

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday February 1, 2017

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 Adopted.

There were 2 visitors in attendance.

1. DELEGATIONS:

a. Jane Murphy (St. Joseph's General Hospital) Future for St. Joseph's General Hospital

St. Joseph's Hospital

Mr. Kelsey, chair of St. Joseph's Hospital board, and Ms. Murphy, advised that they want to talk about planning and future vision. frail and elderly - underserved. plans to bring a new level of care to community. thinking and planning for future, committed to working in partnership with other organizations including TOC, established a long term vision, surveyed community, growth in seniors ahead of province, outlined vision,

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 January 18, 2017, be Approved.

(2017.024) -- 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 January 25, 2017, be Received.

(2017.025) -- CARRIED

COMMITTEE RECOMMENDATIONS:

- (1) Point Holmes Recreation Association (PHRA) - Agreement Renewal

Point Holmes Recreation Agreement

That the lease agreement between the Point Holmes Recreation Association and the Town of Comox, for land legally described as District Lot 459, Nanaimo Land District, be renewed for a five (5) year term ending January 31, 2022, for the purposes of operating a public boat ramp.

(2017.026) -- CARRIED

c. Special Council Meeting Minutes

Special Council Minutes

That the Minutes of the Public Hearing, held in Council Chambers on Wednesday January 18, 2017, be Approved.

(2017.027) -- CARRIED

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

a. Management Report - February 1, 2017

Management Report

The February 1, 2017 Management Report was received and filed for information.

(2017.028) -- CARRIED

**b. Rezoning Application: RZ 16-5 / Development Variance Permit Application: DVP 16-7
(1879 Comox Avenue)**

1879 Comox Avenue

That Comox Zoning Amendment Bylaw No. 1847 be given Third Reading.

(2017.029) -- CARRIED

[Opposed: Councillor RArnott]

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, January 19, 2017;

- Comox Strathcona Regional Hospital District Board held on Thursday, January 19, 2017;

- Comox Valley Regional District Board held on Tuesday, January 24, 2017.

(2017.030) -- CARRIED

6. BYLAWS: NIL

7. NEW BUSINESS:

a. PR 17-1 Annual Referrals to School Districts

SD71 and SD93 Annual Referrals

That the annual referral responses from local school districts (SD71 and SD 93), be received by Council for information, as contained in Planning Report PR 17-1 dated February 1, 2017.

(2017.031) -- CARRIED

b. Court Application to Modify the Terms of the Mack Laing Trust

Mack Laing Trust

WHEREAS the Town of Comox holds money subject to a trust (the "Trust") under the terms imposed by the will of (Hamilton) Mack Laing that was probated on March 2, 1982;

AND WHEREAS the terms of the Trust contemplate the use of the money to develop the dwelling ("Shakesides") in Mack Laing Park as a natural history museum;

AND WHEREAS the natural history museum was not developed because the Town subsequently determined that the amount of money subject to the Trust was insufficient for that purpose;

AND WHEREAS the Council of the Town of Comox, in considering the best interests of the Town, has considered, among other factors, the report and recommendation of the Mack Laing Nature House Advisory Committee.

NOW THEREFORE, in open meeting assembled, the Council of the Town of Comox RESOLVES:

THAT the Council finds the terms of the Trust to no longer be in the best interests of the Town;

THAT the Town's solicitors be directed to make an application to the British Columbia Supreme Court under section 184 of the Community Charter for an order varying the Trust so as to better further both the intention of the will-maker and the best interests of the Town;

THAT the Town propose that the Trust be varied to permit the Town to use the money subject to the Trust for the purpose of constructing a viewing platform in Mack Laing Park on the site of Shakesides, once Shakesides has been removed;

THAT the Town's staff be directed to obtain a design and cost estimate for a viewing platform that has a height and roofline replicating Shakesides' height and roofline and which design may incorporate the use of materials taken from Shakesides;

THAT, if the cost of constructing the proposed viewing platform exceeds the amount of money subject to the Trust, the Town shall pay the difference up to \$75,000; and

THAT, if the variation of the Trust for the purpose of constructing the proposed viewing platform is not accepted by the Court, that the Town propose to be released of the obligations under the Trust upon the Town's transfer of the money subject to Trust to the Attorney General of British Columbia.

(2017.032) -- CARRIED

c. Disposal of 1995 Fire Engine

1995 Fire Engine

That staff be permitted to sell the soon to be surplus 1995 fire engine (Unit No. 33), and that any proceeds from this sale be applied towards the purchase cost of the replacement fire engine and/or additional equipment for the replacement fire engine.

