

**Minutes of a Regular Council Meeting**

**Meeting #:** R22/2021  
**Date:** November 15, 2021  
**Time:** 4:00 pm  
**Location:** CVRD Civic Room, 770 Harmston Ave, Courtenay 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  
K. Macdonald, Fire Chief  
J. Nelson, Director of Financial Services  
K. O'Connell, Director of Corporate Support Services  
S. Saunders, Director of Recreation, Culture & Communities Services, via video/audio conference  
N. Borecky, Manager of Information Systems, via video/audio conference  
M. Fitzgerald, Manager of Development Planning, via video/audio conference  
R. Matthews, Deputy Corporate Officer

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

On behalf of Council, the Mayor also acknowledged National Indigenous Veterans Day on November 8<sup>th</sup> and Remembrance Day on November 11<sup>th</sup>, 2021.

**1. ADOPTION OF MINUTES**

**1.1 Adopt November 1<sup>st</sup>, 2021 Regular Council meeting minutes (0570-03)**

**Moved By** Theos

**Seconded By** Frisch

THAT the November 1<sup>st</sup>, 2021 Regular Council meeting minutes be adopted.

**Carried**

**2. INTRODUCTION OF LATE ITEMS**

**2.1 Councillor Cole-Hamilton Resolution - 24 Hour Access to Washroom in Downtown Courtenay**

**Moved By** Cole-Hamilton

**Seconded By** Frisch

THAT the resolution brought forward by Councillor-Cole Hamilton regarding 24 hour access a day to a washroom facility within Downtown Courtenay be added to the November 15<sup>th</sup>, 2021 Regular Council agenda for consideration under Item 11. *New Business*.

**Carried**

**Vary Agenda:**

**Moved By** Frisch

**Seconded By** Hillian

THAT Council vary the order of the November 15<sup>th</sup>, 2021 Council agenda so that Item 4.2.1 *Draft Terms of Reference for the Tourism Advisory Committee and Municipal Regional District Tax (MRDT) Update* (Under Item 4.1 *Staff Reports/Presentations* and Item 4.2 *Financial Services*) is received following Item 3. *Delegations*.

**Carried**

**3. DELEGATIONS**

**3.1 Sid Williams Theatre Society - Annual Update**

Richard Clarke, President, and Deborah Renz, General Manager, Sid Williams Theatre Society (SWTS), provided an update on the theatre's operations and financials during the COVID-19 pandemic, including challenges faced and progress made over recent months.

**4.2 Financial Services**

**4.2.1 Draft Terms of Reference for the Tourism Advisory Committee (TAC) and Municipal Regional District Tax (MRDT) Update (6900-01)**

Calum Matthews, Director of Destination Development, Tourism Vancouver Island (TVI), provided a status update on all of TVI's activities to date and next steps.

**Moved By** Frisch

**Seconded By** McCollum

THAT based on the November 15<sup>th</sup>, 2021 staff report “Draft Terms of Reference for the Tourism Advisory Committee (TAC) and Municipal Regional District Tax (MRDT) Update” that Council receive the MRDT and tourism information services progress report; and

THAT Council endorse the Tourism Advisory Committee (TAC) Engagement Strategy to establish the TAC Terms of Reference.

**Carried**

#### **4. STAFF REPORTS/PRESENTATIONS**

##### **4.1 Development Services**

##### **4.1.1 Development Permit with Variances No. 2107 - 1600 Riverside Lane (3060-20-2017)**

**Moved By** Frisch

**Seconded By** Cole-Hamilton

THAT the November 15<sup>th</sup>, 2021 staff report “Development Permit with Variances No. 2107 - 1600 Riverside Lane”, be received for information.

**Carried**

Rick Browning, Applicant, and Maris Macdonald, Architect, were in attendance during the meeting to receive and answer questions of Council.

