

# THE CORPORATION OF THE CITY OF COURTENAY

## NOTICE OF COMMITTEE OF THE WHOLE MEETING

**DATE:** Monday, February 29, 2016  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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### AGENDA

Page #

**1.00 STAFF REPORTS/CORRESPONDENCE**

- 1 1. Council Procedure Bylaw Amendments
- 27 2. Public Hearing for Bylaw 2839 – Medical Marihuana in ALR date change
- 29 3. K'ómoks First Nation – Community to Community Forum Invitation
4. Braidwood Project Update

**2.00 COUNCIL PRESENTATIONS**

- 31 1. Councillor Frisch re: Report from the Canadian Institute of Transportation Engineers

**3.00 UNFINISHED BUSINESS**

- 45 1. RCMP Performance Plan

**4.00 RESOLUTIONS OF COUNCIL**

1. **In Camera Meeting:**

That notice is hereby given that a Special In-Camera meeting closed to the public will be held February 29, 2016 at the conclusion of the Committee of the Whole Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1)(c) labour relations or other employee relations;
- 90 (2)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

- 90 (1)(1) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (*annual municipal report*);

## **5.00 ADJOURNMENT**



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT TO COMMITTEE OF THE WHOLE

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Council Procedure Bylaw Amendments

**File No.:** 0570-01  
**Date:** February 29, 2016

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### PURPOSE:

The purpose of this report is to consider amendments to the Council Procedure Bylaw No. 2730, 2013.

### CAO RECOMMENDATIONS:

That based on the February 29, 2016 staff report "Council Procedure Bylaw Amendments", Council approve OPTION 1 and the recommended amendments to Bylaw No. 2730;

That Council Procedure Amendment Bylaw No. 2846, 2016 proceed to three readings on March 7, 2016; and

That staff arrange for the required statutory advertising regarding Bylaw No. 2846.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

Council Procedure Bylaw No. 2730 was adopted in 2013. Pursuant to section 124 of the *Community Charter*, Council is required to have a procedure bylaw with the following provisions at a minimum:

#### ***Procedure bylaws***

**124** (1) *A council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business.*

(2) *Without limiting the matters that may be dealt with under this section, a council must, by bylaw, do the following:*

*(a) establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [Bylaw Procedures] of this Part;*

*(b) establish rules of procedure for meetings of council committees;*

*(c) provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;*

*(d) provide for advance public notice respecting the time, place and date of council committee meetings and establish the procedures for giving that notice;*

*(e) identify places that are to be public notice posting places for the purposes of section 94 [public notice];*

*(f) establish the procedure for designating a person under section 130 [designation of member to act in place of the mayor];*

*(g) establish the first regular council meeting date referred to in section 125 (1) [council meetings] as a day in the first 10 days of December following a general local election.*

*(3) A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms.*

Recommended amendments to the procedure bylaw are shown in the attached bylaw with “changes tracked”.

**DISCUSSION:**

The proposed changes to the Council procedure are minor in nature designed to streamline the Council meeting process. The only significant amendment is the reduction of one Council meeting per month.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**ADMINISTRATIVE IMPLICATIONS:**

There are potential efficiencies to be gained through the elimination of one Council meeting including reduced agenda preparation time, meeting time, preparation of minutes, tracking of resolutions, and editing and processing of the Council meeting video.

Staff are confident that two Council meetings and one Committee of the Whole meeting per month will be sufficient to ensure the timely conducting of Council business. Council always has the option of calling special meetings if required.

Staff have also implemented internal communication changes to allow more efficient use of resources and information flow to Council beyond the traditional “staff report” format, including briefing notes, memos, and discussion papers. Based on experience from other organizations, these changes can have a positive benefit in productivity for Council and staff.

**STRATEGIC PRIORITIES REFERENCE:**

1. We focus on organizational and governance excellence.
  - We support and encourage initiatives to improve efficiencies.
  - We support meeting the fundamental corporate and statutory obligations.
  - We recognize staff capacity is a finite resource.

**ASSET MANAGEMENT IMPLICATIONS:**

Not applicable.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

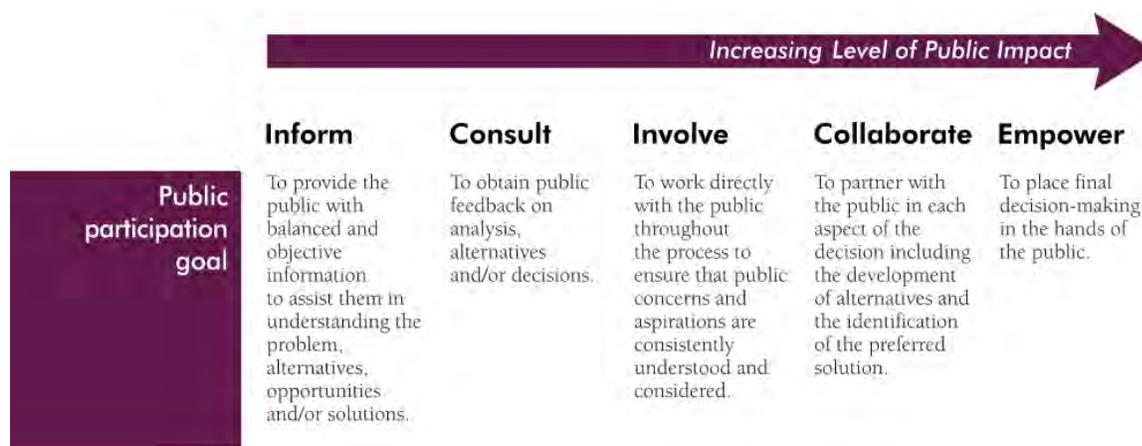
Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform the public at this point in time based on the IAP2 Spectrum of Public Participation:  
[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



Statutory notice required pursuant to section 94 of the *Community Charter*. Changes to the Council meeting schedule will be posted on the City’s website.

**OPTIONS:**

OPTION 1: That Council approve the recommended amendments to Bylaw No. 2730;

That Council Procedure Amendment Bylaw No. 2846, 2016 proceed to three readings on March 7, 2016;

That staff arrange for the required statutory advertising regarding Bylaw No. 2846; and

That the regular Council meeting for March 14, 2016 be cancelled (Recommended).

OPTION 2: Maintain the status quo.

OPTION 3: Amend the procedure bylaw as in some other way as Council chooses.

Prepared by:

A handwritten signature in black ink, appearing to read "John Ward", with a large, stylized initial "J" and "W".

John Ward, CMC  
Director of Legislative Services/Deputy CAO

- Attachments:*
1. *Council Procedure Bylaw with Tracked Changes*
  2. *Council Procedure Amendment Bylaw No. 2846*

# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2730

### A bylaw establishing rules of procedures for the Council and Committees of the City of Courtenay

WHEREAS the *Community Charter* requires that a council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business.

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

#### **PART 1 – INTRODUCTION**

##### **Title**

1. This bylaw shall be cited for all purposes as "**Council Procedure Bylaw No. 2730, 2013**".

##### **Definitions**

2. In this bylaw:

“Corporate Officer” means the Corporate Officer appointed pursuant to Section 148 of the *Community Charter* and includes his or her Deputy or Delegate;

“Commission” means a municipal commission established under Section 143 of the *Community Charter*;

“Committee” means a standing, select, or other Committee of Council, but does not include Committee of the Whole;

“Inaugural Meeting” means the first Council meeting following a General Local Election;

“Member” means any member of Council and includes the Mayor;

“Notice Board” means the notice board located at City Hall, 830 Cliffe Avenue, Courtenay, B.C.

##### **Application of Rules of Procedure**

3. (1) The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole, Commissions, and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the current edition of *Robert's Rules of Order* apply to the proceedings of Council, Committee of the Whole, and Council committees to the extent that those rules are

- (a) applicable in the circumstances; and
- (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## **PART 2 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 4. (1) At the Inaugural Meeting, 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 (Acting Mayor) when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Acting Mayor designated under section 4 (1) must fulfil the responsibilities of the Mayor in his or her absence.

## **PART 3 - COUNCIL PROCEEDINGS**

### **Inaugural Meeting**

- 5. Following a general local election, the first council meeting must be held on the first Monday after December 1 in the year of the election.

### **Annual Meeting Schedule**

- 6. (1) Council must prepare annually on or before December 31, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting the schedule on the notice board.
- (2) Council must give notice annually on or before January 15 of the availability of the annual meeting schedule.
- (3) Where revisions are necessary to the annual meeting schedule, the Corporate Officer must, as soon as possible, post a notice on the notice board indicating any revisions to the date, time and place or cancellation of a regular Council meeting.

### **Regular Council Meetings**

- 7. (1) Regular meetings of Council must take place within City Hall, 830 Cliffe Avenue, Courtenay, B.C. or in a location established by Council resolution.
- (2) Regular meetings of Council must take place on the first, ~~second~~ and third Monday of each month commencing at 4:00 p.m. except when
  - (a) the said Monday is a holiday, in which case Council must meet at the regularly scheduled time on the next day following the holiday;
  - (b) Council resolves to meet on subsequent days; or
  - (c) a quorum is not present within 15 minutes after the time appointed for commencement of the meeting.

