

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, December 16, 2019 at 4:00 p.m.

Attending:

Mayor: B. Wells
Councillors: W. Cole-Hamilton
D. Frisch
D. Hillian
M. McCollum
W. Morin
M. Theos

Staff:

D. Allen, CAO
J. Ward, Director of Legislative and Corporate Services/Deputy CAO
I. Buck, Director of Development Services
T. Kushner, Director of Public Works Services/Assistant CAO
J. Nelson, Director of Financial Services
D. Snider, Director of Recreation and Cultural Services
M. Fitzgerald, Manager of Development Planning
R. Matthews, Executive Assistant
E. Gavelin, Network Technician

1.00 ADOPTION OF MINUTES

.01 Moved by McCollum and seconded by Frisch that the December
MINUTES 2nd, 2019 Regular Council meeting minutes be adopted.
Carried

Moved by McCollum and seconded by Frisch that the December
11th, 2019 Special Council meeting minutes be adopted.
Carried

2.00 ADOPTION OF LATE ITEMS

.01 Moved by Frisch and seconded by Hillian that the email
COURTENAY correspondence dated December 3rd, 2019 from the Courtenay Airpark
AIRPARK Association requesting a letter from the City of Courtenay in support of
ASSOCIATION - the Association's grant application to the British Columbia Air Access
REQUEST FOR Program (BCAAP) Aviation Infrastructure Funding program be added to
LETTER OF SUPPORT the December 16th, 2019 Council agenda for consideration by Council
under section *11.00 New Business*.
Carried

3.00 DELEGATIONS

4.00 STAFF REPORTS/PRESENTATIONS

.01
PARKS AND PUBLIC
SPACES SMOKING
REGULATIONS
BYLAW NO. 2991,
2019
3900-01

Moved by Frisch and seconded by McCollum that based on the December 16th, 2019 staff report, “Parks and Public Spaces Smoking Regulations Bylaw No. 2991, 2019”, Council approve OPTION 1 and proceed to first, second, ~~and third reading~~ of “Smoking in Parks and Public Spaces Regulation Bylaw No. 2991, 2019”;

That the Comox Valley Medical Health Officer be consulted following third reading and prior to final adoption of the bylaw pursuant to the Public Health Bylaws Regulation 42/2004; and,

That the bylaw be deposited with the Minister of Health pursuant to the Public Health Bylaws Regulation 42/2004 upon final adoption.

Amending motion:

Moved by Hillian and seconded by McCollum that based on the December 16th, 2019 staff report, “Parks and Public Spaces Smoking Regulations Bylaw No. 2991, 2019”, that Council eliminate the words *third reading* so the amended resolution reads: and proceed to first and second reading of “Smoking in Parks and Public Spaces Regulation Bylaw No. 2991, 2019”; and

That the Comox Valley Medical Health Officer be consulted prior to final adoption of the bylaw pursuant to the Public Health Bylaws Regulation 42/2004; and,

That the bylaw be deposited with the Minister of Health pursuant to the Public Health Bylaws Regulation 42/2004 upon final adoption.

Carried

The main motion was carried as amended

.02
LEASE AGREEMENT
FOR LOT 1,
100-20TH STREET
2380-30 LOT 1

Moved by Frisch and seconded by Morin that based on the December 16th, 2019 staff report “Lease Agreement for Lot 1, 100 - 20th Street”, subsequent to the publication of notice, Council adopt OPTION 1 and authorize the attached lease between AP Aviation Services Ltd. and the City of Courtenay for the property having a legal description of PID: 000-892-149, Lot 1, Section 66, Comox Land District Plan 14942 except any portion of the bed of the Courtenay River and further identified as Lot 1 on Plan VIP64872; and

That the Mayor and Director of Legislative and Corporate Services be authorized to execute all documentation relating to the lease.

Carried

R23/2019 - December 16, 2019 - Amended

.03

DEVELOPMENT
PERMIT WITH
VARIANCE NO. 1918 -
1211 RYAN ROAD
3060-20-1918

Moved by Cole-Hamilton and seconded by Frisch that based on the December 16th, 2019 staff report “Development Permit with Variances No. 1918 - 1211 Ryan Road”, Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 1918.

Carried

.04

OCP ADVISORY
SELECT COMMITTEE -
APPOINTMENT OF THE
CHAIR AND DEPUTY
CHAIR AND REVISION
OF THE TERMS OF
REFERENCE
0360-20 / 6480-01

Moved by McCollum and seconded by Frisch that based on the December 16th, 2019 staff report, “Official Community Plan (OCP) Advisory Select Committee - Appointment of the Chair and Deputy Chair and Revision of the Terms of Reference”, Council appoint Dr. Norman Carruthers as the Chair; and Dr. Betty Donaldson as the Deputy Chair of the Committee as recommended by the committee members; and

That the Terms of Reference of the OCP Advisory Select Committee (OCP-AC) be revised as follows:

10.1 The OCP-AC shall meet as required in the Council Chambers located at the City of Courtenay City Hall, 830 Cliffe Avenue, or at an alternate facility as required on a specified day, at a specified time when matters are referred by the Director of Development Services or their authorized designate.