**Moved By** Hillian

**Seconded By** Theos

1. THAT based on the November 15, 2021 staff report “Development Permit with Variances No. 2107 - 1600 Riverside Lane” Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 2107; and,
2. THAT Council approve an exemption, as outlined in Section 524(7) of *The Local Government Act*, for the minimum floodplain setback specified in the City of Courtenay Floodplain Management Bylaw No 1743, 1994 subject to the registration of a covenant under Section 219 of *The Land Title Act* to ensure the property is constructed with the recommendations outlined in the Simpson Biotechnical Ltd. report “Report of Geotechnical Assessment, Proposed Apartment Building, 1600 Riverside Lane, Courtenay, BC” dated November 20, 2020 and

that the applicant saves harmless the City from any claims for flood damage or injury.

**Defeated**

**OPPOSED: Councillor Cole-Hamilton, Councillor Frisch, Councillor McCollum, and Councillor Morin**

**Moved By** Frisch

**Seconded By** McCollum

THAT based on the November 15, 2021 staff report “Development Permit with Variances No. 2107 - 1600 Riverside Lane”, Council approve OPTION 2 and DEFER consideration of Development Permit with Variances No. 2107 pending receipt of further information.

***The Council meeting recessed at 6:02 p.m.***

***The meeting reconvened at 6:04 p.m.***

The Mayor, having conferred with the CAO and Director of Corporate Support Services, ruled the motion to DEFER out of order as it was not the intent of Council to prohibit future consideration of proposed variances.

A defeat of the variance application would delay consideration of the variance for a one year period in accordance with *Local Government Act* Section 895 (3) and Development Applications Procedure Bylaw No. 2790, 2014 Section 13.7. Therefore, under the authority of the Mayor as provided by the *Community Charter* Section 131 (1), the Mayor brought back the following motion for immediate RECONSIDERATION by Council:

1. THAT based on the November 15, 2021 staff report “Development Permit with Variances No. 2107 - 1600 Riverside Lane” Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 2107; and,
2. THAT Council approve an exemption, as outlined in Section 524(7) of *The Local Government Act*, for the minimum floodplain setback specified in the City of Courtenay Floodplain Management Bylaw No 1743, 1994 subject to the registration of a covenant under Section 219 of *The Land Title Act* to ensure the property is constructed with the recommendations outlined in the Simpson Biotechnical Ltd. report “Report of Geotechnical Assessment, Proposed Apartment Building, 1600 Riverside Lane, Courtenay, BC” dated November 20, 2020 and that the applicant saves harmless the City from any claims for flood damage or injury.

Arising from discussion, and taking precedence over consideration of the main motion, the following motion was introduced:

**Moved By** Hillian

**Seconded By** McCollum

THAT based on the November 15, 2021 staff report “Development Permit with Variances No. 2107 - 1600 Riverside Lane”, Council REFER consideration of Development Permit with Variances No. 2107 back to staff pending receipt of further information.

**Carried**

**4.1.2 Zoning Amendment Bylaw No. 3043 to Allow for a Secondary Suite at 1544 Dingwall Road (3360-20-2018)**

**Moved By** McCollum

**Seconded By** Morin

THAT based on the November 15<sup>th</sup>, 2021 staff report “Zoning Amendment Bylaw No. 3043 to Allow for a Secondary Suite at 1544 Dingwall Road” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3043, 2021; and,

THAT Council considers Zoning Amendment Bylaw No. 3043, 2021 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. 3043, 2021 pursuant to Section 467 (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 3<sup>rd</sup> Reading of the bylaw.

**Carried**

**4.1.3 Covenant Amendment - 2948 Cascara Crescent - Authorization to Advertise (3010-01)**

**Moved By** Cole-Hamilton

**Seconded By** McCollum

THAT based on the November 15, 2021 staff report “Release of covenant restricting a secondary suite - 2948 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**

**4.1.4 Updated Proposal - Zoning Amendment Bylaw No. 3040 - 1236 Malahat Drive (3360-20-2106)**

**Moved By** Morin

**Seconded By** Frisch

THAT based on the November 15<sup>th</sup>, 2021 staff report “Updated Proposal – Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 Malahat Drive” and the September 27<sup>th</sup>, 2021 staff report “Zoning Amendment Bylaw No. 3040 to allow for a Carriage House at 1236 Malahat Drive” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3040, 2021; and,

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 3040.