### **Notice of Special Council Meetings**

8. (1) Except where notice of a special meeting is waived by a unanimous vote of all council members at least 24 hours before a special meeting of Council, the Corporate Officer must
  - (a) give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board at City Hall;
  - (b) posting a copy of the notice in the Council Chambers;
  - (c) leaving one copy for each council member at the place to which the member has directed notices be sent.
- (2) The notice under section 8 (a) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the Mayor or the Corporate Officer.
- (3) Where a special meeting is called and where notice may be waived by a unanimous vote of all Council members, the Corporate Officer must use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting on the notice board at City Hall.

### **Electronic Meetings**

9. (1) Provided the conditions set out in subsection 128 (2) of the *Community Charter* are met:
  - (a) A special meeting may be conducted by means of electronic or other communication facilities;
  - (b) A member of Council or a Committee member who is unable to attend at a Regular or Special Council or Committee of the Whole meeting due to unavoidable circumstances, may participate in the meeting by means of electronic or other communication facilities.
- (2) The member presiding at a Regular Council, Special Council, or Council Committee meeting must not participate electronically.

### **Order of Business at Regular Meetings**

10. (1) Except as Council otherwise resolves, and in any event only to the extent that business exists at a particular meeting under each of these subject headings, the usual order of business at a regular meeting is as follows:
  - (a) Call to order;
  - (b) Adoption of minutes as read or circulated, only if each member has received the minutes at least 24 hours before the meeting at which they are

to be considered, and, if necessary, amendment of minutes;

- (c) Introduction of late items;
- (d) Reception of delegations, including presentation of petitions;
- (e) Staff reports in the following order where applicable:
  - (i) ~~Community Recreation and Cultural~~ Services
  - (ii) CAO and Legislative Services
  - (iii) Development Services
  - (iv) Financial Services
  - (v) ~~Engineering and Operations~~ Services;
  - ~~(v)~~(vi) Public Works Services
- (f) External reports and correspondence presented for information;
- (g) Internal reports and correspondence presented for information;
- (h) Reports ~~updates~~ from Council members regarding City related activities including reports from Council and external committees;
- (i) Resolutions of Council;
- (j) Unfinished business;
- (k) Notice of motion;
- (l) New business;
- (m) Bylaws;
- (n) Adjournment.

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### Council Meeting Agendas

11. (1) Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The agenda of Council meetings and Committee of the Whole meetings must be available to Council and the public as follows:
  - (a) Regular Council and Committee of the Whole Meetings – 3:00 p.m. on the

Thursday of the week preceding each meeting;

- (b) Special Council Meetings – at the discretion of the Corporate Officer.
- (3) All reports, including those items or resolutions submitted by a member, for the agenda of
  - (a) a regular Council meeting;
  - (b) a Committee of the Whole meeting;
  - (c) a Public Hearing

must be submitted to the Corporate Officer by noon on the Tuesday preceding such meetings, except that when a holiday falls on the intervening Friday, such reports must be submitted by noon on the Monday preceding such meeting.

- (4) Notwithstanding the requirements of section 11 (2), the Corporate Officer has the discretion where practical to include on an agenda a report that is not provided by the date and time specified.

#### **Additional Agenda Items**

- 12. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by a majority vote of Council at the time allocated on the agenda for such matters.

#### **Delegations to Council Meetings**

- 13. (1) A delegation may address Council at a regular Council meeting or Committee of the Whole meeting providing
  - (a) a request has been submitted to the Corporate Officer in writing at least (4) working days prior to the day of the meeting including the name and address of the spokesperson and the specific written details of each delegation;
  - (b) in the case of a petition, the petition must be an original copy and include the printed name and address of each petitioner; and the petition must deal with an issue or matter that falls within Council's jurisdiction; and
  - (c) all materials to be presented relevant to the petition or delegation are received by the Corporate Officer at least (4) working days prior to the day of the meeting.
- (2) The presiding member may waive compliance with section 13 (1) on the unanimously approved motion of the members in attendance.
- (3) Under extraordinary occasions so declared by the Mayor, the Mayor may waive

compliance with section 13 (1).

- (4) The Corporate Officer may refuse to place a delegation or petition on the Council meeting agenda if the subject matter is not considered to fall within the jurisdiction of Council or does not relate to Council's areas of control, influence, or concern. If the delegation wishes to appeal the decision of the Corporate Officer, the appeal must be in writing, and must be presented to Council for consideration at the next available Council meeting.
- (5) A delegation is allowed a maximum of 10 minutes to make its' presentation to Council, unless Council unanimously consents to extend the time limit.
- (6) The number of delegations at any Council meeting will be limited to three (3) except under extraordinary circumstances approved by the Mayor prior to the Council meeting.
- (7) Council will not act on a request from a delegation at a Council meeting until the next regular Council meeting. Under extraordinary circumstances, Council may resolve, by a two-thirds affirmative vote of Council members present at the meeting, to consider the request immediately.
- (8) Council must not permit a delegation to address Council at a meeting regarding a bylaw in respect of which a public hearing has been held.

#### **Public Attendance at Meetings**

14. (1) Except where the provisions of section 90 of the *Community Charter* apply, all meetings of Council must be open to the public.
- (2) Where Council wishes to close a meeting or a portion of a meeting to the public, it may do so by adopting a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter* including Council committees, commissions, a parcel tax review panel, a board of variance, or advisory bodies.

#### **Minutes of Meetings**

15. (1) Minutes of Council meetings must be
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer;
  - (c) signed by the Mayor or other presiding member at or after the meeting at which they are adopted; and
  - (d) open for public inspection at City Hall during regular office hours.

### **Adjournment**

16. (1) Council may by resolution adjourn any meeting to a specified time and place.
- (2) Every regular meeting of Council is adjourned at 12:00 midnight unless a two-thirds majority of Council members present resolves to continue the meeting.

### **Cancellation of Meetings**

17. Council may by resolution cancel any meeting and the Corporate Officer must provide members 24 hours notice of cancellation.

### **Calling Meeting to Order**

18. (1) In the event the Mayor does not attend within 15 minutes after the time appointed for a meeting, the Acting Mayor must take the chair.
- (2) In the absence of the Acting Mayor the Corporate Officer must call the members to order and if a quorum is present, the members must appoint a member to preside during the meeting or until the arrival of the Mayor or Acting Mayor.
- (3) In the event the Mayor is required to leave a meeting, the Acting Mayor must take the chair; or in the absence of the Acting Mayor the members must appoint a member to preside during the meeting until the return of the Mayor.
- (4) The member appointed under section 18 (2) and 18 (3) has the same powers and duties as the Mayor in relation to the particular matter.

### **Quorum**

19. Should there be no quorum present within 15 minutes after the time appointed for the meeting, the Corporate Officer must record the names of the members present at the expiration of the 15 minutes and the meeting of Council is deemed to have been cancelled.

### **Proposed Bylaws**

20. (1) Before Council considers any proposed bylaw, the Corporate Officer must provide each member with a copy of the proposed bylaw.
- (2) Council is deemed to have passed a proposed bylaw when all approvals and procedures required by statute prior to adoption have been followed and Council has given the following readings to the bylaw:
- (a) first reading, which is by title only;

- (b) second reading, which is by title only unless Council resolved to read the proposed bylaw;
  - (c) third reading, which is by title only; and
  - (d) final adoption.
- (3) A bylaw may be read one, two, or three times at a meeting of Council unless otherwise required by an enactment.
  - (4) A zoning or official community plan bylaw or amendment bylaw may be adopted at the same meeting at which third reading was given.
  - (5) Council may reconsider any clause of a proposed bylaw before the bylaw is adopted, subject to section 894 of the *Local Government Act* regarding Public Hearings.
  - (6) After either second or third reading, Council may amend, strike out or add clauses.
  - (7) Every bylaw adopted by Council must be signed by the Mayor or other member of Council presiding at the meeting at which the bylaw has been adopted, and must be signed by the Corporate Officer.
  - (8) The Corporate Officer must affix to every bylaw adopted by Council the Corporate Seal of the Corporation of the City of Courtenay.

#### **PART 4 - RESOLUTIONS**

##### **Copies of Resolutions to Council Members**

21. A resolution not included on a Council meeting agenda may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or if all Council members unanimously agree to waive this requirement at a Council meeting.

##### **Form of Resolution**

22. (1) A resolution introduced at a Council meeting must be in printed form.
- (2) The presiding member may
  - (a) have the Corporate Officer read the resolution; and
  - (b) request a motion that the resolution be introduced.

## **PART 5 - MEETING RULES OF CONDUCT AND DEBATE**

### **Recognition**

23. (1) A member may speak in a meeting after
- (a) the member has raised his or her hand; and
  - (b) the member has been recognized by the presiding member.

### **Presiding Member Powers**

24. (1) The presiding member must preserve order and decide all points of order which may arise, subject to an appeal by other members of Council present.
- (2) If an appeal is taken by a member from the decision of the presiding member, the question "*Shall the Chair be sustained?*" must be immediately put and decided without debate and the presiding member will be governed by the majority of the votes of the members then present (exclusive of the presiding member), and in the event of the votes being equal the question will pass in the affirmative.
- (3) If the presiding member refuses to put the question "*Shall the Chair be sustained?*" Council must appoint the Acting Mayor, or if absent, one of the members to preside temporarily in lieu of the presiding member, and the Acting Mayor or member so temporarily appointed must proceed in accordance with the previous section.