Carried

.05

ZONING AMENDMENT
BYLAW NO. 2984,
2019 - 1581
DINGWALL ROAD
3360-20-1913

Moved by Cole-Hamilton and seconded by Hillian that based on the December 16th, 2019 staff report “Zoning Amendment Bylaw No. 2984 - 1581 Dingwall Road” Council approve OPTION 1 and proceed to first and second readings of Zoning Amendment Bylaw No. 2984, 2019; and,

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2984, 2019 on January 6th, 2020 at 5:00 p.m. in the City Hall Council Chambers.

Carried

.06

SINGLE USE PLASTICS
REGULATION BYLAW
NO. 2970, 2019 -
ENFORCEMENT
PROVISIONS
4320-20

Moved by Frisch and seconded by Hillian that based on the December 16th, 2019 staff report “Single Use Plastics Regulation Bylaw No. 2970, 2019 - Enforcement Provisions”, Council direct staff not to enforce Bylaw No. 2970, 2019 beginning March 31st, 2020, pending more certainty of the regulatory approaches of the Provincial and Federal Governments; and,

That Council direct staff to post notice on the City of Courtenay website advising that the City of Courtenay will not enforce penalties for committing an offence on the effective date identified in Section 8 of Bylaw No. 2970, 2019, pending the Supreme Court of Canada's decision on the validity of Victoria's plastic bag bylaw, and/or the outcome of the regulatory approaches proposed by the Provincial and Federal Governments.

Carried

R23/2019 - December 16, 2019 - Amended

.07

PROPOSED
STOREFRONT
CANNABIS RETAILER
- 605/625 CLIFFE
AVENUE
0590-01

Moved by Frisch and seconded by Cole-Hamilton that based on the December 16th, 2019 staff report “Storefront Cannabis Retailer - 605/625 Cliffe Avenue” Council approve OPTION 1 and direct staff to advertise a public hearing with respect to the above application on January 6th, 2020 at 5:00 p.m. in City Hall Council Chambers.

Carried

.08

PERMANENT CHANGE
TO LIQUOR LICENCE
APPLICATION
(CORNERSTONE) -
208A 5TH STREET
4320-20

Moved by McCollum and seconded by Frisch that based on the December 16th, 2019 staff report “Permanent Change to Liquor Licence Application (Cornerstone) - 208A 5th Street”, Council approve OPTION 1 as follows:

- 1) The Council of the City of Courtenay recommends the Liquor & Cannabis Regulation Branch (LCRB) approve the application for Cornerstone’s permanent change to a liquor licence.
- 2) Council’s comments on the prescribed considerations are as follows:
 - a) If the amendment application is approved, it would not result in an increase of noise in the area;
 - b) If the application is approved, it would not negatively impact the community based on the submissions received from the public;
 - c) In order to gather the views of residents, the City of Courtenay posted a notice on the City’s website outlining the application. Additionally, the RCMP was contacted for comment and indicated having no concerns.

Carried

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

CORRESPONDENCE -
CAROL JAMES,
MINISTER OF
FINANCE & DEPUTY
PREMIER -
FOLLOW-UP 2019
UBCM CONVENTION
DELEGATION
MEETINGS
0390-20 / 0410-20

Moved by McCollum and seconded by Frisch that the correspondence dated November 25th, 2019 from Carol James, Minister of Finance and Deputy Premier, in response to the City of Courtenay’s delegation at the 2019 Union of British Columbia Municipalities (UBCM) convention related to policing costs, property transfer tax (PTT) revenues redistribution and motor fuel tax to fund transit projects be received for information.

Carried

Council agreed that the option to implement a motor fuel tax or dedicated gasoline tax in the City of Courtenay to help subsidize future City transit and transportation projects be added to the 2020 Council strategic planning sessions for future discussion and consideration.

R23/2019 - December 16, 2019 - Amended

.02

CORRESPONDENCE -
FCM LETTER TO
MINISTER OF
FAMILIES, CHILDREN
& SOCIAL
DEVELOPMENT - FCM
BOARD RESOLUTION
SUPPORTING
MUNICIPALITIES IN
ADDRESSING
HOMELESSNESS
0400-20

Moved by Hillian and seconded by Cole-Hamilton that the correspondence dated November 29th, 2019 from Mr. Bill Karsten, President, Federation of Canadian Municipalities (FCM), addressed to the Minister of Families, Children & Social Development in support of the May 21st, 2019 City of Courtenay Council resolution “Supporting Municipalities in Addressing Homelessness”; asking federal government to support municipalities in managing tent cities or other encampments, be received for information.

