

**TOWN OF COMOX**  
**Minutes of the Regular Council Meeting,**  
**held in Council Chambers on Wednesday July 20, 2016**

**Present:** Mayor P. Ives  
Councillors R. Arnott, K. Grant, M. Grant  
H. MacKinnon, M. Swift

**Absent:** B. Price

**Call to Order:**

The meeting was called to order at 5:30 p.m.

The Agenda was amended to include one Late Item and Adopted as amended.

There were 60 visitors in attendance.

---

**1. DELEGATIONS:**

- a. **Ben Davies – Planning Report PR 16-7 (215 Church Street) New Liquor License Application Review**

**215 Church Street**

Mr. Davies advised that he was available to answer any questions of Council.

**AT THIS POINT IN THE MEETING COUNCILLOR SWIFT LEFT COUNCIL CHAMBERS CITING A CONFLICT OF INTEREST WITH THE NEXT ITEM ON THE AGENDA**

- b. **Shawn Gable - Development Permit Application DP 16-4 (1729 Beaufort Avenue)**

**1729 Beaufort Avenue**

Mr. Gable summarized the rationale for removing the maple tree that was submitted to the Planning Department by the applicant and commented on the staff recommendations in the Planning Report. He advised that it is the applicant's hope that a resolution can be reached that respects both the rights of the property owner and the guidelines that govern the downtown.

**AT THIS POINT, COUNCILLOR SWIFT RETURNED TO COUNCIL CHAMBERS.**

- c. **Fred Newhouse and Chris Nielson (Mack Laing Heritage Society) - Petition**

**Mack Laing Petition**

Mr. Newhouse summarized the petition that was gathered and submitted to the Town. He described Mack Laing and his years at Shakesides. Mr. Nielson advised Council on why he cares about Shakesides. He mentioned that he doesn't see the rush for the demolition and asked Council for a stay of execution.

**2. MINUTES OF MEETINGS:**

- a. **Regular Council Meeting Minutes**

**RCM Minutes**

*That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday June 15, 2016, be Approved.*

(2016.163) -- CARRIED

- b. **Committee of the Whole Meeting Minutes**

**COW Minutes**

*That the Minutes of the Committee of the Whole Meeting, held in Council Chambers on Wednesday June 22, 2016, be Received.*

(2016.164) -- CARRIED

## TOWN OF COMOX - REGULAR COUNCIL MEETING MINUTES

---

### COMMITTEE RECOMMENDATIONS:

- (1) Mack Laing Nature House Advisory Committee - Provisional Report

#### Mack Laing Advisory Committee Provisional Report

1. *That the Town receive the Mack Laing Nature House Advisory Committee provisional report and accept the recommended course of action of disassembling the Mack Laing House, and use the site and some materials to create a viewing platform in conjunction with the existing walkway.*

(2016.165) -- CARRIED

2. *That staff be directed to begin the process to modify, if necessary, the terms of the Trust.*

(2016.166) -- CARRIED

- (2) Planning Report PR 16-7: New Liquor Primary Licence Referral (215 Church Street)

#### 215 Church Street

*That staff be directed to gather the views of residents in the Town of Comox on Liquor Primary License application PR 16-7 as follows:*

- a. *Placement of a newspaper notice invitation to comment in two consecutive issues of a newspaper; and*
- b. *Mail-out of an invitation to comment to owners and tenants within 75 metres of the subject property.*

(2016.167) -- CARRIED

#### c. Special Council Meeting Minutes

#### Special Council Minutes

*That the Minutes of the Special Meeting of Council, held in Council Chambers on Wednesday June 29, 2016, be Approved.*

(2016.168) -- CARRIED

#### d. Mack Laing Nature House Advisory Committee Meeting Minutes

#### Mack Laing Advisory Committee Minutes

1. *That the Minutes of the Mack Laing Nature House Advisory Committee Meeting, held in Council Chambers on Friday May 13, 2016, be Received.*

(2016.169) -- CARRIED

2. *That the Minutes of the Mack Laing Nature House Advisory Committee Meeting, held in Council Chambers on Friday June 10, 2016, be Received.*