### **Title of Members**

25. Members must address the Mayor as "Mr. Mayor" or "Madam Mayor", whichever is appropriate, or as "Your Worship", and must refer to another member as "Councillor".

### **Conduct of Speaker**

26. (1) A member may not speak
- (a) unless in relation to the matter in debate;
  - (b) to a matter already decided upon at the meeting;
  - (a) for more than five (5) minutes at a time.
- (2) A member may not speak more than once to the same matter, except with the permission of the majority of Council; or to
- (a) explain a material part of the member's speech which may have been misconceived, but then only to correct the matter; or
  - (b) ask a question for purposes of clarification.

### **General Conduct**

27. (1) A member must not interrupt a member who is speaking except to raise a point of order and must not make any disturbance during the meeting.
- (2) When two or more members desire to speak, the presiding member must name the member who is to have the floor.
- (3) A member may require the question or motion under discussion to be read at any time during debate, but not so as to interrupt a member when speaking.
- (4) After a question is finally put by the presiding member, no member may speak to the question, nor may any other motion be made until after the result of the vote has been declared; and the decision of the presiding member as to whether the question has been finally put will be conclusive and not open to challenge.
- (5) Council must vote separately on each distinct part of a question that is under consideration if requested by a member.

### **Improper Conduct**

28. (1) If the presiding member considers that another person at a meeting is acting improperly, the presiding member may order that the person be expelled from the meeting.
- (2) If the person who is expelled does not leave the meeting, a peace officer may enforce the order under as if it were a court order.

### **Matter Open to Debate**

29. Members may debate any motion except the following:
- (a) to lay on the table;
  - (b) to give first reading to a bylaw;
  - (d) to postpone indefinitely;
  - (e) to postpone to a certain time;
  - (f) to move that the motion be put to a vote; and
  - (g) to adjourn.

### **Verbal Enquiries by the Public**

30. A verbal enquiry by a member of the public may only relate to an item on the agenda and may only be heard when Council so resolves.

## **Privilege**

- 31.** (1) Every member may
- (a) at any time during the debate require that the matter under discussion be read for the member's information, but must not exercise this right in order to interrupt a member speaking without the acquiescence of that member;
  - (b) require the presiding member to state the rule applicable to a point of practice or order and the presiding member must then state the rule without argument or comment but subject to appeal to a vote of the members present; or
  - (c) by means of a question to the presiding member, seek information relating to any matter connected with the business of Council or the affairs of the municipality and the question must be in writing if so required by the presiding member.

## **PART 6 - MOTIONS AND AMENDMENTS**

### **Motions Generally**

- 32.** (1) All resolutions and bylaw readings must be by motion duly moved and seconded by members.
- (2) A motion other than a motion to adopt minutes, to receive reports, to refer to a committee or staff, to introduce or pass a bylaw or to adjourn must, if required by the presiding member, be put in writing before being debated or put from the Chair.
- (3) When a main motion is under consideration no other motion may be received except to
- (a) refer to a Committee of Council;
  - (b) amend;
  - (c) lay on the table;
  - (d) postpone indefinitely;
  - (e) postpone to a certain time;
  - (f) move that the motion be put to a vote; and
  - (g) adjourn.

- (4) The seven motions referred to in Section 32(3) have precedence in the order in which they are named, and the last five are not subject to amendment or debate.
- (5) A motion to refer the subject matter to a committee, until it is decided, precludes all amendments to the main question.
- (6) The Corporate Officer must record any motion other than a procedural motion in writing and, after a member has seconded a motion, the Corporate Officer may read it aloud prior to the members debating it or the presiding member putting it.
- (7) Once the Corporate Officer has read aloud a motion, no member may withdraw it without permission of the members and no member may withdraw a motion once passed.

#### **Motion to Adjourn**

33. A member at any time may make a motion to adjourn and if seconded, the members must promptly decide the motion without debate and no member may make a second adjournment motion if the first is defeated unless other proceedings intervene.

#### **Motion to Lay on the Table**

34. Except when a motion to adjourn has been made, a member may make a motion to lay a pending question(s) on the table, and this motion is not debatable or amendable.

#### **Motion to Put Question**

35. (1) If a member moves to put the main question, or the main question as amended to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question.
- (2) If the motion for the main question, or for the main question as amended is decided in the negative, Council may again debate the question or proceed to other business.

#### **Inadmissible Motion**

36. When the presiding member is of the opinion that a motion offered is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for his or her opinion, and may refuse to put the question.

#### **Amendment of a Motion**

37. (1) No member may move any motion to amend that negates the purpose of the main motion.
- (2) Members must withdraw or decide any amendment to a motion before the main question is put to a vote.

- (3) If an amendment to a motion is:
  - (a) carried, the previous motion is then voted on as amended; or
  - (b) defeated, the previous motion is again before the members.

#### **Defeated Resolution**

- 38.** Unless specifically provided by statute or bylaw, a defeated resolution or a substantially similar resolution must not be considered within 12 months of the date of the defeat of the resolution. This time limit may be waived by an affirmative vote of at least two thirds of the Council members eligible to vote on the resolution.

#### **Reconsideration of Matter by Mayor**

- 39.** (1) The Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote at the same council meeting as the vote took place, or within the 30 days following that meeting.
- (2) A matter may not be reconsidered under section 39 (1) if
- (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council; or
  - (b) there has already been a reconsideration in relation to the matter.

#### **Reconsideration of Matter by Council Member**

- 40.** (1) Subject to subsection (5) a member may, at the next Council meeting
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
  - (b) move to reconsider an adopted bylaw (with the exception of a land use bylaw) after an interval of at least 24 hours following its adoption.
- (2) A member who voted in the affirmative for a resolution adopted by Council may at any time move to rescind that resolution. In order to be passed, a motion to rescind requires
- (a) a two-thirds affirmative vote; or
  - (b) a majority affirmative vote when notice of motion has been given at the previous meeting or the call to order of the present meeting.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter has been adopted.
- (4) A vote to reconsider must not be reconsidered.

- (5) Council may only reconsider a matter that has not
  - (a) received the approval or assent of the electors and been adopted;
  - (b) been reconsidered under subsection (1) or section 39;
  - (c) been acted on by an officer, employee or agent of the City.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 39 is as valid and has the same effect as it had before reconsideration.

## **PART 7 - VOTING**

### **Putting of the Question**

41. (1) When debate on a question is closed the presiding member must immediately put the question to a vote.
- (2) Members must signify their votes on every question openly and individually by the raising of hands and members must not vote by ballot or any method of secret voting.

### **Recording of Votes**

42. (1) Any member may call for his or her vote on any issue to be recorded and each time this request is made, the Corporate Officer must record in the minutes the name of the members and the way in which the member voted.
- (2) Immediately upon the announcement of the result of a vote by the presiding member, any member may call for a division whereupon each member present must orally announce his or her vote.
- (3) Should any member not indicate his or her vote when any question is put, the member will be regarded as having voted in the affirmative and his or her vote must be counted accordingly.
- (4) The Corporate Officer must record in the minutes of a meeting the name of any member who voted in the negative on any question.

## **PART 8 - COMMITTEES OF COUNCIL**

### **Committee of the Whole**

43. Meetings of the Committee of the Whole must be held in City Hall Council Chambers on the last Monday of each month, with the exception of December, at 4:00 p.m. unless the meeting day falls on a holiday, in which case the meeting would be held the following day.

### **Presiding Members at Committee of the Whole**

44. (1) The Mayor must preside at Committee of the Whole meetings if he or she is in attendance.
- (2) The presiding member of the Committee of the Whole must maintain order in the committee and subject to appeal from the members present, decide points of order that may arise and must attest to the correctness of the proceedings thereof.

### **Notice of Committee of the Whole Meetings**

45. (1) At least 72 hours before a meeting of the Committee of the Whole, the Corporate Officer must give public notice of the time, place and date of the meeting by
- (a) posting a copy of the agenda on the notice board;
  - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public; and
  - (c) delivering a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.
- (2) At any time during a Council meeting, Council may by resolution go into Committee of the Whole.

### **Minutes of Meetings**

46. (1) Minutes of Committee of the Whole meetings must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting or at the next meeting at which the minutes are adopted; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Rules of Procedure**

- 47.** (1) The Committee of the Whole members must observe the rules of procedure of Council in any meeting, except:
- (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) Members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish.

### **Select Committees**

- 48.** (1) Council may from time to time appoint a Select Committee to enquire into any matter and to report its findings and opinions to Council.
- (2) A Select Committee may report to Council at any regular meeting or must report if directed by Council.
- (3) The Chairman and the Deputy Chairman of a Select Committee must be appointed from the members of the Select Committee by resolution of Council.
- (4) A meeting of a Select Committee must be called by a resolution of the Select Committee which specifies the day, hour and place of the meeting, except for the first meeting which must be called by resolution of Council which specifies the day, hour and place of the meeting.
- (5) A Select Committee must, on completion of its assignment or on submitting its report to Council, dissolve.

