

Minutes of a Regular Council Meeting

Meeting #: R16/2021
Date: September 7, 2021
Time: 4:00 pm
Location: City Hall Council Chambers and via video/audio conference

Attending:

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

Staff:

G. Garbutt, CAO
I. Buck, Director of Development Services, via video/audio conference
J. Nelson, Director of Financial Services, via video/audio conference
K. O'Connell, Director of Corporate Support Services, via video/audio conference
S. Saunders, Director of Culture, Recreation, and Community Services, via video/audio conference
M. Fitzgerald, Manager of Development Planning, via video/audio conference
A. Berard, Manager of Financial Planning, Business Performance, and Payroll, via video/audio conference
R. Matthews, Executive Assistant/Deputy Corporate Officer, via video/audio conference
E. Gavelin, Network Technician, via video/audio conference

Due to the COVID-19 pandemic, and in accordance with Ministerial Order No. M192/2020 and the Class Order (mass gatherings), Council meetings are conducted virtually and live-streamed on the City of Courtenay's YouTube channel.

The Mayor respectfully acknowledged the lands on which the meeting was conducted is the unceded traditional territory of the K'ómoks First Nation.

1. ADOPTION OF MINUTES

1.1 Adopt July 26th, 2021 Regular Council meeting minutes (0570-03)

Moved By Frisch

Seconded By Morin

THAT the July 26th, 2021 Regular Council meeting minutes be adopted.

Carried

2. INTRODUCTION OF LATE ITEMS

VARY AGENDA

Moved By Cole-Hamilton

Seconded By Frisch

THAT following Item 3.1 Brian Scott Fine Art Ltd. - Art in the Park (*Under 3. Delegations*):

THAT Council vary the order of the September 7th, 2021 Regular Council agenda as outlined:

Following Item 3.2 Broadstreet Properties Ltd./Seymour Pacific Developments Ltd. - Applicants for Rezoning Application at 801 Ryan Road (*Under 3. Delegations*), Council consider:

- Item 4.3.1 Zoning Amendment Bylaw No. 3017 - 801 Ryan Road (*Under 4. Staff Reports/Presentations*) AND for First and Second Reading, Item 12.1.1 Zoning Amendment Bylaw No. 3017 (801 Ryan Road) (*Under 12. Bylaws*); and,

Following Item 3.3 Newport Village Courtenay Developments Ltd. - Applicants for Rezoning Application at 3040 Kilpatrick Avenue (*Under 3. Delegations*), Council consider:

- Item 4.3.2 Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue (*Under 4. Staff Reports/Presentations*) AND for First and Second Reading, Item 12.1.2 Zoning Amendment Bylaw No. 3030, 2021 (3040 Kilpatrick Avenue) (*Under 12. Bylaws*).

Carried

3. DELEGATIONS

3.1 Brian Scott Fine Art Ltd. - Art in the Park

Brian Scott, Owner, Brian Scott Fine Art Ltd., presented information to Council regarding an idea called ‘Art in the Park’ to allow fine artists paint and sell on location in Lewis Park which would require an amendment to *Business Licence Bylaw No. 2523, 2008*.

3.2 Broadstreet Properties Ltd. /Seymour Pacific Developments Ltd. - Applicants for Rezoning Application at 801 Ryan Road

Rachel Ricard, Development Manager, Kris Mailman, CEO, and Yulia Liem, Traffic Engineer, Bunt & Associates representing Broadstreet Properties Ltd. /Seymour Pacific Developments Ltd., presented information regarding their rezoning application for 801 Ryan Road.

4.3.1 Zoning Amendment Bylaw No. 3017 - 801 Ryan Road (3360-20-2011)

Moved By Cole-Hamilton

Seconded By McCollum

THAT the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3017 - 801 Ryan Road” be received for information.

Carried

Moved By McCollum

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3017 - 801 Ryan Road” Council approve OPTION 2 to postpone consideration of Bylaw No. 3017 with a request for more information.

Carried

12.1.1 Zoning Amendment Bylaw No. 3017, 2021 (801 Ryan Road)

Council passed a motion under Item 4.3.1 to postpone consideration of *Zoning Amendment Bylaw No. 3017, 2021* therefore first and second readings were not considered.

3.3 Newport Village Courtenay Developments Ltd. - Applicants for Rezoning Application at 3040 Kilpatrick Avenue

Sasha Rasovic, Director, and Bill Laidler, Development Manager, Newport Village Courtenay Developments Ltd., presented information regarding their rezoning application for 3040 Kilpatrick Avenue.