(2016.170) -- CARRIED

### 3. COMMITTEE REPORTS: NIL

### 4. UNFINISHED BUSINESS:

#### a. Management Report - July 20, 2016

#### Management Report

*That the July 20, 2016 Management Report be received and filed for information.*

(2016.171) -- CARRIED

**b. Rezoning Application RZ 15-7 / Development Permit Application 15-9 (1666/1700 Comox Avenue)**

**1666/1700 Comox Avenue**

1. *That Comox Zoning Amendment Bylaw No. 1825 be Adopted.*  
(2016.172) -- CARRIED
2. *That Comox Phased Development Authorization Agreement Bylaw No. 1826: Berwick Congregate Care be Adopted.*  
(2016.173) -- CARRIED
3. *That Development Permit DP 15-9 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the July 20, 2016 Planning Report on RZ 15-7 / DP 15-9.*  
(2016.174) -- CARRIED

**c. Planning Report PR 16-7 (215 Church Street) New Liquor License Application Review**

**215 Church Street**

1. *That the Town of Comox Council's comments on the prescribed considerations regarding the request for a new Liquor Primary License for the proposed Church Taphouse pub (Lot 48, Section 56, Comox Land District, Plan 104; 215 Church Street, Comox B.C.) are as follows:*
  - a) *The location of the establishment:*
    - i) *Downtown Comox has a mixture of commercial and residential uses. The subject property is on a commercially developed street within Downtown Comox and on the periphery of the downtown area, abutting adjacent single-family on one side. The Town has implemented a Downtown Vitalization Program and associated Planning Procedures Bylaw, Comox Building Bylaw, and Zoning Bylaw changes and Marina Enhancement initiatives to attract more businesses and residential density to the downtown core.*
  - b) *The proximity of the establishment to other social or recreational facilities and public buildings:*
    - i) *The proposed pub is across the street from a church, however, given the family-friendly target market stated in the license application, this is not seen to be a conflict. The subject property is not proximal to schools or the Town's youth-oriented recreation centre which are located approximately 700 m from the subject property.*
  - c) *The person capacity and hours of liquor service of the establishment:*
    - i) *The Town's Zoning Bylaw No 1377 limits the maximum seating capacity of a pub to 175, including outdoor seating.*
    - ii) *The proposed hours of liquor service from 10:00 a.m. To 1:00 am daily end later on some days than the licensed liquor service hours for the Black Fin Pub or the Royal Canadian Legion in Comox. Given that the proposed Taphouse pub is proximal to single-family development, an earlier closing time is seen to be appropriate from Sunday to Thursday.*

**c. Planning Report PR 16-7 (215 Church Street) New Liquor License Application Review**

**215 Church Street**

1.
  - d) *The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location:*
    - i) *The Comox Legion, located approximately 80 m from the subject property, caters to Legion members and their guests. The Legion's advertised open hours are from 11 a.m. To 12 a.m. But in practice, closing time ranges from 6 p.m. On Sundays to 11 p.m. On Saturdays or for special events. The Black Fin Pub and Restaurant, located approximately 275 m from the subject property, primarily emphasizes adult dining in a pub setting. The Black Fin's advertised open hours are from 11 a.m. To 10:00 p.m. With the kitchen closing at 9:30 p.m.*
  - e) *The impact of noise on the community in the immediate vicinity of the establishment:*
    - i) *There is single-family development adjacent to the west and approximately 18 m to the north of the subject property which will be buffered from the impact of noise from the pub's south-facing outdoor seating by the surrounding structure of the building. There are no windows proposed on the west side of the building abutting single-family development, thereby reducing the impact of noise from within the building. The proposed outdoor seating faces Comox's mixed-use downtown.*
  - f) *The impact on the community if the application is approved:*
    - i) *If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.*