### **Procedure for Committees**

- 49.** Members of Council may attend the meetings and participate in the discussion of committees of which they are not members but only those members of Council who are members of the committee may vote on deliberations of that committee.
- 50.** (1) The committee members must observe the rules of procedure of Council in any meeting, except that in a Select Committee
- (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish;

- (c) a request to present a petition or to appear before the committee as a delegation is handled in the same manner as delegations or petitions to Council;
- (d) a delegation is allowed one speaker and a maximum of ten minutes to make its presentation to the committee;
- (e) the Mayor is a member of all committees and is entitled to vote at all committee meetings;
- (f) each committee may meet at the discretion of its presiding member and must also meet when directed to do so by council, the Mayor, or a majority of the members of that committee;
- (g) the Corporate Officer must convene a meeting of a committee when requested in writing to do so by the Mayor, the presiding member of the committee or majority of the members of that committee;
- (h) when a committee desires to submit a written report to Council, the presiding member of the committee must deliver the report to the Corporate Officer not later than 4 working days prior to the date of the next regular meeting of Council and the Corporate Officer must have the report delivered to each member of Council not less than 72 hours prior to the convening of the regular meeting of Council which next follows the committee meeting from which the written report arose.

### **Standing Committees**

- 51.** (1) In his/her address at the Inaugural Meeting, the Mayor must appoint the Chairman and members of Standing Committees of Council.
- (2) Standing Committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;
  - (c) matters that are assigned by the Mayor.
- (3) Standing committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are assigned by Council or the Mayor
    - (i) as required by Council or the Mayor, or

- (ii) at the next Council meeting if the Council or Mayor does not specify a time.

### **Minutes of Committee Meetings**

52. (1) Minutes of Committee meetings must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Quorum**

53. The quorum for a committee is a majority of all its members.

### **Schedule of Committee Meetings**

54. (1) At its first meeting after its establishment, a standing or select committee must establish a regular schedule of meetings.
- (2) The Chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee Meetings**

55. (1) Subject to section 54 (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by
- (a) posting a copy of the schedule on the notice board; and
  - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must as soon as possible post a notice on the notice board which indicates any revisions to the date, time, and place or cancellation of a committee meeting.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under section 54 (2) to be given to all members of the committee at least 24 hours before the time of the meeting.

**PART 9 - COMMISSIONS**

**Schedule of Commission Meetings**

- 56. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a commission may call a meeting of the commission in addition to the scheduled meetings or may cancel a meeting.

**Notice of Commission Meetings**

- 57. (1) Subject to subsection (2), after the commission has established the regular schedule of commission meetings, including the times, dates and places of the commission meetings, notice of the schedule must be given by
  - (a) posting a copy of the schedule on the notice board at City Hall; and
  - (b) providing a copy of the schedule to each member of the commission.
- (2) Where revisions are necessary to the annual schedule of the commission meetings, the Corporate Officer must, as soon as possible, post a notice on the notice board at City Hall which indicates any revisions to the date, time and place or cancellation of a commission meeting.
- (3) The Chair of a commission must cause a notice of the day, time and place of a meeting called under section 56 (2) to be given to all members of the commission at least 24 hours before the time of the meeting.

**Minutes of Commission Meetings**

- 58. (1) Minutes of the proceedings of a commission must be
  - (a) legibly recorded;
  - (b) certified by the Corporate Officer; and
  - (c) open for public inspection at City Hall during regular office hours.

**Quorum**

- 59. The quorum for a commission is a majority of all its members.

**PART 10 - GENERAL**

- 60. If any section or subsection of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 61. This bylaw may not be amended or repealed and substituted unless Council first gives

notice in accordance with section 94 of the *Community Charter*.

~~62. — "Procedure Bylaw No. 2492, 2007" and amendments thereto is hereby repealed.~~

~~Read a first time this 2<sup>nd</sup> day of December, 2013~~

~~Read a second time this 2<sup>nd</sup> day of December, 2013~~

~~Read a third time this 2<sup>nd</sup> day of December, 2013~~

~~Notice published pursuant to section 94 of the *Community Charter* on the 6<sup>th</sup> and 10<sup>th</sup> of December, 2013~~

~~Finally passed and adopted this 16<sup>th</sup> day of December, 2013~~

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Mayor

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Director of Legislative Services

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2846**

**A bylaw to amend Council Procedure Bylaw No. 2730, 2013**

WHEREAS the *Community Charter* requires that a council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business.

NOW THEREFORE 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 “**Council Procedure Amendment Bylaw No. 2846, 2016**”.
2. **Council Procedure Bylaw No. 2730, 2013** is hereby amended as follows:
  - (a) By deleting **Section 7 (2)** and substituting the following:

***Regular Council Meetings***

7. (2) *Regular meetings of Council must take place on the first and third Monday of each month commencing at 4:00 p.m. except when*
  - (a) *the said Monday is a holiday, in which case Council must meet at the regularly scheduled time on the next day following the holiday;*
  - (b) *Council resolves to meet on subsequent days; or*
  - (c) *a quorum is not present within 15 minutes after the time appointed for commencement of the meeting.*

- (b) By deleting **Section 10 (1) (e) and (h)** and substituting the following:

***Order of Business at Regular Meetings***

10. (1) (e) *Staff reports in the following order where applicable:*
  - (i) *Recreation and Cultural Services*
  - (ii) *CAO and Legislative Services*
  - (iii) *Development Services*

- (iv) *Financial Services*
- (v) *Engineering Services*
- (vi) *Public Works Services*

(h) *Reports from Council members regarding City related activities including reports from Council and External committees;*

(c) By deleting **Section 13 (4)** and substituting the following:

***Delegations to Council meetings***

(4) *The Corporate Officer may refuse to place a delegation or petition on the Council meeting agenda if the subject matter is not considered to fall within the jurisdiction of Council or does not relate to Council’s areas of control, influence, or concern. If the delegation wishes to appeal the decision of the Corporate Officer, the appeal must be in writing, and must be presented to Council for consideration at the next available Council meeting.*

3. If any section or subsection of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Read a first time this 7<sup>th</sup> day of March, 2016.

Read a second time this 7<sup>th</sup> day of March, 2016.

Read a third time this 7<sup>th</sup> day of March, 2016.

Notice published pursuant to section 94 of the *Community Charter* on the     and     of March, 2016.

Finally passed and adopted this     day of     , 2016.

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Mayor

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Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT TO COMMITTEE OF THE WHOLE

**To:** Council

**File No.:** 3360-20-1601

**From:** Chief Administrative Officer

**Date:** February 29, 2016

**Subject:** Public Hearing for Bylaw 2839 – Medical Marihuana in ALR

### PURPOSE:

The purpose of this report is for Council to consider changing the date of the Public Hearing for Bylaw 2839.

### CAO RECOMMENDATIONS:

That based on the February 29, 2016 staff report "Public Hearing for Bylaw 2839 – Medical Marihuana in ALR" Council change the date of the Public Hearing for Bylaw 2839 from March 7, 2016 to March 14, 2016.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

Bylaw 2839 received 1<sup>st</sup> and 2<sup>nd</sup> reading at the Regular Council Meeting on February 15, 2016. At the same meeting the Public Hearing was scheduled for March 7, 2016.

### DISCUSSION:

The evening of March 7<sup>th</sup> is the Downtown Design Workshop. Registration will begin at 5:30pm with introductions at 6pm. In order to make Council available for the entire event staff is attempting to limit the Council agenda that night. Following a review of agenda items that are more pressing for Council to consider, it was determined that the Public Hearing for Bylaw 2839 could be rescheduled to March 14, 2016.

### FINANCIAL IMPLICATIONS:

Not applicable.

### ADMINISTRATIVE IMPLICATIONS:

Not applicable.

### ASSET MANAGEMENT IMPLICATIONS:

Not applicable.

**STRATEGIC PRIORITIES REFERENCE:**

Not referenced.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

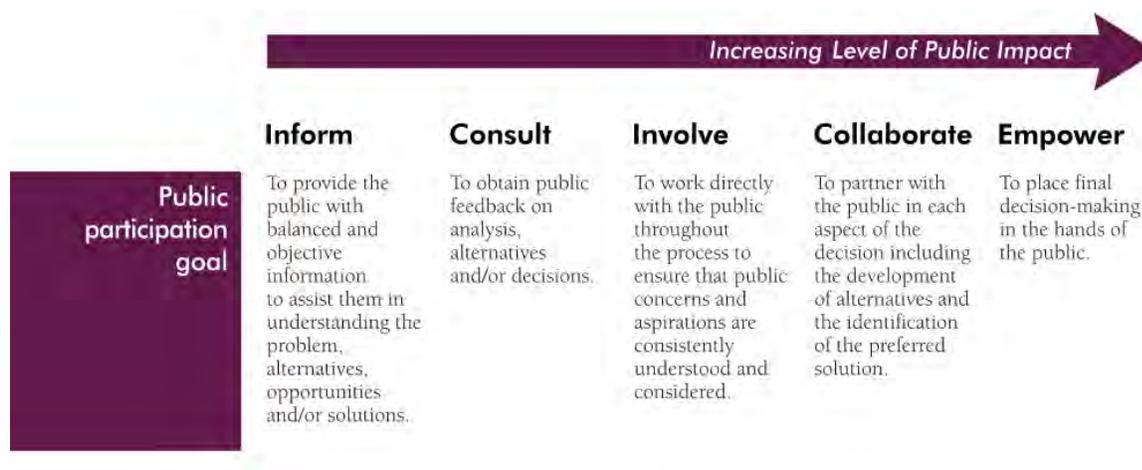
**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff will consult based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

1. Reschedule the Public Hearing for Bylaw 2839 to March 14, 2016.
2. Reschedule the Public Hearing for Bylaw 2839 to another future Council meeting.
3. Leave the Public Hearing for Bylaw 2839 on March 7, 2016.