(2017.033) -- CARRIED

8. CORRESPONDENCE:

- a. **Roderick Bell-Irving (Royal Canadian Legion) - Request for Loading Zone - 1825 Comox Avenue**

Legion Request for Loading Zone

That the January 11, 2017 letter from Roderick Bell-Irving, President of the Royal Canadian Legion Branch 160, requesting the re-establishment of a previously existing loading zone in front of the Comox Legion, be received and referred to staff for a report.

(2017.034) -- CARRIED

- b. **Dr. Charmaine Enns & Shelley McClure (Island Health) Recommendations - Local Government Smoke-Free Bylaws**

Smoking at Public Places

That the January 12, 2017 letter from Dr. Charmaine Enns and Shelley McClure, requesting that the Town prohibit smoking at public places such as patios, parks, playgrounds and beaches, be received and filed for information.

(2017.035) -- CARRIED

- c. **Rick Gibson (Comox Valley Snow to Surf Society) Requesting permission to use Marina Park**

Snow to Surf

That the January 17, 2017 letter from Rick Gibson of the Comox Valley Snow to Surf Society, requesting the use of Marina Park and the closure of the boat launch facilities on Sunday April 23, 2017, be received and permission granted.

(2017.036) -- CARRIED

- d. **Jackie Holt (Berwick Comox Valley) Boil Water Advisory 2017**

Berwick Petition - Boil Water

That the January 21, 2017 letter from Jackie Holt of Berwick Comox Valley, presenting a petition of residents concerned with the number of boil water advisories, be received and referred to the Comox Valley Regional District along with a request that they present information to the Berwick residents.

(2017.037) -- CARRIED

- e. **Croteau Beach/Hawkins Greenway Neighbourhood Group - Proposed location for Comox #2 Sewage Pump Station**

Croteau Beach Petition - Pump Station #2

That the petitions from the Croteau Beach / Hawkins Greenway Neighbourhood Group be received and filed for information.

(2017.038) -- CARRIED

- f. **James Derry (The Alberni Project Society) Requesting support and assistance**

Alberni Project Request

That the January 23, 2017 letter from James Derry of The Alberni Project Society, hoping Council will continue to support their work, be received and referred to the budget process.

(2017.039) -- CARRIED

9. LATE ITEMS:

a. HMCS Quadra Force Main - Temporary Discharge into Town Sewer System

**HMCS Quadra Main -
Temporary Discharge**

That Council authorize and permit the Comox Valley Regional District to connect, on a temporary basis, the HMCS Quadra forcemain to the Town's sewer system along Torrence and Croteau Roads; and further,

That the temporary connection be decommissioned following construction completion and commissioning of the Comox No. 2 pump station, and no later than December 31, 2019.

(2017.040) -- CARRIED

10. DELEGATIONS: NIL

11. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor MacKinnon

Councillor MacKinnon advised that he:

- attended the Vancouver Island Regional Library board meeting,
- attended the Rule Out Racism event North Island College,
- celebrated Robbie Burns Day,
- attended a Raise a Reader event, and
- attended a Homelessness Coalition meeting.

b. Councillor Marg Grant

Councillor Grant advised that she:

- attended the Comox-Strathcona Waste Management board meeting, and
- attended the Hospital board meeting.

c. Councillor Ken Grant

Councillor Grant advised that he attended:

- the CVRD regular board meeting, and
- the Winterfest events.

d. Councillor Arnott

Councillor Arnott advised that he attended:

- a literacy event at Berwick, and
- the Comox Valley Foundation awards ceremony.

e. Councillor Swift

Councillor Swift advised that she attended:

- the Comox-Strathcona solid waste meeting,
- the Hospital board meeting,
- the regular Filberg Heritage Lodge and Park board meeting,
- the CVRD sports commission meeting, and
- the CVRD committee of the whole meeting.

f. Mayor Ives

Mayor Ives advised that he attended:

- the Comox Valley Foundation grants ceremony,
- a Comox Valley Chamber event,
- an Island Coastal Economic Trust board meeting,
- the Conference Board of Canada's Western Economic Outlook presentation, and
- a briefing meeting at the MLA's office.

14. EXCLUDE THE PUBLIC: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 6:40 p.m.
Certified correct pursuant to Section 97(1)(b) of the Community Charter.

CARRIED

"Paul Ives"

MAYOR

"Richard Kanigan"

CORPORATE OFFICER