Carried

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

PARKS AND
RECREATION
ADVISORY
COMMISSION
MEETING MINUTES
0360-20

Moved by Cole-Hamilton and seconded by McCollum that the Parks and Recreation Advisory Commission meeting minutes for November 7th, 2019 be received for information.

Carried

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR
COLE-HAMILTON

Councillor Cole-Hamilton reviewed his attendance at the following events:

- Meeting with Lindsay McGinn, Facilitator, Comox Valley Community Health Network
- National Day of Remembrance and Action on Violence Against Women Memorial Vigil
- Comox Valley Drug Strategy Committee meeting
- Staff Briefing CVRD Commissions and Boards meetings
- Comox Valley Sewage Commission meeting
- Comox Valley Water Committee meeting
- CVRD Committee of the Whole meeting
- Comox Valley Sports Centre Commission meeting
- CVRD Liquid Waste Management Plan Joint Technical Advisory/Public Advisory Committee meeting
- City of Courtenay 1st Annual Staff Santa’s Pancake Breakfast
- Ronna-Rae Leonard, MLA, holiday open house
- Meeting with Donald MacPherson, Executive Director, Canadian Drug Policy
- Climate Action Theatre Rehearsal
- Climate Caucus Coordinating Committee meeting

R23/2019 - December 16, 2019 - Amended

COUNCILLOR
FRISCH

- Councillor Frisch reviewed his attendance at the following event:
- Meeting with Fred Tutt, President, Comox Valley Affordable Housing Society, to discuss affordable housing in conjunction with the Comox Valley Lions Club
 - Staff Briefing CVRD Commissions and Boards meetings
 - Ronna-Rae Leonard, MLA, holiday open house
 - Comox Valley Sewage Commission meeting
 - Comox Valley Water Committee meeting
 - CVRD Committee of the Whole meeting
 - Comox Valley Sports Centre Commission meeting
 - Meeting with constituent regarding recycling and BC's Extended Producer Responsibility (EPR) Program legislation (life cycle planning)

COUNCILLOR
HILLIAN

- Councillor Hillian reviewed his attendance at the following events:
- Comox Valley Coalition to End Homelessness monthly meeting
 - Riverside Senior Living open house
 - Habitat for Humanity Vancouver Island North Key Ceremony at 1330 Lake Trail Road
 - Provincial Announcement and Ground Breaking Ceremony for Lake Trail School seismic upgrades
 - National Day of Remembrance and Action on Violence Against Women Memorial Vigil
 - Comox Valley Water Committee meeting
 - CVRD Committee of the Whole meeting
 - Comox Valley Sports Centre Commission meeting
 - Meeting with Jordan Best, Director, Collection, Recycle BC
 - Meeting with residents regarding South Courtenay Riverway Trail Extension project
 - Ronna-Rae Leonard, MLA, holiday open house
 - City of Courtenay Christmas party
 - Gord Johns, MP, Christmas party

COUNCILLOR
MCCOLLUM

- Councillor McCollum reviewed her attendance at the following events:
- Comox Valley Economic Development Society Board meeting
 - City of Courtenay 1st Annual Staff Santa's Pancake Breakfast
 - Comox Valley Art Gallery open house
 - City of Courtenay Christmas party
 - 12th Annual Tin Town Open House & Winter Market

COUNCILLOR
MORIN

- Councillor Morin reviewed her attendance at the following events:
- Official Community Plan promotion video filming
 - Meeting with Jenny Deters, President, Downtown Courtenay Business Improvement Association
 - Comox Valley Regional Food Policy Council meeting
 - Habitat for Humanity Vancouver Island North Key Ceremony at 1330 Lake Trail Road
 - National Day of Remembrance and Action on Violence Against Women Memorial Vigil
 - City of Courtenay 1st Annual Staff Santa's Pancake Breakfast

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- Comox Valley Sewage Commission meeting
- Comox Valley Water Committee meeting
- CVRD Committee of the Whole meeting
- Comox Valley Sports Centre Commission meeting
- Meeting with Jordan Best, Director, Collection, Recycle BC
- Meeting with residents regarding South Courtenay Riverway Trail Extension project
- Meeting with Donald MacPherson, Executive Director, Canadian Drug Policy

MAYOR
WELLS

Mayor Wells reviewed his attendance at the following event:

- Meeting with Ronna-Rae Leonard, MLA, to discuss:
 - Homelessness
 - Community appreciation for provincial funding of the Braidwood Housing Project and The Junction in 2019
 - Municipal funding options such as Property Transfer Tax, Liquor Tax, Sales Tax, and Fuel Tax
 - Need for Electric Vehicle chargers at municipal offices

Mayor Wells mentioned that Mr. Bruce Curtis, Chief Administrator of the Comox Valley Community Justice Centre, is among 18 people across British Columbia who recently received the province's Medal of Good Citizenship award; the medal recognizes outstanding service and commitment to helping others in their communities without expectation of remuneration or reward.

