

R27/2020 - November 16, 2020

Minutes of a Regular Council Meeting

Meeting #: R27/2020
Date: November 16, 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
J. Nelson, Director of Financial Services, via video/audio conference
M. Fitzgerald, Manager of Development Planning, via video/audio conference
E. Gavelin, Network Technician, via video/audio conference
R. Matthews, Executive Assistant/Deputy Corporate Officer, via video/audio conference

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.

PROCLAMATION - LOUIS RIEL DAY

Councillor Cole-Hamilton read aloud a proclamation declaring November 16th, 2020 as “Louis Riel Day” in the City of Courtenay, to honour the culture and history of the Métis people and Louis Riel’s place in Canadian history.

1. ADOPTION OF MINUTES

1.1 Adopt November 2nd, 2020 Regular Council meeting minutes (0570-03)

Moved By Hillian
Seconded By Morin

That the November 2nd, 2020 Regular Council meeting minutes be adopted.
Carried

1.2 Adopt November 9th, 2020 Special Council meeting minutes (0570-03)

Moved By Hillian
Seconded By Morin

That the November 9th, 2020 Special Council meeting minutes be adopted.
Carried

2. INTRODUCTION OF LATE ITEMS

2.1 New Procedures for Electronic Public Hearings - COVID-19 Pandemic (0590-01)

3. DELEGATIONS

3.1 Dave Mellin - Stotan Falls Legacy Project Presentation

Mr. Dave Mellin, advocating on behalf of Comox Valley citizens, presented information to Council regarding the Stotan Falls Legacy Project to protect the privately owned land around Stotan Falls located in Area C of the Comox Valley Regional District; and draw public awareness to the preservation of this greenspace.

4. STAFF REPORTS/PRESENTATIONS

4.1 CAO / Legislative Services

4.1.1 New Procedures for Electronic Public Hearings - COVID-19 Pandemic (0590-01)

Moved By Frisch
Seconded By Morin

That based on the November 16th, 2020 staff report "New Procedures for Electronic Public Hearings - COVID-19", Council approve OPTION 1 as follows:

Whereas it is recognized that public participation in local government is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

Whereas to protect the health and safety of the public, Council and staff during the COVID-19 pandemic, and in consideration of the Provincial Class Order (mass gatherings) and BC Centre for Disease Control (BCCDC) physical distancing guidelines, new procedures are required;

Therefore be it resolved, that Council authorize staff to proceed with electronic public hearings as authorized under Ministerial Order M192/2020 and in accordance with Section 465(3) of *The Local Government Act* with the following conditions:

- a) That statutory public notice requirements are satisfied in accordance with Section 466 of *The Local Government Act*
- b) That staff commence scheduling public hearings in priority sequence; starting with public hearings previously approved by Council prior to November 16th, 2020
- c) That electronic public hearings be conducted by phone and electronic/virtual participation via webinar
- d) That electronic public hearings are broadcasted for public viewing via live web streaming on the City of Courtenay website www.courtenay.ca; and,

That the City of Courtenay electronic public hearing process in the course of 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, the Covid-19 Related Measures Act, or Emergencies Act Canada;
- b) Until such time as the health orders restricting mass gathering and physical distancing have been lifted;
- c) 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
- d) By resolution of Council.

Amending motion:

Moved By Hillian

Seconded By Theos

That based on the November 16th, 2020 staff report "New Procedures for Electronic Public Hearings - COVID-19" that Council direct staff to expand the range of public notification so that notices are sent to property owners and tenants within **200 metres** of the affected property.

Carried

The main motion was Carried as amended

4.2 Development Services

4.2.1 Structural Change to Liquor Licence Application (Gladstone Brewing Company) - #244 - 4th Street (4530-20)

Moved By McCollum

Seconded By Frisch

That based on the November 16th, 2020 staff report "Structural Change to Liquor Licence Application (Gladstone Brewing Company) - 244 - 4th Street", Council approve OPTION 1 and direct staff to publish notice on the City's website requesting public input on Gladstone Brewing Company's proposed structural change to a liquor primary licence application.

Carried

4.2.2 Release of Covenant Restricting Secondary Suite - 2977 Cascara Crescent (3010-01)

Moved By Frisch

Seconded By McCollum

That based on the November 16th, 2020 staff report "Release of Covenant Restricting Secondary Suite - 2977 Cascara Crescent", Council approve OPTION 1 and direct staff to notify owners subject to the same covenant of the request for feedback prior to final consideration of the release.