Councillor Cole-Hamilton left Council Chambers at 5:55 p.m.

Councillor Cole-Hamilton returned to Council Chambers and took his seat at 5:57 p.m.

Councillor McCollum left Council Chambers at 6:08 p.m.

Councillor McCollum returned to Council Chambers and took her seat at 6:10 p.m.

4.3.2 Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue (3360-20-2102)

Moved By McCollum

Seconded By Cole-Hamilton

THAT the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” be received for information.

Carried

Moved By Cole-Hamilton

Seconded By Morin

THAT based on the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021;

THAT Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw; and

THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 Covenant; and,

THAT subject to the registration of a housing agreement regarding five units reflective of the overall unit mix to be available at 30% below market cost.

Withdrawn

New motion:

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council postpone a decision on the main motion (OPTION 1) of the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” until a future Council meeting as determined by staff; and,

THAT this item be REFERRED back to staff to allow for a report that provides additional information regarding issues raised during discussion at the September 7th, 2021 regular Council meeting.

Carried

12.1.2 Zoning Amendment Bylaw No. 3030, 2021 (3040 Kilpatrick Avenue)

Council passed a motion under Item 4.3.2 to REFER consideration of *Zoning Amendment Bylaw No. 3030, 2021* therefore first and second readings were not considered.

4. STAFF REPORTS/PRESENTATIONS

4.1 Recreation, Culture and Community Services

4.1.1 Elections Canada Request to use Bill Moore Park Lawn Bowling building for Election Polling (0430-01/2380-20/7900-02)

Moved By Frisch

Seconded By Hillian

THAT based on the September 7th, 2021 staff report, "Elections Canada Request to use Bill Moore Park Lawn Bowling building as for Election Polling", Council approve OPTION 1 and approve the Polling Place Standard Lease between Elections Canada and the City of Courtenay for the use of the Bill Moore Park Lawn Bowling building for the purpose of operating a polling place for the upcoming Federal Election and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the Polling Place Standard Lease.

Carried

4.2 CAO and Legislative Services

4.2.1 Council Meetings, Committee Meetings, and Public Hearings - Meeting Models (0570-00/0590-00)

Moved By McCollum

Seconded By Morin

THAT based on the September 7th, 2021 staff report "Council Meetings, Committee Meetings, and Public Hearings - Meeting Models", Council approve OPTION 1 and support the following meeting models until such time as Council Procedure Bylaw No. 2730 is amended to address in more detail electronic participation in public meetings under the newly granted authorities of Bill 10-2021:

- Council and Committee Meetings to be conducted using a "hybrid" model with spectators, delegates, and members of Council having the option of virtual or in-person participation/attendance.
- Public Hearings to be conducted "electronically" with participants having the option to participate via telephone, web conferencing or written submission, and members of Council having the option to participate electronically or in-person.

Carried

4.2.2 Lease Agreement for Lot 3, 100-20th Street - Courtenay Airpark (2380-30 Lot 3)

Moved By Hillian

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report "Lease Agreement for Lot 3, 100-20th Street - Courtenay Airpark", subsequent to the publication of notice, Council approve OPTION 1 and authorize the lease assignment from North Bend Ventures Ltd. to The Property Centre Inc. (TPC) 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 3 on Plan VIP64872; and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the lease agreement.

Carried

4.2.3 Encroachment Agreement for 660476 BC Ltd. dba Island Honda (2250-20)

Moved By Frisch

Seconded By McCollum

THAT based on the September 7th, 2021 staff report, "Encroachment Agreement for 660476 BC Ltd. dba Island Honda", Council approve OPTION 1 and authorize:

- a. An encroachment agreement with Island Honda (660476 BC Ltd.) for 486 square metres of City Property with the civic address 1109 Comox Road, Courtenay, BC V9N 3P7 legally described as PID: 000-364-291, Lot 1, Section 13, Comox Land District; and,

THAT staff provide public notice to satisfy the statutory advertising requirements for the disposition of City Lands as per Section 24, 26, and 94 of the *Community Charter*; and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the lease.

Carried

4.3 Development Services

4.3.3 Development Variance Permit No. 2101 - 356 14th Street (3090-20-2101)

Moved By Morin

Seconded By Frisch

THAT based on the September 7th, 2021 staff report "Development Variance Permit No. 2101 - 356 14th St", Council approve OPTION 1 and proceed with issuing Development Variance Permit No. 2101.

Carried

4.4 Financial Services

7:06 p.m. Councillors Hillian and Morin recused themselves citing a possible conflict of interest as Councillor Hillian is involved with one of the organizations applying for the permissive tax exemption in 2022; and, Councillor Morin is employed by two of the organizations applying for the permissive tax exemption in 2022.