*(2016.175) -- CARRIED*
2. *That the Town of Comox Council's comments on the views of residents regarding the request for a new Liquor Primary License for the proposed Church Taphouse pub (Lot 48, Section 56, Comox Land District, Plan 104; 215 Church Street, Comox B.C.) are as follows:*
  - a) *The method the Town used to gather the views of the residents included:*
    - i) *A notice, as contained in Attachment 5 of the July 20, 2016 Report to Mayor and Council, Planning Report PR 16-7 Liquor Primary License Review, was:*
      - i. *Posted on the Town's website and Town Hall notice board;*
      - ii. *Published in two consecutive editions of the Comox Valley Record newspaper (July 7, 2016 and July 12, 2016);*
      - iii. *Mailed to owners and tenants within 75 metres of the subject property; and*
      - iv. *In view of a possible interruption in postal service, hand-delivered to occupants of residential and commercial properties within 75 metres of the subject property; and*
    - ii) *A sign advertising the Liquor License application was installed on the subject property.*
  - b) *In excess of 235 submissions were received from residents, the overwhelming majority of which were supportive of the proposed development. Concerns were primarily focused on parking.*

**c. Planning Report PR 16-7 (215 Church Street) New Liquor License Application Review**

**215 Church Street**

2. c) *Council acknowledges the substantial support of residents for the granting of a Liquor Primary Licence for the proposed Taphouse pub at 215 Church Street. Council does not anticipate parking, excessive noise, or litter issues. Should any such issues arise, additional bylaw enforcement or parking regulation may be required. The RCMP referral response on this application has expressed no concerns. Council has a concern about the potential operation of a pub until 1 a.m. On all days of the week in this location, as it is proximal to single-family development and located within a mixed use (commercial-residential) Downtown.*

(2016.176) -- CARRIED

3. *That the Town of Comox Council*

- a) *recommends that a Liquor Primary License be issued for the proposed Church Taphouse pub, located at 215 Church Street in Comox, having a maximum seating capacity, including outdoor seating, of 175; and*
- b) *recommends that the hours of liquor service permitted in the License be:*
  - i) *from 10:00 a.m. Daily; and*
  - ii) *to Midnight from Sunday to Thursday; and*
  - iii) *past Midnight on Friday to 1:00 a.m. On Saturday; and*
  - iv) *past Midnight on Saturday to 1:00 a.m. On Sunday.*

(2016.177) -- CARRIED

**d. Waterfront Vitalization Project - Award**

**Waterfront Vitalization Project**

1. *That the Town of Comox award the Waterfront Vitalization project to Kinetic Construction Ltd. at a cost of \$1,855,146 in accordance with Appendix 'A' as attached to the staff report dated July 15, 2016.*
2. *That staff be directed to prepare a comprehensive estimate for the burial of hydro lines and the installation of a sidewalk along the Wilcox Road frontage.*

(2016.178) -- CARRIED

(2016.179) -- CARRIED

**AT 6:30 P.M. THE MEETING RECESSED IN ORDER TO CONDUCT A PUBLIC HEARING IN RELATION TO BYLAW NO. 1843 (611 COLBY RD) AND BYLAW NO. 1844 (GARRY OAK HABITAT). THE MEETING RECONVENED AT 6:47 P.M.**

**e. Use of Municipal Property for Private Business - Toscano's Trattoria**

**Toscanos' Road Encroachment**

*That the proposal submitted by Toscano's Trattoria to construct a deck along the Beaufort Avenue frontage for a five year period at a rate of \$8.00 per square foot be approved subject to a satisfactory license agreement being executed and that staff conduct the required public notification process.*

(2016.180) -- DEFEATED

[Opposed: Councillors KGrant MGrant MSwift]

**5. SPECIAL REPORTS:**

**a. Comox Valley Regional District Meeting Minutes**

**CVRD Meeting Minutes**

*That the following Comox Valley Regional District meeting minutes be received for information:*

- Comox Valley Regional District (Comox Strathcona Waste Management) Board held on Thursday, June 16, 2016;*
- Comox Strathcona Regional Hospital District Board held on Thursday, June 16, 2016;*
- Comox Valley Regional District Board held on Tuesday, June 28, 2016; and*
- Comox Valley Regional District Board held on Tuesday, July 5, 2016.*

(2016.181) -- CARRIED

**b. Home Owner Grant and Deferral Statistics**

The July 5, 2016 memo from the Director of Finance, titled Home Owner Grant and Deferral Statistics, was received for information.