**Carried**

**5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**6.1 Heritage Advisory Commission Meeting Minutes - February 26, 2020 & September 23, 2021**

**Moved By** Frisch

**Seconded By** Morin

THAT the February 26, 2020 & September 23, 2021 Heritage Advisory Commission Meeting Minutes be received for information.

**Carried**

*Councillor Frisch left the CVRD Civic Room at 6:15 p.m.*

*Councillor Frisch returned to the CVRD Civic Room and took his seat at 6:17 p.m.*

**6.2 Courtenay Fire Department - Quarter 3 (July-September 2021) Report**

**Moved By** McCollum

**Seconded By** Cole-Hamilton

THAT the Courtenay Fire Department - Quarter 3 (July-September 2021) Report for the City of Courtenay be received for information.

**Carried**

*Councillor McCollum left the CVRD Civic Room at 6:27 p.m.*

*Councillor McCollum returned to the CVRD Civic Room and took her seat at 6:28 p.m.*

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

**7.1 Councillor Cole-Hamilton**

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

- National Indigenous Veterans Day on November 8<sup>th</sup>
- Remembrance Day Wreath Laying Ceremony on November 11<sup>th</sup>

**7.2 Councillor Hillian**

Councillor Hillian participated in the following events since October 1<sup>st</sup>:

- Comox Valley Community Justice Centre Committee meeting
- CVRD Coastal Flood Adaptation workshop
- Comox Valley Sewage Commission meeting (2 total)
- Comox Valley Water Committee meeting
- CVRD Board meeting (2 total)
- K'ómoks First Nation (KFN) Main Treaty Table meeting
- CVRD Regional Water Forum
- Comox Strathcona Regional Hospital District Board meeting with Island Health
- Comox Valley Community Justice Centre Volunteer Recognition event
- Comox Strathcona Regional Hospital District meeting
- Comox Valley Community Justice Centre's *Campagnolo Lecture Series*
- Climate Caucus Forum
- Indigenous Art Gallery opening
- Meeting with Ben Hyman, CEO, Vancouver Island Regional Library (VIRL) Board re: accessibility
- KFN Chief & Council meeting with CVRD
- Council Procedure Bylaw - Lunch and Learn with staff
- Official Community Plan Consultation with KFN Chief & Council
- Comox Strathcona Waste Management Board meeting
- Comox Valley Community Justice Centre Board meeting
- Solid Waste Service Changes - Lunch and Learn with staff
- Meeting with proponent re: proposed North Island bus service
- Meeting with citizens re: community addiction services
- Meeting with citizen re: downtown washroom
- Official Community Plan Study Session
- Meeting with citizen re: community infrastructure

- Meeting with Jesse Ketler, Chair, CVRD Board

Councillor Hillian acknowledged the recent passing of Beverly Eriksson, spouse of former Councillor Erik Eriksson and longtime community member. Councillor Hillian extended his condolences to Erik and his family.

### **7.3 Councillor Morin**

Councillor Morin participated in the following events since November 1<sup>st</sup>:

- One on one meeting with Jesse Ketler, Chair, CVRD Board
- Comox Valley Social Planning Council meeting
- Canadian Drug Policy Coalition - Broken Drug Policies meeting
- Official Community Plan Study Session (2 total)
- Comox Valley Substance Use Community Action Team meeting
- 2022 Council Calendar - Lunch and Learn with staff
- Comox Valley Recreation Commission meeting
- CVRD Board meeting
- Cumberland Community Forest Society Trivia Night Fundraiser

Councillor Morin acknowledged the recent passing of Bunny (Elizabeth) Shannon, active community member in the Comox Valley. Councillor Morin extended her condolences to Bunny's family and friends.

### **7.4 Mayor Wells**

Mayor Wells reviewed his attendance at the following events:

- Meeting with local employers and Comox Valley Chamber of Commerce re: housing solutions for employees in the Comox Valley
- Annual Comox Valley Child Development Association (CVCDA) Telethon
- Indigenous Veterans Day Flag Raising Ceremony at City Hall on November 8<sup>th</sup>
- Comox Valley Coalition to End Homelessness (CVCEH) Executive meeting
- Remembrance Day Wreath Laying Ceremony on November 11<sup>th</sup>
- The Salvation Army's Pidcock House 25<sup>th</sup> Anniversary event
- 2021 Housing Central Conference hosted by BC Non-Profit Housing Association (BCNPHA)

**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 15<sup>th</sup>, 2021 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (g) litigation or potential litigation affecting the municipality;
- 90 (1) (l) 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].