Prepared by:

Ian Buck, MCIP, RPP  
Director of Development Services

**From:** [Alanna Mitchell](#)  
**To:** [Ward, John](#)  
**Subject:** Mayor & Council availability - C2C Forum  
**Date:** February-12-16 9:16:31 AM

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Good Morning,

My name is Alanna Mitchell and I'm the Community Planner for the K'ómoks First Nation. I'm organizing a Community to Community Forum for the Elected officials in the Comox Valley. At this forum will be a signing ceremony where the ideal outcome will be to strengthen our working relationship, understanding the needs and growth initiatives of our Nation.

I'm wondering if March 9<sup>th</sup> or 17<sup>th</sup> works for the Mayor of Courtenay to attend this forum? If you can let me know soon as possible that'd be great.

*Yimot (thank you)*

*Alanna Mitchell*

Community Planner

K'ómoks First Nation 3330 Comox, Rd. Comox BC V9N 3P8

Phone: 250-339-4545 Fax: 250-339-7053

Email: [alanna.mitchell@komoks.ca](mailto:alanna.mitchell@komoks.ca)

Website: [www.komoks.ca](http://www.komoks.ca)

LinkedIn: <http://www.linkedin.com/pub/alanna-mitchell/76/960/b02>

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# Implementation of Cycle Tracks Along Churchill Avenue

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## Abstract

Public expectation for better cycling facilities has been steadily growing and to support this demand, Ottawa City Council, in 2010, set an ambitious cycling modal share target of 5% City-wide (8% within the Greenbelt) by 2021, a significant increase from the previous 2031 City-wide target of 3%. There are a number of reasons why increasing the number of cycling trips benefits the City and its residents: it provides a healthy alternative to car trips for short distances, it is a cost effective alternative for longer distances especially when combined with public transit, and it has a long term positive impact on urban design by facilitating less car-oriented lifestyles and land uses. However, the typical streets with shared car-cycling facilities or painted bicycle lanes - especially on faster, higher volume roads - are acceptable only to a relatively small percentage of the population: the experienced, vehicular cyclists. Achieving a significant increase of cycling modal share will require facilities that attract a much wider spectrum of the population, including cyclists who do not wish or do not feel comfortable to cycle between and adjacent to motor vehicles. One solution to this problem is the implementation of physically separated bicycle lanes, known as cycle tracks or protected lanes. Although cycle tracks have been successfully implemented in many European cities for decades, for many years they were not considered as a viable option in most North American cities, including Ottawa.

After the successful implementation of the Laurier Avenue segregated bicycle lane project in downtown Ottawa, which uses pre-cast curbs as the method of separation at midblock sections, the City recently implemented its first elevated cycle tracks along Churchill Avenue. In contrast to the Laurier facility, the 1.2 km long Churchill cycle track utilises the 'protected intersection' concept, which is another first in Ottawa.

The paper describes the main reasons and issues of introducing this new concept. The implementation of the protected intersection concept raised a number of technical, legal, and safety related questions which had to be addressed for the project to proceed. Some of the design elements applied in this project are also included in the recently published Ontario Traffic Manual Book 18: Cycling Facilities<sup>i</sup>.

Although the implementation of the Churchill cycle tracks attracted considerable public support and no significant public controversy or opposition<sup>ii</sup>, it has become obvious that existing Canadian traffic engineering and road design guidelines, practices, and traffic laws were created in such a way that they do not consider effective cycle track designs, and they must further evolve to fully support the widespread implementation of cycle tracks.

## Planning Background

Cycling is enjoying something of a renaissance in most cities of the western world as a growing number of people see it as convenient, budget friendly mode of transportation and a fun way to build exercise into their daily routine. Many cities react to this resurgence of interest by investing in cycling facilities, supporting bicycle sharing programs, closing streets for motorised traffic and opening them for active transportation on specific days, and reallocating roadway space to active transportation.

The City of Ottawa along with the National Capital Commission (NCC) has a long history of supporting cycling both for recreational and utilitarian purposes. While the City has focused more on utilitarian cycling trips by providing painted bicycle lanes, paved shoulders and, more recently, segregated cycle tracks along busy roadways, the NCC has invested in multi-use pathways along scenic corridors. By the end of 2014, the combination of these efforts resulted in 704 km of cycling network comprising bike lanes, paved shoulders, multi-use pathways, and cycle tracks.

Ottawa City Council has been providing significant support for cycling. In a landmark City Council Motion<sup>iii</sup>, City staff was directed to accelerate efforts for making Ottawa more cycling friendly by increasing the previous City-wide cycling modal share target of 3% by 2031 to 5% by 2021. Recognising that the area within the Greenbelt has better potential for cycling than the suburbs, the modal share target for this area was set to 8% by 2021. City Council also directed staff to implement a network of segregated cycling facilities even if that may require the removal of parking spaces. The target setting was backed by an unprecedented investment of 28 million dollars for the period of 2011-2014. At the time, the target seemed to be very ambitious and perhaps even unachievable. However, the evidence from Portland, OR where the cycling modal share was increased from 1.1% in 1990 to 5.8% in 2009 suggested that by investing in infrastructure and by other measures, a significant increase in modal shares is feasible<sup>iv</sup>. Based on the 2011 Origin-Destination (OD) Survey<sup>v</sup> and the anticipated funding levels, the 2013 Ottawa Cycling Plan (OCP) refined the cycling modal share objectives for 2031 and set the target during the morning peak period to 8% for trips originating within the Greenbelt and 5% city-wide. Further breakdown of the targets reveal that within the inner area, the plan is to increase cycling modal share from the 8% in 2011 to 12% by 2031, while in the outer suburbs the planned increase is from the current 0% - 2% to 3% - 4% by 2031<sup>vi</sup>. Cycling modal shares of 10% and above have been achieved in a number of European cities<sup>vii</sup> (e.g. most Dutch and Danish cities, a number of German cities such as Muenster, Freiburg, Bremen, and Munich), and all of these cities have a network of segregated cycling facilities.

The OCP recognises both the potential and limitation of cycling as a mode of transportation. The two most frequent criticisms of focusing on cycling as a mode of transportation are the notion that the travel distances in Canadian cities and more specifically in Ottawa are too long for cycling, and that the winter climate makes cycling impractical.

The 2011 OD survey revealed that the average trip length by cycling is approximately 5 km and that 90% are shorter than 8 km. This finding was not surprising, it is similar to other jurisdictions and indicates that most people who are currently cycling find the 5 km distance - which takes about 15-30 minutes - suitable for cycling. The survey also revealed that about 45% of individual trips are not longer than 5 km,

but the cycling modal share is still only between 0 and 3% in most areas of the city v. It is not suggested that all trips of up to 5 km are suitable for a bicycle instead of a car, but there appears to be significant potential for growth. Cycling facilities that provide both perceived and real safety to users are part of the solution to capture a larger market share, especially for short trips (up to 5 km).

Another opportunity for significantly increasing cycling modal share exists with the daily trips students make to and from schools. Looking back a couple of decades, the decline in the number of children walking or cycling to school is evident. Between 2000 and 2010 the percentage of Canadian children and youth using inactive modes of transportation to and from school increased from 51% to 62% <sup>viii</sup>. One of the more prevalent reasons why parents drive their children (including teenagers) to school and other activities is fear for their safety while biking on city roads. Coupled with the fact that the trip to and from school tends to be short for many children (as schools are typically dispersed throughout a city's residential neighbourhoods), providing safe cycling routes for students is an essential step to getting more children biking to school.

Winter climate including low temperatures and snow is often cited by critics as a reason why cycling cannot be successful in Ottawa. While it is obvious that cycling is mostly a seasonal activity and warmer weather draws out more cyclists than colder weather, the cycling modal share during the cycling season in cities with colder climates, snow, rain, and wind, such as Montreal, Helsinki, Oulu, Amsterdam, and Copenhagen, have higher cycling modal shares than almost any city with moderate or warmer climates. This indicates that climate is one factor but not the most important one. Land use density, travel distances, the provision of low stress cycling facilities (e.g. separated from vehicles), and winter maintenance of cycling facilities are all factors that can make a city with less favourable climate more cycling friendly than a warmer city. A recent survey <sup>ix</sup> in Ottawa indicated that cycling during the cycling season is connected to travel choices throughout the year. Cyclists who take on cycling during fair weather tend to utilise other sustainable transportation modes during unfavourable weather conditions. In the survey, about 2000 cyclists were asked about their mode of travel during the winter season; while only about 16% of all cyclists keep on pedalling all year around, about 60% of those who stopped cycling switched to other sustainable modes including transit, walking or carpooling.

