 10) Block 1, District Lot 127, Comox District Plan VIP1951** as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7th day of November, 2016

Read a second time this 7th day of November, 2016

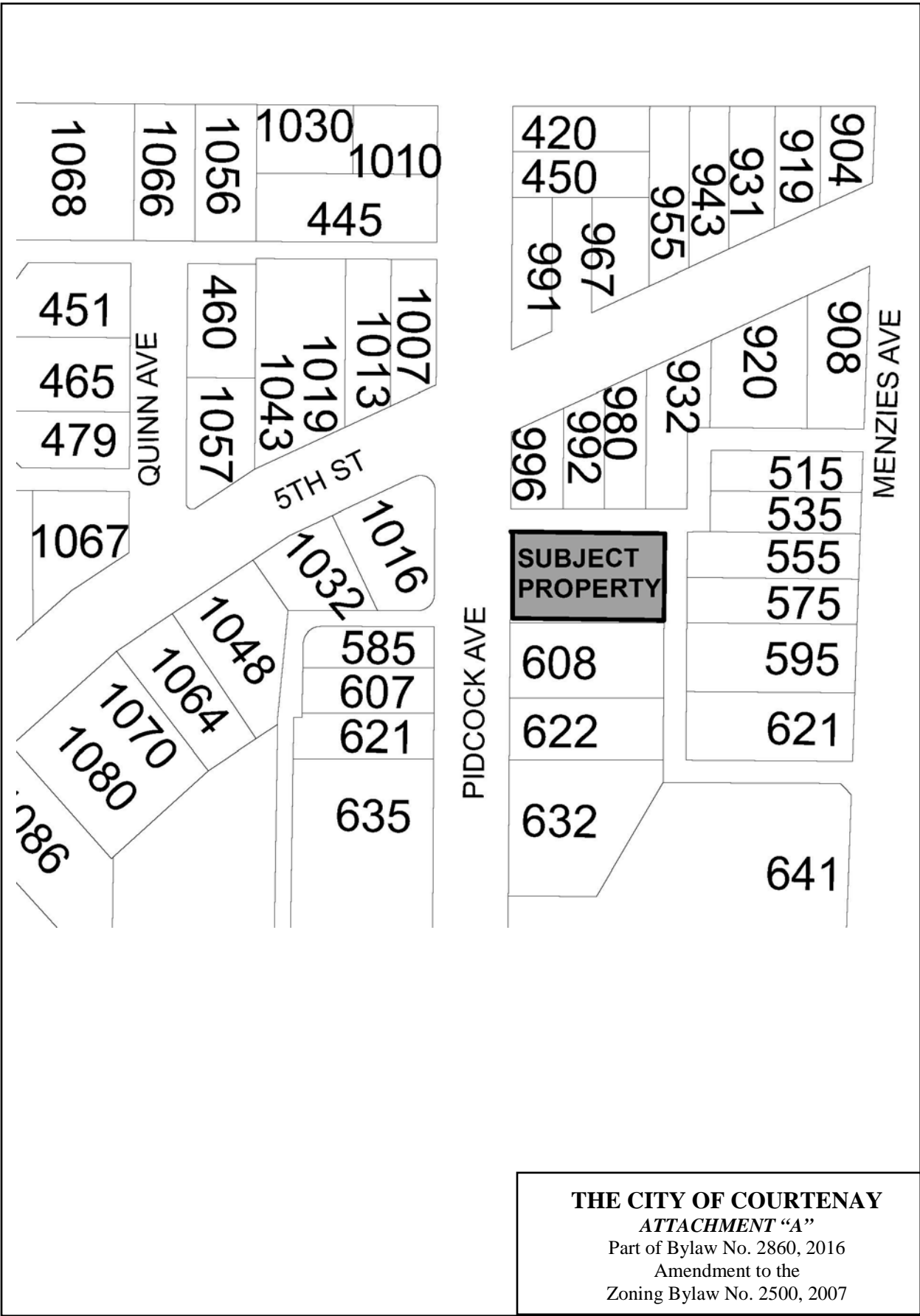
Considered at a Public Hearing this 21st day of November, 2016

Read a third time this 5th day of December, 2016

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2860, 2016
 Amendment to the
 Zoning Bylaw No. 2500, 2007