

Minutes of a Regular Council Meeting

Meeting #: R22/2020
Date: September 08, 2020
Time: 4:00 pm
Location: City Hall, Courtenay, BC, via video/audio conference

Attending:

Mayor: B. Wells, via video/audio conference
Councillors: W. Cole-Hamilton, via video/audio conference
D. Frisch, via video/audio conference
D. Hillian, via video/audio conference
M. McCollum, via video/audio conference
W. Morin, via video/audio conference
M. Theos, via video/audio conference

Staff:

T. Kushner, Interim CAO, via video/audio conference
W. Sorichta, Corporate Officer, via video/audio conference
I. Buck, Director of Development Services, via video/audio conference
C. Davidson, Director of Engineering Services, via video/audio conference
J. Nelson, Director of Financial Services, via video/audio conference
D. Snider, Director of Recreation and Cultural Services, via video/audio conference
M. Fitzgerald, Manager of Development Planning via video/audio conference
K. Collins, Manager of Recreation Programming, via video/audio conference
C. Millar, Manager of Recreation Facility Operations, via video/audio conference
E. Gavelin, Network Technician, via video/audio conference
R. Matthews, Executive Assistant/Deputy Corporate Officer

Due to the Coronavirus COVID-19 emergency, the City of Courtenay with the authority of Ministerial Order No. M192 Local Government Meetings & Bylaw Process (COVID-19) Order No. 3 implemented changes to its open Council meetings.

In the interest of public health and safety, and in accordance with section 3(1) of Ministerial Order No. 3 M192, in-person attendance by members of the public at Council meetings will not be permitted until further notice. Council meetings are presided over by the Mayor or Acting Mayor with electronic participation by Council and staff via live web streaming.

1. ADOPTION OF MINUTES

1.1 Adopt August 17th, 2020 Regular Council meeting minutes

Moved By Theos

Seconded By McCollum

That the August 17th, 2020 Regular Council meeting minutes be adopted.

Carried

2. INTRODUCTION OF LATE ITEMS

2.1 Comox Valley Regional District (CVRD) Development Referral - 3L Developments Inc.

Moved By Morin

Seconded By McCollum

That the referral process to regional local governments from the Comox Valley Regional District (CVRD) to consider an Official Community Plan bylaw amendment and Zoning bylaw amendment related to a development application from 3L Developments Inc. for 780 new housing units by be added to the September 8th, 2020 Council agenda under section *11.00 New Business*.

Defeated

In favour: Councillors McCollum and Morin

Opposed: Councillors Cole-Hamilton, Hillian, Theos and Mayor Wells

Councillor Frisch was temporarily disconnected from the video conference meeting due to technical difficulties and was not available to vote

3. DELEGATIONS

VARY AGENDA

Moved By McCollum

Seconded By Cole-Hamilton

That Council vary the September 8th, 2020 regular Council agenda to move item 6.2 Briefing Note - 5th Street Bridge Rehabilitation Update ahead on the agenda to be addressed before item 4.1.1 5th Street Bridge Rehabilitation Project - Traffic Management Strategy Presentation under section *4.00 Staff Reports/Presentations - (a) Engineering Services*.

Carried

6.2 Briefing Note - 5th Street Bridge Rehabilitation Update (5335-20/5400-02)

Moved By Hillian

Seconded By Cole Hamilton

That the September 8th, 2020 Briefing Note, “5th Street Bridge Rehabilitation Update”, be received for information.

Carried

4. STAFF REPORTS/PRESENTATIONS

4.1 Engineering Services

4.1.1 5th Street Bridge Rehabilitation Project - Traffic Management Strategy Presentation

Moved By Frisch

Seconded By Hillian

That the 5th Street Bridge Rehabilitation - Traffic Management Strategy presentation provided by Dan Casey and Eric Sears, Urban Systems and Katie Hamilton, Tavola Strategy Group, be received for information.

Carried

Dan Casey, Transportation Planner, and Eric Sears, Municipal Engineer, Urban Systems, and Katie Hamilton, Principal, Tavola Strategy Group, presented information to Council about the 5th Street Bridge Rehabilitation project and Traffic Management Strategy.