## Need for Better Cycling Facilities

The number of bicycle commutes in Canada rose by approximately 42% between 1996 and 2006, and in terms of modal share the increase was from 1.1% to 1.3% <sup>iv</sup>. Although this growth is encouraging, the modal share is still a relatively small number. Ottawa's cycling modal share has historically been higher than the Canadian average, it has also shown an impressive City-wide growth between 2005 and 2011 from 1.7% to 2.4% for the morning peak period <sup>vi</sup>, and it has significant potential for further growth.

Based on the aforementioned survey <sup>ix</sup>, only a small percentage of the population is comfortable riding in traffic, and about 60% of the population would be willing to cycle if there were appropriate facilities. Therefore, if a city plans to increase cycling modal share significantly, it must develop facilities that are acceptable for the majority of the population. There is growing evidence <sup>x, xi</sup> that cycle tracks separated from traffic but running along city streets are in this category. For example, the recent 1.3 km project

along Laurier Avenue in downtown Ottawa demonstrated that a bicycle lane separated from traffic by pre-cast curbs and parked cars along a busy downtown street can have a dramatic positive impact on the number of cyclists <sup>xii</sup>.

The concept of separating cyclists from motorised vehicles has been applied for decades in a number of European cities. Although the exact design of facilities may vary from country to country, the concept is typically based on the following considerations:

- Cyclists are vulnerable road users, very similar to pedestrians, thus they have to be protected from much heavier and faster vehicles by the design of the infrastructure. Grouping users by their masses is one of the principles of the Dutch Sustainable Safety approach <sup>xiii</sup>. As a result, cyclists are treated at intersections very similarly to pedestrians (but not requiring them to dismount). This is in contrast to the approach that groups cyclists in the same category with much heavier cars and trucks and requires cyclists to follow the same movements at intersections as motorists.
- Although the designs of cycle tracks strive to minimise the potential for cyclist-pedestrian conflicts, it is recognised that the consequences of these conflicts are much less than those of cyclist-motorist conflicts. The minimisation of these conflicts is often based on common courtesy and social norms, not exclusively on absolute right of way assignment rules.

The ultimate objective of the cycle track design is to provide safe and attractive facilities to people who cycle (and walk adjacent to it) and to increase the cycling modal share. The primary objective of cycle tracks is not to facilitate the fastest possible movement of cyclists; however, when roads become congested, cycle tracks provide travel time advantages as well.

Designing cycle tracks or other types of protected cycling facilities at midblock locations is relatively straightforward. However, a solution is also needed as these separated facilities reach intersections.

Figure 1 depicts the protected intersection design concept used regularly in The Netherlands and a number of other European countries. Cyclists and motorists are separated until the cycle track has to cross the roadway. Cyclists are not dropped into the travel lane as they approach the intersection because that design would introduce a gap into the otherwise low stress cycling facility. Cyclists crossing the roadway are controlled by signals, but cyclists crossing the paths of pedestrians are controlled by signage and/or pavement markings. The signalised part of the pedestrian crossing does not include the cycle track. Cyclists' right turns are not controlled by the signal at all, and left turns are carried out in two stages. After crossing the

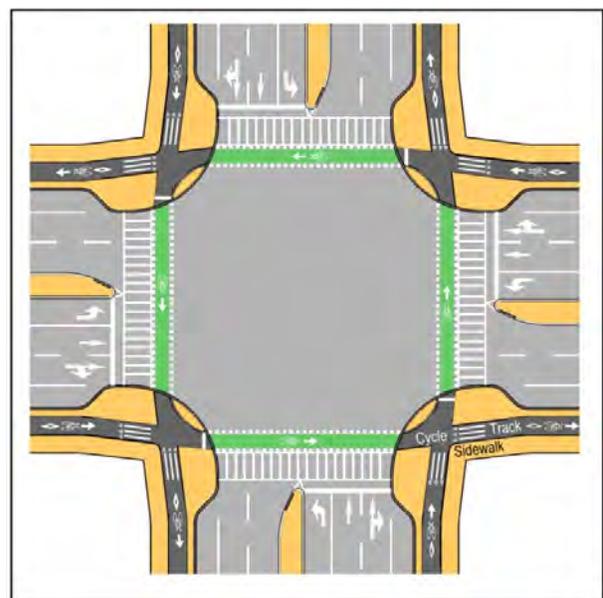


Figure 1: The protected intersection concept

first roadway, cyclists stop and wait for the green light at the curb, shielded by the protective safety island. This type of operation makes the movement of cyclists very predictable from both the motorist’s and pedestrian’s perspectives.

Typically cycle tracks have the greatest benefits along roadways where vehicle volumes and speeds are relatively high. This would apply to most arterial roadways and major collector roads (Figure 2). The benefits of the protected intersection design are most obvious at large intersections with multiple lanes and/or separate right turn lanes. At these intersections, even the most elaborate conventional approaches with multiple painted cycling lanes and/or bike boxes are inferior compared to the protected intersection design.

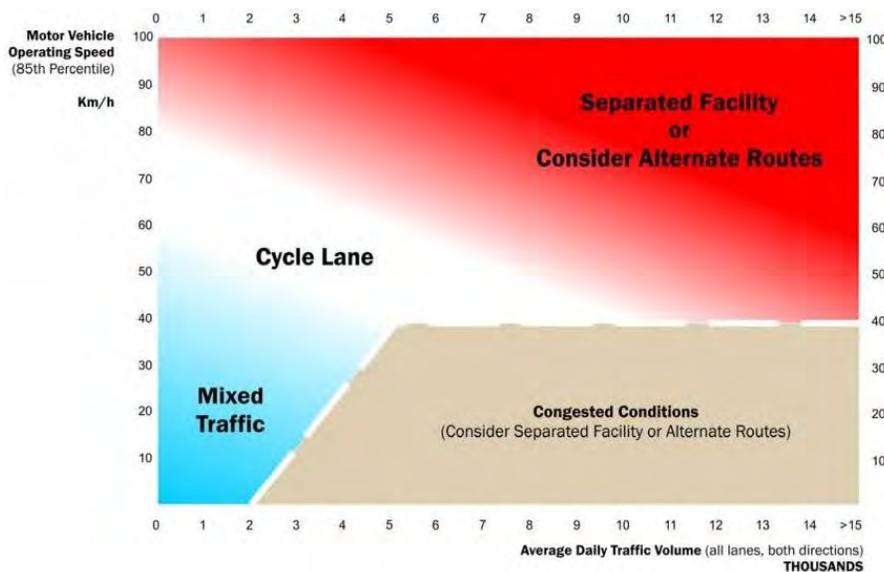


Figure 2: Ottawa’s facility pre-selection nomograph <sup>vi</sup>

## The Challenges of Implementing New Design Concepts

Although cycle tracks with protected intersections have been successfully implemented in a number of European cities for decades, the (partial) implementation of this concept along Churchill Ave in Ottawa is a first in Canada, and to the knowledge of the authors of this paper, it is the first in North America.

Introducing the cycle track concept with protected intersections has technical, legal, financial, and social/political challenges. The technical and legal challenges are likely the most complex. While the transportation engineering profession often strives to introduce new design elements and concepts, it must continuously consider the potential impacts on collisions and liability risks. The risks in terms of collisions and liability are not necessarily the same. It is often considered that the status quo provides the least exposure to liability, but the status quo does not necessarily provide the safest environment in terms of collisions. One approach to dealing with the technical challenges is to pursue implementation by carefully selecting the location where developing the technical solutions is easier and by introducing new concepts in phases. For example, through the implementation of the Laurier segregated bicycle lanes the concept of protected bicycle lanes along a midblock section has been introduced. As the next

step, the protected intersection concept was implemented along Churchill Avenue but only partially at two approaches to the intersections instead of all four. The next project, in this or in another corridor may introduce new elements, such as having cycle tracks approaching the intersection from all four directions. By this gradual implementation, the need to fully resolve some of the controversial issues - such as the best location of the stop bar on the cycle track and the best accommodation of left turns - is moved to a time when more knowledge and experience has been accumulated. An approach to deal with liability risks is to be over-precocious by over-designing some of the critical elements, by over-educating users, and by over-signing the facility.

In terms of financial issues, the challenge seems to be simpler. Rebuilding existing streets for the sole purpose of introducing cycle tracks with protected intersections is likely unaffordable for most, if not all, Canadian municipalities. However, when streets are built in new neighbourhoods or when aging underground utilities are rebuilt, by adding cycle tracks instead of painted bicycle lanes the total project cost is not likely to increase significantly and it may even decrease because the width of the road bed designed for heavy vehicles can be narrower. From that perspective, cycle tracks with protected intersections have great potential for building future sustainable communities and to be part of other infrastructure projects.

Finally, the social/political challenges have to be addressed to gain the required support for introducing a new concept. A significant proportion of experienced cyclists that are on the road today are, to a certain degree, comfortable with the existing facilities. Thus, a new concept that is implemented gradually without all the ultimate functionalities, may be seen as a step backward. For example, many experienced cyclists, who generally travel relatively fast and have adapted their lifestyle to the existing environment, find the partially implemented cycle track concept undesirable because it slows them down and introduces new conflicts with novice and slower cyclists that are attracted to the protected cycling infrastructure. There is also a fear that by introducing off-road facilities, motorists' tolerance for having cyclists in the regular travel lanes may erode. Both of these concerns are valid and the best solution is to fully develop the cycle track concept as fast as practicable and raise its quality to a level where it will be acceptable for most experienced cyclists as well. However, cycle tracks with protected intersections are designed to be appealing to 60%-70% of the population and are typically not appropriate for high speed cycling.