Carried

5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

**5.1 Notice of Inaugural Comox Valley Regional District (CVRD) Board Meeting
November 24, 2020 - Director Appointments (0360-20/470-20)**

Moved By Hillian

Seconded By Morin

That in response to the correspondence from the Comox Valley Regional District (CVRD) "Notice of Inaugural CVRD Board Meeting" that Council make the following City of Courtenay appointments for the period of November 24, 2020 to November 2021:

Comox Valley Regional District (CVRD) 2020 - 2021 Director Appointments:

Comox Valley Regional District (CVRD) Board of Directors (Four Directors)

Councillor Will Cole-Hamilton

Councillor Doug Hillian

Councillor Melanie McCollum

Councillor Wendy Morin

Alternate CVRD Directors:

Mayor Bob Wells and Councillor Manno Theos

Voting Strength for City Directors on the CVRD Board (City has eighteen votes):

Councillor Will Cole-Hamilton 4 votes

Councillor Doug Hillian 5 votes

Councillor Melanie McCollum 5 votes

Councillor Wendy Morin 4 votes

Three Directors to the Comox Valley Sewage Commission (Three Directors elected to CVRD Board to serve):

Councillor Will Cole-Hamilton

Councillor Doug Hillian

Councillor Wendy Morin

Alternates:

Mayor Bob Wells, Councillor Melanie McCollum and Councillor Manno Theos

Four Directors to Comox Valley Water Committee (Four Directors elected to CVRD Board to serve): (*Staff Note: 2021 Voting Strengths are based on previous year's water consumption values*)

| | |
|-------------------------------|---------|
| Councillor Will Cole-Hamilton | 1 vote |
| Councillor Doug Hillian | 2 votes |
| Councillor Melanie McCollum | 2 votes |
| Councillor Wendy Morin | 2 votes |

Alternates:

Mayor Bob Wells and Councillor Manno Theos

Four Directors to Comox Strathcona Regional Hospital District Board (Four Directors elected to CVRD Board to serve)

Councillor Will Cole-Hamilton
Councillor Doug Hillian
Councillor Melanie McCollum
Councillor Wendy Morin

Alternates:

Mayor Bob Wells and Councillor Manno Theos

Four Directors to Comox Strathcona Waste Management Board (Four Directors elected to CVRD Board to serve)

Councillor Will Cole-Hamilton
Councillor Doug Hillian
Councillor Melanie McCollum
Councillor Wendy Morin

Alternates:

Mayor Bob Wells and Councillor Manno Theos

One member to Integrated Regional Transportation Select Committee

Councillor Melanie McCollum

Alternate:

Mayor Bob Wells

One member to Comox Valley Economic Development Society

Mayor Bob Wells

Alternate:

Councillor Melanie McCollum

Carried

5.2 Comox Valley Regional District (CVRD) - Rethink Comox Valley - CVRD COVID-19 Community Recovery

Moved By Cole-Hamilton

Seconded By Morin

That the correspondence dated October 30th, 2020 from Chair Jesse Ketler, Comox Valley Regional District (CVRD), regarding the CVRD Board approved "Rethink Comox Valley" plan which outlines the key actions the CVRD will undertake to aid in community recovery during the COVID-19 pandemic, be received for information.

Carried

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

7.1 Councillor Cole-Hamilton

Councillor Cole-Hamilton mentioned the following:

- Councillor Cole-Hamilton spoke with the Comox Valley MIKI'SIW Métis Association following the recent adoption of the City's United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) resolution; a meeting with representatives from the MIKI'SIW Métis Association, Mayor Wells, Councillor-Cole Hamilton, and staff to discuss the history of the Métis is anticipated to transpire in the near future.

7.2 Councillor Hillian

Councillor Hillian mentioned that he participated in a discussion with representatives from the Comox Valley Coalition to End Homelessness (CVCEH) to discuss a housing proposal they will be presenting to the province in response to homelessness and affordable housing issues in the Comox Valley. The CVCEH is seeking area local governments' endorsement of their proposal to BC Housing to provide emergency shelter housing through the COVID-19 pandemic and to provide long-term housing for vulnerable populations in the Comox Valley. Councillor Hillian will be bringing the CVCEH letter of proposal forward at a future Council meeting.