4.2 Recreation and Cultural Services

4.2.1 COVID-19 Recovery Plan Policy: Indoor Recreation Facility Use (8000-21)

Moved By Hillian

Seconded By McCollum

That based on the September 8th, 2020 staff report “COVID-19 Recovery Plan Policy: Indoor Recreation Facility Use”, Council approves OPTION 1 as follows:

That per orders and requirements of the provincial and federal authorities to maintain physical distancing and restrict public gatherings related to the spread of the COVID-19; and, as imposed by extraordinary powers adopted March 18th, 2020 under the BC provincial state of emergency; and,

Whereas, the provincial BC Restart Plan (COVID-19) has entered Phase 3 which, under enhanced protocols allows the return to provision of certain services including preschool childcare, indoor recreational programming and facility rentals;

Therefore be it resolved that effective immediately, Council authorizes the re-opening of the City's recreation facilities for the purpose of preschool childcare, indoor recreational programming and facility rentals with the following conditions:

- a. That in the interest of public health and safety, staff amend facility use agreements and indoor use waiver forms to include COVID-19 language regarding provincial and federal guidelines.
- b. That Worksafe BC Employee Safety Plans for City staff engaged in the provision of this service has been prepared under public health aligned industry guidelines and Worksafe BC regulations.
- c. That a COVID-19 Safety Plan is completed and readily available to participants and has been prepared under public health aligned industry guidelines including orders issued by the public health officer, the Minister of Public Safety and Solicitor General and Worksafe BC regulations.
- d. That re-opening of the recreation facilities for the purposes of indoor recreation facility use and facility rentals comply with existing applicable City policies or bylaws.
- e. That City staff will review operations on a regular basis to ensure the re-opening of the recreation facilities, recreational program offerings, facility rentals and supporting facility operations are in compliance with the City of Courtenay COVID-19 Indoor Recreation Facility Use Plan Policy.

That the City of Courtenay COVID-19 Indoor Recreation Facility Use Plan Policy during the COVID-19 pandemic be effective immediately and may be subject to change:

- a. as directed under the authority of the provincial or federal governments through the Emergency Program Act or Emergencies Act Canada,
- b. until such time as the provincial state of emergency for the COVID-19 pandemic has been rescinded and local governments may resume regular operations, or
- c. by resolution of Council.

Carried

4.2.2 COVID-19 Recovery Plan Policy: Wellness Centre and Video Presentation (8000-25)

Moved By Hillian

Seconded By Frisch

That based on the September 8th, 2020 staff report “COVID-19 Recovery Plan Policy: Wellness Centre”, Council approves OPTION 1 as follows:

That per orders and requirements of the provincial and federal authorities to maintain physical distancing and restrict public gatherings related to the spread of the COVID-19; and, as imposed by extraordinary powers adopted March 18th, 2020 under the BC provincial state of emergency; and,

Whereas, the provincial BC Restart Plan (COVID-19) has entered Phase 3 which, under enhanced protocols allows the return to provision of certain services including fitness centres;

Therefore be it resolved that effective immediately, Council authorizes the re-opening of the Wellness Centre with the following conditions:

- a. That in the interest of public health and safety, staff amend Wellness Centre user waiver forms to include COVID-19 language regarding provincial and federal guidelines.
- b. That Worksafe BC Employee Safety Plans for City Staff engaged in the provision of this service has been prepared under public health aligned industry guidelines and Worksafe BC regulations.
- c. That a COVID-19 Safety Plan is completed and readily available to participants and has been prepared under public health aligned industry guidelines including orders issued by the Public Health Officer, the Minister of Public Safety and Solicitor General and Worksafe BC regulations.
- d. That the re-opening of the Wellness Centre complies with existing applicable City policies or bylaws.
- e. That City Staff will review operations on a regular basis to ensure the re-opening of the Wellness Centre and supporting facility operations are in compliance with the City of Courtenay COVID-19 Wellness Centre Recovery Plan Policy.

That the City of Courtenay COVID-19 Wellness Centre Recovery Plan Policy during the COVID-19 pandemic be effective immediately and may be subject to change:

- a. as directed under the authority of the provincial or federal governments through the Emergency Program Act or Emergencies Act Canada,
- b. until such time as the provincial state of emergency for the COVID-19 pandemic has been rescinded and local governments may resume regular operations, or
- c. by resolution of Council.

Carried

The September 8th, 2020 video presentation “COVID-19 Recovery Plan Policy: Wellness Centre”, was received for information.

4.3 Development Services

4.3.1 Zoning Amendment Bylaw No. 3012 to Allow for a Secondary Suite at 1520 Thorpe Avenue (3360-20-2009)

Moved By McCollum

Seconded By Morin

That based on the September 8th, 2020 staff report, “Zoning Amendment Bylaw No. 3012 to allow for a secondary suite at 1520 Thorpe Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3012, 2020; and,

That Council considers Zoning Amendment Bylaw No. 3012, 2020 consistent with the City’s Official Community Plan; and

That Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 3012, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of considerations of Third Reading of the bylaw.