## **Why Churchill Avenue?**

Churchill Avenue is a major north-south collector roadway with a 20 m right-of-way running through a mostly residential neighbourhood with some businesses along it. The 1.2km reconstructed section has 9 unsignalised and two signalised intersections, 50 km/hr speed limit, and has traffic volumes of 10,000 ADT. Before reconstruction, it had four lanes with the two curb lanes used mostly for parking. The lane edges were not clearly delineated from the asphalt sidewalk on the east side, and the street had a discontinuous and poorly defined asphalt sidewalk on the west side (Figure 3).



**Figure 3: Before- four lane cross section with mixed flow operation**  
Source: Google image



**Figure 4: After – clear delineation of the cycling and pedestrian facility**  
Source: Google image

Churchill Avenue is identified as a route in Ottawa’s cycling network; however, the City’s Cycling Plan does not specify the type of facility that should be provided. The type of facility is typically determined as opportunities to implement them arise. In the case of this corridor, the opportunity to implement the cycle track came with the planned lifecycle replacement of underground utilities. The entire street had to be dug up and this created a “once in a life-time” opportunity to rearrange and enhance the street.

The initial plan was to rebuild the street following a more traditional design with concrete sidewalks on both sides and one vehicle lane per direction with parking lanes on both sides and bulb-outs at unsignalised intersections. Cyclists would have traveled in the shared lane which was initially planned to be 4.1m wide.

The neighbourhood surrounding Churchill Avenue has been generally supportive of active transportation, and the Ward Councillor, encouraged by the initial success of the protected cycling facility along Laurier Avenue in the downtown area, suggested City staff revisit the initial design and consider the implementation of higher quality cycling facilities along this corridor as well.

## Design Considerations

The overall design philosophy of the corridor differs from the traditional approach from a number of perspectives. First, where parking had been reinstated, instead of having cyclists between parked and moving vehicles, they are placed on the right side of parked vehicles. Second, instead of providing wide vehicle lanes that are generally required when the lane is shared by vehicles and cyclists, the design has narrower lanes (3.5m each) which has a traffic calming effect compared to the wider 4.1m shared lanes. Finally, the narrower lanes and the separation of the cycling facility provide shorter pedestrian crossings of the vehicle lanes at the intersections, thus pedestrians benefit as well. The design philosophy is based on the assumption that the consequences of potential cyclist-pedestrian conflicts are less severe than those of cyclist-motorist conflicts, and the conflicts are easier to manage.

## Midblock sections

Designing the midblock sections of cycle tracks is simpler than designing intersections. At midblock sections attention has been given to the separation between pedestrians and cyclists, to the placement of various utility poles and trees, to the potential conflicts at driveways and transit stops, and to the minimisation of the dooring hazard.

The asphalt cycle track was constructed at the same level as the concrete sidewalk. A 10cm wide stamped concrete strip was inserted between the two facilities to provide guidance to visually impaired people and pavement markings were implemented along every block indicating the proper usage of the facility. The main advantage of the flush design is expected to be easier winter maintenance. Although the City does not yet have a plan to winter maintain this facility, it is expected that over time as the network of segregated cycling facilities expands, there will be more winter cyclists, and maintenance will become a more important factor. Furthermore this design requires less right-of-way, minimises the tripping hazard, and may also facilitate the movement of mobility scooters, if permitted.

It is recognised that the flush design compared to an alternative configuration with a vertical separation between the cycle track and sidewalk has some disadvantages. The lack of vertical separation and the relatively small horizontal separation (10cm stamped concrete) may not convey a very strong message to pedestrians and cyclists to stay on their own facility. However, based on the anticipated number of cyclists and pedestrians in this corridor, no significant long term conflicts are expected.

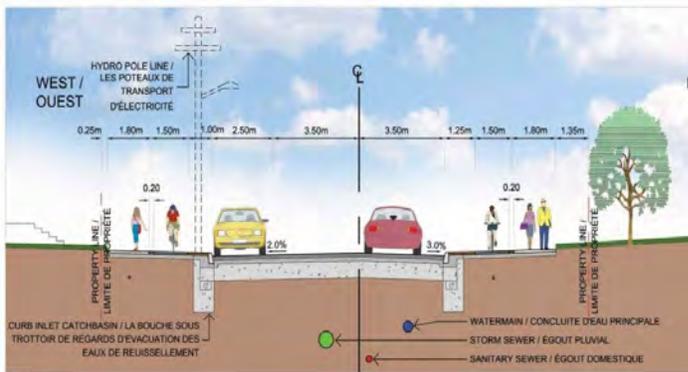


Figure 5: Typical cross section

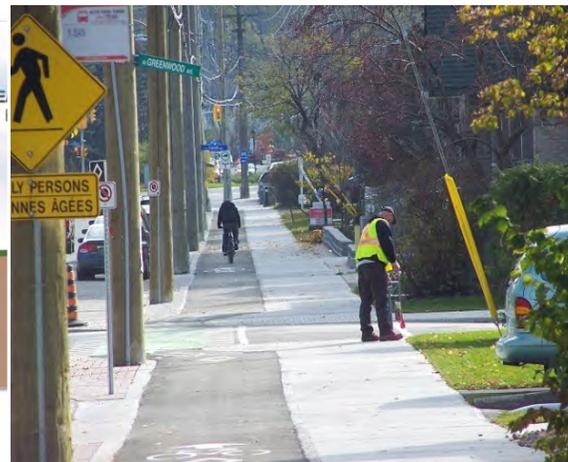


Figure 6: Separation of cycle track from vehicles

The corridor has a row of utility poles on the west side which were placed along the boulevard between the cycle track and the roadway for two reasons: to help control vehicular speeds by creating a visual friction to drivers and to increase the level of comfort for cyclists by inserting a physical barrier between them and motorised vehicles (Figure 6). Inserting the poles between the cycle track and the sidewalk was also considered as it would strengthen the separation between pedestrians and cyclists; however, that design would have less positive impact on vehicular speed management, which is important from both the pedestrians' and cyclists' perspectives.

By developing a boulevard between the cycle track and the roadway the potential for “dooring” incidents has been further reduced. Compared to the conventional design where parked vehicles are on the right hand side of cyclists, the selected design has a number of advantages: the chances of having a right hand side passenger door opened is less than having the driver’s door opened (although drivers may be more careful than passengers); the 0.6 m boulevard helps in keeping cyclists out of the door zone; and even if a cyclist on a cycle track is knocked down by an opening door, he or she will not be at risk of a subsequent collision with another car that happens to be driving by at the same time.

The number of driveways along Churchill Avenue has been also highlighted as a potential concern. Most driveways are for private homes and are used relatively infrequently, but there are a few multi-family units and business as well that have driveways. It is expected that educating residents and business owners along the corridor will significantly reduce the risks of collisions between cyclists and cars at driveways. The City has delivered information sheets to every address along the street describing the new design and highlighted the safety hazards and the proper driver, cyclist, and pedestrian behaviours to minimise them.

Churchill Avenue has a 10 to 15 minute headway transit service with 7 curb-side bus stops in each direction. In addition, there is school bus parking in front of a school. All bus stop areas were designed with platforms between the cycle track and the stopped bus so that boarding and un-boarding happens from the platform and not from the cycle track. The cycle track along the bus stop area has special pavement markings, and there is signage indicating that pedestrians have the right of way (Figure 7, Figure 8).



Figure 7: Pavement markings at bus stops with wide landing area



Figure 8: Bus stop with narrow landing area

## Intersection Design

The intersection design has a few unorthodox elements and was based on the ‘protected intersection’ design concept perfected by Dutch engineers and utilised in many European cities with some modifications to address local concerns. The main feature of the concept is that the cycle track is not

discontinued at the intersection, thus cyclists continue to be protected from vehicles travelling in the curb lane as long as possible. This is a fundamental departure from the conventional North American (NA) practice where cyclists are often mixed with right turning vehicles. The argument supporting the NA approach is that by mixing bicycles and motor vehicles as they approach the intersection motorists and cyclists become more aware of each other, and thus, the potential for the right hook collision is lowered.

The protected intersection concept is based on a different line of thinking. First, it recognises that most future cyclists who are attracted to cycle tracks would rather avoid sections where bicycles and vehicles have to mix, thus discontinuing the cycle track at the intersection is viewed as introducing a gap into the otherwise low stress midblock section. Second, by focusing on specific design elements and operational rules, the protected intersection is expected to be safer for all users compared to the conventional NA design. The main benefit of the implemented design is the expected positive impact on right turning hook collisions. This is achieved by focusing on three aspects of design: increasing visibility of the potential conflict area, reduction of turning speeds, and helping to establish eye contact between cyclists and motorists.

#### **Increasing the visibility and awareness of cyclists in the conflict area**

The awareness of the presence of cyclists has been enhanced by highlighting the cross ride using green pavement colour and “elephant’s feet” pavement markings (Figure 9).