Councillor McCollum left Council Chambers at 5:22 p.m.

Councillor McCollum returned to Council Chambers and took her seat at 5:25 p.m.

8.00 RESOLUTIONS OF COUNCIL

.01

IN CAMERA
MEETING

Moved by Hillian and seconded by Frisch that notice is hereby given that a Special In-Camera meeting closed to the public will be held December 16th, 2019 at the conclusion of the Regular Council Meeting pursuant to the following sub-section of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90 (1) (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.

Carried

9.00 UNFINISHED BUSINESS

.01
DELEGATION -
JOHN & JENNIFER
HEDICAN -
GOVERNMENT
SUPPORT FOR THE
FENTANYL / OPIOID
CRISIS - REGULATED
SAFE SUPPLY &
RESOURCES FOR
TREATMENT

Moved by McCollum and seconded by Cole-Hamilton that the request made by the Hedican family in their December 2nd, 2019 delegation presentation to Council, seeking local government support to advocate for a change in provincial and federal government policies related to the supply of toxic drugs, be received for information.

Carried

A discussion followed and it was agreed that staff would come back with a proposed resolution reaffirming the City of Courtenay's support for the Hedican family's objective for the provincial and federal governments to change policies and intervene on the supply of toxic drugs through decriminalization and regulation, education to destigmatize addiction,

and improved access to resources for harm reduction treatment at a future Council meeting.

.02
DELEGATION -
VANCOUVER ISLAND
MUSICFEST -
FINANCIAL SUPPORT
FOR THE FESTIVAL
0400-20

Moved by Frisch and seconded by McCollum that in response to the request made by Vancouver Island MusicFest in their December 2nd, 2019 delegation presentation to Council seeking financial support to help offset the costs associated with producing the festival, that Council direct staff to write a letter to the organizers of the Vancouver Island MusicFest to advise them of the Grant-in-Aid funding program available at the City of Courtenay; and,

That those Council members appointed as Directors to the Comox Valley Regional District work towards finding an alternative funding source for the music festival in the future.

Carried

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

.01
CORRESPONDENCE -
COURTENAY
AIRPARK
ASSOCIATION -
LETTER OF SUPPORT
FOR GRANT
APPLICATION TO
FUND
INFRASTRUCTURE
IMPROVEMENTS
0400-20

It was agreed by Council that the correspondence dated December 3rd, 2019 from the Courtenay Airpark Association requesting a letter from the City of Courtenay in support of the Airpark Association's grant application to the BC Air Access Program (BCAAP) Aviation Infrastructure Funding program (deadline January 13th, 2020) for infrastructure improvements to the Airpark be deferred to the next available regular Council meeting.

12.00 BYLAWS

.01

BYLAW NO.
2984, 2019
ZONING AMENDMENT
BYLAW TO PERMIT
AN INCREASE FROM
ONE TO TWO
ACCESSORY
DWELLING UNITS
(1581 DINGWALL
ROAD)

Moved by Cole-Hamilton and seconded by Theos that “Zoning Amendment Bylaw No. 2984” pass first and second reading.

Carried

.02

BYLAW NO.
2991, 2019
PARKS AND PUBLIC
SPACES SMOKING
BYLAW - TO PROHIBIT
SMOKING TOBACCO,
CANNABIS & VAPING
IN PARKS, PUBLIC
SPACES & CITY
PROPERTIES

Moved by Frisch and seconded by McCollum that “Parks and Public Spaces Smoking Bylaw No. 2991, 2019” pass first and second reading.

Carried

.03

BYLAW NO.
2987, 2019
NUISANCE
ABATEMENT AND
COST RECOVERY -
TO REGULATE,
PROHIBIT, & IMPOSE
REQUIREMENTS &
COST RECOVERY OF
NUISANCE
ABATEMENT

Moved by McCollum and seconded by Frisch that “Nuisance Abatement and Cost Recovery Bylaw No. 2987, 2019” be finally adopted.

Carried

13.00 ADJOURNMENT

.01 Moved by Cole-Hamilton and seconded by Frisch that the meeting now adjourn at 5:45 p.m.
Carried

CERTIFIED CORRECT

Director of Legislative and Corporate Services

Adopted this 6th day of January, 2020

Mayor