Carried

**4.3.2 Zoning Amendment Bylaw No. 2989 - 4070 Fraser Road
(3360-20-1915)**

Moved By Frisch

Seconded By Hillian

That based on the September 8th, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road" Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 2989, 2020 to rezone the subject property to CD-21 and PA-2;
2. That Council considers Zoning Amendment Bylaw No. 2989, 2020 consistent with the City's Official Community Plan;
3. That Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of consideration of Third Reading of the bylaw;
4. That Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
5. That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Defeated

New motion:

Moved By Hillian

Seconded By Cole Hamilton

That based on the September 8th, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road" Council approve OPTION 2 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2989, 2020;

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 when regular Council meetings resume or an alternative public hearing format is approved by Council;

That Final reading of the bylaw be withheld pending the completion of the park land disposal process; and;

That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Carried

5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.1 Briefing Note - Recreation Fall Registration & Comox Valley Recreation Guide (8000-04)

Moved By Hillian

Seconded By Frisch

That the September 8th, 2020 Briefing Note, “Recreation Fall Registration & Comox Valley Recreation Guide”, be received for information.

Carried

7. REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

7.1 Councillor Hillian

Councillor Hillian participated in the following events:

- Comox Valley Water Committee meeting
- CVRD Committee of the Whole meeting
- Meeting with developers regarding proposed development at Copperfield Road
- Comox Valley Elected Officials weekly teleconference briefing with Dr. Charmaine Enns, Medical Health Officer
- Lunch and Learn session with staff and Council
- Meeting with citizen regarding 6th Street Multi-Use Active Transportation Bridge
- Meeting with residents regarding proposed development on Mission Road
- CVRD Board meeting
- Meeting with representatives of Unite Here! Local 40 regarding impact of COVID-19 on employment in the hospitality industry
- Comox Valley Coalition to End Homelessness meeting

7.2 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- Meeting with representatives of Unite Here! Local 40 regarding impact of COVID-19 on employment in the hospitality industry
- Meeting with MP Gord Johns

8. RESOLUTIONS OF COUNCIL

8.1 Councillor Morin Resolution - Home Occupation Business

Moved By Morin

Seconded By Frisch

Whereas the onset of COVID-19 has created significant challenges for local businesses, and in some cases, has contributed to their permanent closures;

Whereas businesses are adapting to these challenges by reducing costs such as rent by working from home, and the City's zoning bylaw is considered restrictive in the types of allowable home occupations, particularly in relation to other local jurisdictions; and

Whereas the City of Courtenay has joined with other local governments to implement a COVID economic recovery task force, and has identified economic growth as a strategic priority;

Therefore be it resolved that Council expand support of small business by directing staff to look at options for an amendment to the zoning bylaw to expand permitted home occupations to include (but is not limited to) hairdressing, dog grooming, counselling, massage, and acupuncture; and other such businesses that do not create additional noise and parking challenges.

Carried

8.2 Councillor McCollum Resolution - Air Quality - Wood Burning

Moved By McCollum

Seconded By Frisch

Whereas, the impact of wood smoke to local air quality and health is a major concern in our community; and

Whereas, the proper storage of wood and operation of a wood burning appliance significantly reduces the negative impacts on local air quality;

Therefore be it resolved, that Council direct staff to prepare a report to consider options for a bylaw to address nuisance wood burning and ensure responsible storage of wood and operation of wood burning appliances.

Carried

8.3 In Camera Meeting

Moved By Frisch

Seconded By Theos

That a Special In-Camera meeting closed to the public will be held September 8th, 2020 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (g) litigation or potential litigation affecting the municipality;
- 90 (1) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

12. BYLAWS

12.1 For First and Second Reading

12.1.1 Zoning Amendment Bylaw No. 2989, 2020 (4070 Fraser Road)

Moved By Frisch
Seconded By Hillian

That "Zoning Amendment Bylaw No. 2989, 2020" pass first and second reading.

Carried

12.1.2 Zoning Amendment Bylaw No. 3012, 2020 (1520 Thorpe Avenue)

Moved By Cole-Hamilton
Seconded By McCollum

That "Zoning Amendment Bylaw No. 3012, 2020" pass first and second reading.

Carried

7:30 p.m. Councillors Hillian and Morin recused themselves citing a possible conflict of interest as Councillor Hillian is involved with one of the one of the organizations applying for the permissive tax exemption in 2021; and, Councillor Morin is employed by one of the organizations applying for the permissive tax exemption in 2021.

12.2 For First, Second and Third Reading

12.2.1 Tax Exemption 2021 Bylaw No. 3019, 2020

Moved By Frisch
Seconded By McCollum

That "Tax Exemption 2021 Bylaw No. 3019, 2020" pass first, second and third reading.

Carried

7:32 p.m. Councillors Hillian and Morin returned to the meeting.

12.2.2 Tax Exemption Churches 2021 Bylaw No. 3020, 2020

Moved By Frisch

Seconded By Cole-Hamilton

That "Tax Exemption Churches 2021 Bylaw No. 3020, 2020" pass first, second and third reading.

Carried

13. ADJOURNMENT

Moved By Hillian

Seconded By Cole-Hamilton

That the meeting now adjourn at 7:33 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 21st day of September, 2020

Mayor