**Carried**

**9. UNFINISHED BUSINESS**

**9.1 Downtown Courtenay Business Improvement Association's (DCBIA) Request for Financial Support for Marketing Campaign during 5th Street Bridge Rehabilitation Project**

**Moved By** Cole-Hamilton

**Seconded By** McCollum

WHEREAS on November 1<sup>st</sup>, 2021, Council passed the following resolution:

"THAT the correspondence dated November 1st, 2021 from the Downtown Courtenay Business Improvement Association (DCBIA) requesting financial support for a marketing campaign during the upcoming holiday season due the impacts from the 5th Street Bridge Rehabilitation Project timeline extension, be received for information; and,

THAT in response to the DCBIA's request for financial support to develop a marketing campaign during the months of November and December 2021 that would highlight the ease of getting to downtown and encourage traffic flow, Council allocate grant funding up to \$9,500 to the DCBIA for this purpose."

THEREFORE BE IT RESOLVED that the grant to the Downtown Courtenay Business Improvement Association (DCBIA) be funded from provincial gaming funds.

**Carried**

**10. NOTICE OF MOTION**

**11. NEW BUSINESS**

**11.1 Councillor Cole-Hamilton Resolution - 24 Hour Access to Washroom in Downtown Courtenay**

**Moved By** Cole-Hamilton

**Seconded By** Frisch

THAT Council direct staff to prepare a report outlining options for providing 24 hour access a day to a washroom facility in Downtown Courtenay.

**Carried**

**12. BYLAWS**

**12.1 For First and Second Reading**

**12.1.1 Zoning Amendment Bylaw No. 3040, 2021 (1236 Malahat Drive)**

**Moved By** Frisch

**Seconded By** McCollum

THAT "Zoning Amendment Bylaw No. 3040, 2021" pass first and second reading.

**Carried**

**12.1.2 Zoning Amendment Bylaw No. 3043, 2021 (1544 Dingwall Road)**

**Moved By** Morin

**Seconded By** Cole-Hamilton

THAT "Zoning Amendment Bylaw No. 3043, 2021" pass first and second reading.

**Carried**

**12.2 For Third Reading**

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

**Moved By** McCollum

**Seconded By** Frisch

THAT "Zoning Amendment Bylaw No. 3017, 2021" pass third reading.

**Carried**

**12.2.2 Official Community Plan Amendment Bylaw No. 3028, 2021 (1679 McPhee Avenue)**

**Moved By** Frisch

**Seconded By** Morin

THAT "Official Community Plan Amendment Bylaw No. 3028, 2021" pass third reading.

**Carried**

**12.2.3 Zoning Amendment Bylaw No. 3029, 2021 (1679 McPhee Avenue)**

**Moved By** McCollum

**Seconded By** Frisch

THAT "Zoning Amendment Bylaw No. 3029, 2021" pass third reading.

**Carried**

**12.3 For Final Adoption**

**12.3.1 Official Community Plan Amendment Bylaw No. 3028, 2021 (1679 McPhee Avenue)**

**Moved By** Cole-Hamilton

**Seconded By** Frisch

THAT "Official Community Plan Amendment Bylaw No. 3028, 2021" be finally adopted.

**Carried**

**12.3.2 Zoning Amendment Bylaw No. 3029, 2021 (1679 McPhee Avenue)**

**Moved By Frisch**

**Seconded By Cole-Hamilton**

THAT "Zoning Amendment Bylaw No. 3029, 2021" be finally adopted.

**Carried**

**13. ADJOURNMENT**

**Moved By McCollum**

**Seconded By Hillian**

THAT the meeting now adjourn at 7:08 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Deputy Corporate Officer**

**Adopted this 29<sup>th</sup> day of November, 2021**

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**Mayor**