**c. 2015 Annual Report**

**Annual Report**

*That the 2015 Annual Report, as contained in the July 20, 2016 Regular Council Meeting agenda, be received.*

(2016.183) -- CARRIED

**6. BYLAWS: NIL**

**7. NEW BUSINESS:**

**a. Respectful Workplace and Complaint Resolution Policies**

**Respectful Workplace / Complaint Resolution**

- 1. That Council adopt Town of Comox Respectful Workplace Policy No. ALL - 007.*
- 2. That Council adopt Town of Comox Complaint Resolution Policy No. ALL - 008.*
- 3. That Council rescind Town of Comox Harassment Prevention Policy No. ALL - 006 and Town of Comox Respectful Workplace Policy No. REC 010 (Community Centre).*

(2016.184) -- CARRIED

(2016.185) -- CARRIED

(2016.186) -- CARRIED

**AT THIS POINT IN THE MEETING COUNCILLOR SWIFT LEFT COUNCIL CHAMBERS CITING A CONFLICT OF INTEREST WITH THE NEXT ITEM ON THE AGENDA**

**b. Development Permit Application DP 16-4 (1729 Beaufort Avenue)**

**1729 Beaufort Avenue**

*That Development Permit DP 16-4 be issued, subject to completion of the Outstanding Items and Development Permit Conditions listed in Schedule 1 of the July 20, 2016 Planning Report on DP 16-4.*

(2016.187) -- CARRIED

**AT THIS POINT, COUNCILLOR SWIFT RETURNED TO COUNCIL CHAMBERS.**

**c. Investment of Surplus Cash**

**Surplus Cash Investment**

*That staff invest \$6 million in a Scotiabank GIC for the next six months.*

(2016.188) -- CARRIED

**8. CORRESPONDENCE:**

**a. Mo MacKendrick (Filberg Heritage Lodge and Park Association): Thank you**

**Filberg Park Works**

*That the June 13, 2016 letter from Mo MacKendrick, President of the Filberg Heritage Lodge and Park Association, expressing gratitude for the recent works at the Filberg Park, was received and filed for information.*

(2016.189) -- CARRIED

**b. Al Richmond (UBCM): 2015 Resolutions**

**UBCM Resolution**

*That the June 16, 2016 letter from Al Richmond, President of the Union of BC Municipalities, regarding the Provincial response to Council's 2015 resolution put forward regarding the BC Recycling Regulation, be received and filed for information.*

(2016.190) -- CARRIED

**c. Marcus Aartsen (Martine's Bistro) Outdoor Patio Restaurant Seating and Food Kiosks**

**Toscanos' Road  
Encroachment**

*That the June 27, 2016 letter from Marcus Aartsen of Martine's Bistro, regarding outdoor patio restaurant seating and food kiosks, be received and filed for information.*

(2016.191) -- CARRIED

**d. Kelly Kenney (CVRD): Appointment to the 'Go Smart' Select Committee**

**CVRD Go Smart Select  
Committee**

*That the June 20, 2016 letter from Kelly Kenney of the Comox Valley Regional District, requesting appointments to the 'Go Smart' select committee, be received; and further,*

*That Councillor Barbara Price be appointed as the Town of Comox representative, and Councillor Marg Grant as the Town of Comox alternate representative on the CVRD 'Go Smart' select committee.*

(2016.192) -- CARRIED

**e. Kelly Kenney (CVRD): Comox Valley Economic Development Service Conversion Bylaw No. 345, 2016**

**CVEDS Conversion Bylaw**

*That the Town of Comox consent to the adoption of Comox Valley Regional District Bylaw No. 345 being "Comox Valley Economic Development Service Conversion Bylaw No. 345, 2016" under section 346 of the Local Government Act.*