4.4.1 Consideration of 2022 Permissive Property Tax Exemptions (1960-20)

Moved By Frisch

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report "Consideration of 2022 Permissive Property Tax Exemptions", Council approve OPTION 1 as follows:

1. That Council consider the list of new applications for permissive tax exemption for 2022 as detailed on Schedule A attached;
2. That Council approve exemptions for new applications as recommended in Schedule A;
3. That Council direct staff to prepare the applicable bylaws for permissive tax exemption in 2022 based on the attached Schedules A, B, C, D and E; and,
4. That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws.

Carried

5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

5.1 Comox Valley Coalition to End Homelessness (CVCEH) Request for Extension of Licence to Occupy 685 Cliffe Avenue

Moved By McCollum

Seconded By Frisch

THAT the correspondence dated August 24th, 2021 from the Comox Valley Coalition to End Homelessness (CVCEH) regarding a request to extend the Licence to Occupy 685 Cliffe Avenue to continue operations for Connect, be received for information.

Not voted on

New motion:

Moved By Hillian

Seconded By Frisch

THAT the August 24th, 2021 correspondence item entitled “Connect Extension” from the Comox Valley Coalition to End Homelessness (CVCEH) be referred to staff for a report; and,

THAT the current Licence of Occupation Agreement between the Comox Valley Transition Society and the City of Courtenay for the Connect Warming Centre at 685 Cliffe Avenue be temporarily extended under the current terms and conditions until November 30th, 2021 to permit the continuation of day-centre services.

Carried

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

7.1 Councillor Hillian

Councillor Hillian participated in the following events:

- Comox Valley Community Justice Centre Committee meeting
- Official Community Plan (OCP) Update - Lunch and Learn with staff
- K’ómoks First Nation Main Treaty Table meeting
- Meeting with citizens re: neighbourhood issues
- Comox Valley Sewage Commission meeting
- Comox Valley Water Committee meeting
- CVRD Board meeting (2 total)
- Comox Valley Community Justice Centre Board meeting
- Habitat for Humanity’s Groundbreaking Ceremony at 1375 Piercy Avenue
- Solid Waste briefing meeting
- Comox Valley Recreation Commission meeting
- Meeting with Coordinator of Comox Valley Coalition to End Homelessness (CVCEH)
- Comox Valley Exhibition Fall Fair opening ceremonies
- Meeting re: Food Security

Councillor Hillian acknowledged the official opening of the Comox Valley Water Treatment Plant and looks forward to the opening ceremony on September 21st.

7.2 Councillor Morin

Councillor Morin reviewed her attendance at the following event:

- *International Overdose Awareness Day* event at the Comox Valley Art Gallery's outdoor plaza

7.7 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- *International Overdose Awareness Day* event at the Comox Valley Art Gallery's outdoor plaza
- Habitat for Humanity's Groundbreaking Ceremony at 1375 Piercy Avenue
- *Party in the Parks* event hosted by the City of Courtenay

8. RESOLUTIONS OF COUNCIL

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

11.1 Changes to September-November 2021 Council Meeting Schedule

Moved By Frisch

Seconded By McCollum

WHEREAS a Canadian federal election will take place on September 20th, 2021; and,

WHEREAS the City of Courtenay seeks to encourage residents to exercise their democratic right and to "Get Out and Vote".

THEREFORE BE IT resolved that the September 20th, 2021 Council meeting be cancelled; and,

BE IT FURTHER RESOLVED that the September 27th, 2021, October 25th, 2021, and November 29th, 2021 Committee of the Whole Meetings be changed to Regular Council Meetings.

Carried

12. BYLAWS

12.2 For Third Reading

12.2.1 Zoning Amendment Bylaw No. 3031, 2021 (815 Williams Road)

**Moved By Frisch
Seconded By McCollum**

THAT "Zoning Amendment Bylaw No. 3031, 2021" pass third reading.
Carried

12.3 For Final Reading

12.3.1 Zoning Amendment Bylaw No. 3031, 2021 (815 Williams Road)

**Moved By Hillian
Seconded By Frisch**

THAT "Zoning Amendment Bylaw No. 3031, 2021" be finally adopted.
Carried

13. ADJOURNMENT

**Moved By Cole-Hamilton
Seconded By McCollum**

THAT the meeting now adjourn at 7:28 p.m.
Carried

CERTIFIED CORRECT

Deputy Corporate Officer

Adopted this 27th day of September, 2021

Mayor