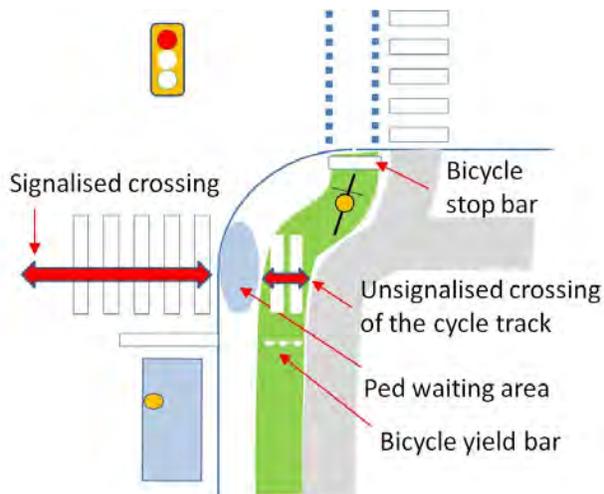


**Figure 9: Pavement markings at signalised intersection**



**Figure 10: Pavement markings at unsignalised intersection**

Another important element of cycle track intersection design pertains to the position of cyclists when they stop for the red light. The protected intersection concept, as developed by the Dutch, assumes that cyclists stop and wait just before the curb prior to entering into the cross ride (Figure 11). This positioning puts the cyclist in front of the motorists stopped at the vehicular stop bar and within their cone of vision, thus ensuring the visibility of the cyclist before the light turns green. Furthermore, when the lights turn green, due to their advanced positioning, cyclists establish themselves in the cross ride first. Obviously, this scenario applies only when cyclists arrive at the intersection during the red light.



**Figure 11: The “Dutch” design of pavement markings and signage indicating the required positioning of cyclists**



**Figure 12: Implemented pavement markings and signage indicating the required positioning of cyclists**

Although this concept has been used for decades in many European cities, its direct applicability to the Canadian context is not yet clear. By placing the bicycle stop bar close to the crossing, the cyclist and pedestrian movements upstream of the stop bar are not controlled by the signals, thus there is a potential for conflicts between pedestrians and cyclists. Furthermore, the breaking up of the pedestrian crossing to an unsignalised and signalised section may create difficulties for pedestrians with various disabilities.

Since the Dutch design has never been implemented in Ottawa, the relative significance of the above concerns is not known. Nevertheless, to mitigate these concerns, the bicycle stop bar was placed before the pedestrian crossing (Figure 12). To ensure that cyclists could still establish themselves first in the cross ride before right turning vehicles reach this location, the green signal for right and left turning vehicles is delayed by a few seconds. The operation of this setup and user behaviour will be monitored so that the most effective design in terms of safety, operations, and public understanding/acceptance could be developed in the future. This knowledge will be also useful to inform the discussion when developing new design guidelines and traffic laws.

### **Reduction of turning speeds**

The visual “friction” built into the design with hydro poles and parked cars is expected to have an overall traffic calming effect on vehicular travel speeds. In addition, the pedestrian crossings and cross rides are raised at all un-signalised intersections to ensure slow turning speeds and to enhance both pedestrian and cycling safety.

### **Establishing eye-contact between turning motorists and cyclists**

The design assumes that right turning vehicles have to yield to cyclists and pedestrians travelling straight through the intersection. However, a design which ensures that eye contact between right turning drivers and cyclists/pedestrians can be established is expected to have positive impact on safety. By

offsetting the cross ride from the curb lane as much as the available right of way allowed, the degree to which a driver has to turn his head to see an approaching cyclist has been reduced. Future monitoring of motorist-cyclist interactions will help determine whether the provided offset is sufficient and whether the offset creates some unintended user behaviour.

## Legal and Regulatory Issues

The legislative issues surrounding cycle track implementation pertain mostly to the design of the protected intersection element. When cyclists are accommodated in shared vehicle-bicycle lanes, the legal framework is very simple; bicycles are considered to operate the same way as motorised vehicles. Cyclists have the legal right to occupy the lane, and they are expected to make right and left turns the same way as motorists. Although this is a very straightforward approach being in place for decades, it has not been embraced universally by either cyclists or motorists.

One example of the challenges of pursuing the above thinking manifests itself with painted bicycle lanes at intersections. Typically, the curb side bicycle lanes are dashed as they approach an intersection indicating the area where right turning vehicles should move close to the curb into the cyclists' space. Although this is considered by some to be a requirement under the Ontario Highway Traffic Act (HTA), this manoeuvre does typically not happen, motorists often make the right turn from their own lane after yielding to cyclists on their right side. The design of a protected intersection considers user behaviour and it enforces it by physically preventing right turning vehicles to drive into the area reserved for cyclists. Right turning vehicles are expected to yield to cyclists travelling straight through the intersection and the supporting signage is provided in the Ontario Traffic Manual Book 18 (Figure 13). However, the Ontario HTA needs to be updated to be more explicit about this type of operation.



Figure 13 : Yield to cyclists when turning right sign

Another important challenge is the definition of the operation of cyclists and pedestrians at signalised intersections. For example, does the designated crosswalk, which typically extends from curb to curb, include the cycle track? The advantage of including the cycle track in the signalised pedestrian crosswalk is that the right of way can be explicitly assigned by the signal to either pedestrians or cyclists (Figure

12). However, if users do not find this set-up intuitive and practical, and pedestrians cross the cycle track during the 'don't walk' signal phase and wait for the 'walk' phase at the pedestrian waiting area near the curb, and cyclists ignore the advanced stop bar and wait at the curb, the design is not the most effective. The alternative approach is to remove the cycle track and the pedestrian waiting area from the designated pedestrian crosswalk (Figure 11). The advantage of this approach is that the flashing pedestrian 'don't walk' time could be reduced allowing for more flexible signal operation.

Furthermore, the intersection design has to satisfy the requirements of the Accessibility for Ontarians Disabilities Act (AODA). The current HTA, AODA, and various design guidelines are silent on this subject because the concept of protected intersections did not exist when they were written. Appropriate guidelines will have to evolve as we learn more about user behaviour and needs.

TAC's Traffic Signal Guidelines for Bicycles and the Ontario Traffic Manual Book 18 have recently made excellent progress in terms of addressing the needs of active transportation; however, they do not yet fully cover all the required design elements of protected intersections. It is expected that the experience gained with the Churchill cycle track and similar initiatives from other jurisdictions will help develop the most effective design of cycle tracks.

## Conclusions

There is growing evidence that the development of low stress cycling facilities protected from motorised traffic is a key factor in making cycling attractive and cities cycling friendly. Cycle tracks with protected intersections could provide the required low stress and safe cycling environment for a large proportion of the population along busy and relatively high speed streets.

The implementation of the Churchill Avenue cycle track project is one step towards a better understanding of how cycle tracks should be designed and operated. It is also a step towards understanding how traffic laws and intersection design practices will have to evolve to gain the most benefit from this concept.

Authors:

Kornel Mucsi, Ph.D., P.Eng.  
Program Manager, Transportation - Strategic Planning  
City of Ottawa  
[Kornel.Mucsi@ottawa.ca](mailto:Kornel.Mucsi@ottawa.ca)  
613-580-2424 x 12503

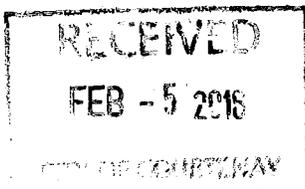
Robert Grimwood, P.Eng.  
Senior Project Manager, Sustainable Transportation  
City of Ottawa  
[Robert.Grimwood@ottawa.ca](mailto:Robert.Grimwood@ottawa.ca)  
613-580-2424 x 28757

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Royal Canadian Mounted Police Gendarmerie royale du Canada



Security Classification/Designation

NB

Officer in Charge  
Comox Valley Detachment  
800 Ryan Road  
Courtenay, B.C.  
V9N 7T1

Your File

Mayor and Council  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7

Our File

2016-02-01

Dear Mayor and Council

**Comox Valley Detachment 2016 Annual Performance Plan Consultation**

As in previous years, beginning in April, RCMP detachments begin a new cycle of the Annual Performance Plan (APP). The APP provides a mechanism for planning and tracking of issues that are of importance to communities within each distinctive detachment area.

As in past years we are writing to a variety of stakeholders and partners within the Comox Valley to solicit ongoing input on what is of importance to each community or organization. As in past years, myself or my designate have met with a variety of stakeholders from the Comox Valley. These meetings and/or informal discussions offered the Detachment an opportunity to gather feedback on what issues were of the greatest importance to the community.

Last year these consultations led to the identification of four issues as being of greatest importance to the community. Those issues were: Road Safety (Intersections), Organized Crime, Crime Reduction (Prolific Offenders and Drugs), Vandalism (Mischief) and Traffic Law Enforcement.

The community's priorities, once identified, will be used in the Detachment's APP decision making process and will help ensure that the community's priorities are taken into account along with the Provincial and National priorities. Some of the initiatives that affected you were in line with last years Provincial Priorities which were Road Safety, Organized Crime and Crime Reduction.

I welcome your feedback on this years community priorities prior to February 29, 2016. Once finalized, you will be provided with a copy of the 2016 Annual Performance Plan and its identified priorities.

Should you have any questions or concerns regarding this years community priorities, I welcome and encourage you to contact me at any time.

Sincerely



Tim Walton, Inspector  
OIC, Comox Valley RCMP  
250-338-1321