7.4 Councillor Morin

Councillor Morin participated in the following events for the period of November 3rd to November 16th:

- Climate Caucus Councillor's Webinars: CAO-Council Relationships: Tensions and Synergies Between the Roles and How to Make the Most of Them
- Climate Caucus 2020 Resilience Summit
- City of Courtenay Official Community Plan (OCP) Virtual Neighbourhood Sessions (2 Total)
- Lunch and Learns sessions with staff and Council regarding proposed design options for bike lanes along 17th Street
- Comox Valley Sewage Commission Governance Workshop
- Meeting with hotelier regarding feedback around Destination Marketing
- Comox Valley Arts Virtual Annual General Meeting (AGM)
- Comox Strathcona Regional Hospital Board meeting

7.6 Mayor Wells

Mayor Wells reviewed his attendance at the following event:

- Virtual Remembrance Day Ceremony; in response to COVID-19 restrictions, local Legion branches had to adjust how the 2020 Remembrance Day ceremonies were delivered in the Comox Valley; a virtual live streamed ceremony was held in Courtenay with over 4,000 viewers; Mayor Wells thanked Mrs. Michelle Wells for providing live streaming services for this event

Mayor Wells mentioned that the aqua dam is currently being deployed by City crews to proactively mitigate potential flooding concerns in response to a storm weather warning and king tide that is anticipated to arrive in the Comox Valley

8. RESOLUTIONS OF COUNCIL

8.1 In Camera Meeting

Moved By Frisch

Seconded By Hillian

That a Special In-Camera meeting closed to the public will be held November 16th, 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) (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) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 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

8.2 Rise and Report - Kus-kus-sum Extension of Memorandum of Understanding (MOU) (0400-20/3200-00)

Moved By Hillian

Seconded By McCollum

That per the November 9th, 2020 Closed (In Camera) Meeting, Council Rises and Reports as follows:

That based on the November 9th, 2020 confidential staff report "Kus-kus-sum Extension of Memorandum of Understanding (MOU) between the City of Courtenay, Comox Valley Project Watershed Society, and K'ómoks First Nation", Council proceed with OPTION 1 and approve signing the revised MOU dated October 26th, 2020 that includes entering into a binding agreement on or before December 30th, 2020, and;

That pending Council decision and final agreement among the Parties, that Council rise and report regarding the MOU at a future open Council meeting and communicate the accepted agreement through a joint media release.

Carried

Trevor Kushner, Interim CAO, acknowledged David Allen, retired City of Courtenay CAO, for all his hard work on the Kus-kus-sum project and thanked Mr. Allen for his continued efforts as a consultant on the project; and

Mayor Wells thanked Councillor Hillian in recognition for his hard work and stewardship of the Kus-kus-sum restoration project and noted Councillor Hillian's commitment to the project since the very beginning.

Councillor Hillian thanked staff for their support of this project, in particular Mr. David Allen, retired CAO, for his stewardship; and thanked Mayor Wells, Council for their support and congratulated the community for supporting this project, making it a project to be proud of to restore the legacy of the lands and the step it takes in the path of reconciliation with the K'ómoks First Nation.

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

11.1 Correspondence - Letter of Request - Comox Valley Project Watershed Society - Application for Funding - Kus-kus-sum Restoration Project

Moved By Hillian

Seconded By Cole-Hamilton

That in response to the correspondence dated November 13th, 2020 from Comox Valley Project Watershed Society requesting the City of Courtenay's support for their funding applications to the Pacific Salmon Foundation (PSF), the Fish and Wildlife Compensation Program (FWCP), the Habitat Conservation Trust Foundation (HCTF) and the BC Salmon Habitat Restoration and Innovation Fund (BCSRIF) to raise funds to restore the Kus-kus-sum property located at 1901 Comox Road;

That Council provide a letter of support for Project Watershed's funding applications for the Kus-kus-sum restoration project by November 20th, 2020.

Carried

12. BYLAWS

12.1 For Third Reading

12.1.1 Zoning Amendment Bylaw No. 3016, 2020 (540 - 17th Street)

Moved By Cole-Hamilton

Seconded By McCollum

That "Zoning Amendment Bylaw No. 3016, 2020" pass third reading.

Carried

12.2 For Final Adoption

12.2.1 Zoning Amendment Bylaw No. 3016, 2020 (540 - 17th Street)

Moved By McCollum

Seconded By Frisch

That "Zoning Amendment Bylaw No. 3016, 2020" be finally adopted.

Carried

13. ADJOURNMENT

Moved By McCollum

Seconded By Cole-Hamilton

That the meeting now adjourn at 5:41p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 7th day of December, 2020

Mayor