(2016.193) -- CARRIED

**f. Debra Oakman (CSRHD): Parking at new Campbell River and Comox Valley hospitals**

**User Pay Parking at New  
Hospitals**

*That the Town of Comox is not willing to support a tax requisition to cover the cost of operating a parking facility at both the new Campbell River and Comox Valley hospital sites.*

(2016.194) -- CARRIED

**g. Marilyn Machum - Lazo Road Project**

**Lazo Road**

*That the June 24, 2016 email from Marilyn Machum, regarding the Lazo Road project, be received and filed for information.*

(2016.195) -- CARRIED

**h. Loys Maingon - Mack Laing Trust Account**

**Mack Laing Trust**

*That the June 3, 2016 email from Loys Maingon, regarding the Mack Laing Trust Account, be received and filed for information.*

(2016.196) -- CARRIED

**i. Trish Fennell - Shakeside's fate**

**Mack Laing - Shakesides**

*That the June 30, 2016 email from Trish Fennell, regarding Shakeside's fate, be received and filed for information.*

(2016.197) -- CARRIED

**9. LATE ITEMS: NIL**

**10. DELEGATIONS: NIL**

**11. REPORTS FROM MEMBERS OF COUNCIL:**

**a. Councillor MacKinnon**

Councillor MacKinnon advised that he attended:

- the National Aboriginal Day celebrations at the Big House,
- the Comox pump station open house at the CVRD,
- an Active Travel planning meeting at Puntledge School,
- the Comox Valley Airport Commission AGM,
- the Comox Valley Economic Development Society AGM,
- the Chamber of Commerce barbeque,
- the Comox Legion open house,
- the Isfeld and Vanier graduation ceremonies,
- the Comox Valley Multicultural Society event, and
- the Volunteer Comox Valley event.

-

**b. Councillor Marg Grant**

Councillor Grant advised that she attended:

- the Comox pump station open house,
- the Seniors' Association's 40th anniversary event,

Councillor Grant also reviewed her attendance at the Solid Waste Management Board, and advised that she attended the CVRD board meeting on behalf of Councillor Price.

**d. Councillor Ken Grant**

Councillor Grant advised that he attended the sewer commission open house. He also reviewed his attendance at the CVRD board meeting.

**e. Councillor Arnott**

Councillor Arnott advised that he attended a Community Justice Centre board meeting. He also advised that he attended a community council meeting for the Salvation Army.



**e. Councillor Swift**

Councillor Swift reviewed her attendance at the Solid Waste Management Committee meeting.

She also advised that she attended:

- a hospital board meeting,
- the regional district strategic planning session,
- the sewer open house,
- the Comox Valley Economic Development Society AGM,
- the regular Filberg board meeting,

Councillor Swift also reviewed her attendance at the sewage commission meeting, and participated in a Shaw interview regarding the Filberg Festival.

**f. Mayor Ives**

Mayor Ives advised that he attended:

- several Change of Command ceremonies,
- the 20th anniversary for the head of the Canadian Forces Housing Agency, and
- a tour of the new hospital.

He also advised that he met with KFN regarding the MOU over the Northeast Woods and other issues.

Mayor Ives also

- attended a meeting regarding the DFO office and location of Fisheries Conservation Officers,
- attended the Island Coastal Economic Trust's 10th anniversary celebration,
- attended d'Esterre Seniors' 40th anniversary celebration, and
- mentioned the Mayor's Cup golf tournament on September 9th.

**14. EXCLUDE THE PUBLIC:**

**a. Exclude the Public**

**Exclude the Public**

*That the Public be Excluded from the Special In-Camera Meeting of Council on Wednesday July 20, 2016, pursuant to the following sub-sections of section 90 of the Community Charter:*

*(c) labour relations or other employee relations.*

*(2016.198) -- CARRIED*

**Adjournment:**

Regularly moved and seconded that the meeting adjourn at 7:22 p.m.

*CARRIED*

Certified correct pursuant to Section 97(1)(b) of the Community Charter.

*"Paul Ives"*

---

MAYOR

*"Richard Kanigan"*

---

CORPORATE OFFICER