

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday February 6, 2019

Present: Mayor R. Arnott
Councillors A. Bissinger, K. Grant, S. McGowan,
P. McKenna, N. Minions, M. Swift

Absent: Nil

Call to Order:

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

The Agenda was Approved.

There were 31 visitors in attendance.

1. DELEGATIONS:

- a. **Krystian Wetulani and Shamus Dowler (Applicants): Non-Medical Cannabis Licence Application Review (City Cannabis Corporation, 215 Port Augusta Street)**

215 Port Augusta Street

Mr. Wetulani and Mr. Dowler advised that they were available to answer any questions of Council.

- b. **Maren Blid and Scott Fisher (Applicant) Rezoning Application: RZ 18-9 / Development Variance Permit Application: DVP 18-8 (1548 Dogwood Avenue)**

1548 Dogwood

Ms. Blid advised that they are wanting to build a coach house for her father, and that they need a variance in order to have the home meet his needs.

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 16, 2019, be Approved.

(2019.025) -- 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 23, 2019, be Received.

(2019.026) -- CARRIED

COMMITTEE RECOMMENDATIONS:

- (1) Pam Moughton (Comox Archives and Museum Society) Request for an annual increase in support to the Museum

CAMS Funding Request

That the January 15, 2019 letter from Pam Moughton, Chairperson of the Comox Archives and Museum Society, requesting that their annual grant be increased by \$7,500 per year, be referred to the budget process.

(2019.027) -- CARRIED

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

a. Management Report - February 6, 2019.

Management Report

That the Management Report for February 6, 2019 be received and filed for information.

(2019.028) -- CARRIED

b. Modification of Mack Laing Trust

Mack Laing Trust

Councillor McKenna advised that:

- he has evaluated both sides of this issue through multiple conversations with stakeholders, painstaking research, a lot of reading on the history,
- he does not believe that a museum located on the site of Shakesides should be built, as it would be costly, would be located in an area of flooding and ocean reclamation, and would not be easily or economically maintained, leading to further costs to the taxpayers of Comox;
- he also does not believe in breaking the trust of a donor, as for more than ten years he has been in the position of accepting donations to do the great work of non-profits, and has made the difficult decision to not accept donations when he knew he could not honour the request.

Councillor Swift advised that:

- she was surprised to learn that potential new Councillors wanted to take another look at Shakesides before moving forward, and it is of great credit to a small group of citizens that they have been able to sow the seeds of doubt on the unanimous decision of the last Council;
- the issue of not proceeding with the will has always been the same, and that even in 1983 the money and the way it was allocated was not adequate to implement Mack's wishes;
- with the necessary modifications today, Mack's house would look quite different than what he could have imagined;
- she is impressed with how many are willing to assist, and advised that the "relatively low cost" mentioned in the Heritage Society's Report does not come close to defining "actual costs";
- the Town doesn't want volunteers doing risky projects on our behalf;
- using 1/4 of the funds for renovating Shakesides would only give \$70-75,000, that it would be impossible to build to today's standards, and questioned where the money would come from;
- the Filberg Association's stage project increased from a budget of \$20,000 to an actual cost of \$85,000 even with donated labour from the engineers at the base;
- being "eligible" for grants does not guarantee the money, and that she did not know of any grants that cover operating costs;
- only two people applied to a Council Committee struck to consult with stakeholders, both closely connected with the MLHS;
- some of the discussion that influenced the decision of the Council Committee included conversations that the Comox Archives and Museum Society did not want to give up Mack's collection, as well as about the lack of funding and potential for volunteer burnout;
- she believes the MLHS has unrealistic expectations of running a museum;
- the Council Committee decided to honour Mack's legacy with a viewing stand and educational signage, and the Attorney General's office can support this;
- although some would prefer that there be no stand, the Council Committee felt a moral responsibility to have something stand in place of the house;
- there is still a place for the MLHS and others in the community to honour Mack Laing;
- many of the activities described by the MLHS do not require a house and a viewing platform may be better suited to study nature;
- meeting space could be accomplished at the Filberg Lodge - a win-win to help sustain the property, or at the Twin Sail buildings at the Marina;
- the Nature Pre-School, part of the MLHS plan, is now operating out of Filberg Park;
- the viewing stand is just a concept, and that there is still time to work out the details;
- many people enjoy just being in the park and sitting on the benches, and that Mack would be pleased by this;
- she hopes that everyone now has a broader understanding of the conundrum facing previous Councils, and that the AG agrees that the previous Council's solution is practical; and
- she hopes all members can come together as leaders and deliver the message that the Town should proceed with the alteration of the trust.

b. Modification of Mack Laing Trust

Mack Laing Trust

Councillor McGowan advised that:

- it was great to have all of the background information;
- the Town received a great gift that came with certain stipulations, and as of yet the contract has not been fulfilled;
- there is potential that can be explored to make good on the agreement, and that there will be compromise as the world has changed in the last 30 years; and
- she hopes Council can explore how to move beyond past mistakes and on to a more collaborative effort that works with trust and taxpayers together.

Councillor Bissinger advised that:

- the Mack Laing situation is more of a moral issue;
- she doesn't support the idea of a nature museum or the platform solution;
- she would like to sit down with the MLHS to see what's involved, what's sustainable and what the community is willing to accept;
- that moving forward, the Town needs to make sure that this does not become a tax burden to the residents of Comox;
- she would like to see the Court proceedings go into abeyance and have an honest and open discussion with the MLHS;
- if there is absolutely no compromise then she would be willing to consider something else;
- as an engineer, she considers solving problems as a challenge, and she sees this as a fairly big challenge but also sees, with opportunity and compromise, a win-win solution;
- she would like to see this complete within the next year, and have a way to move forward within the next couple of months.

Councillor Grant advised that:

- all sides on this issue need to compromise;
- the Attorney General won't agree with everything;
- in 2002, 2003, 2014 and 2016, a kiosk or a platform was the way to honour Mack and move forward;
- if the Town proceeds with using volunteers, it probably can't rely on volunteers and grant funding to sustain it in the future;
- he believes that maintaining an open cheque book, with unknown funding demands, is highly irresponsible; and
- if the Town proceeds with modifying the trust, then there is cost certainty, the funding is available, and a nice tribute will be left for Mack Laing.

Councillor Minions advised that:

- this is a complex issue, and one of the most divided topics of this short term of Council;
- the interpretation in breaking a trust is that absolutely every effort has been made with the Society that is common sense;
- in reading through the Terms of Reference for the Council Committee, it seems that there was already a pre-conceived decision that was made without joint efforts on costs and engineering;
- the Town accepted the trust, that is a legal item, and that we would be ignoring a resident in our history if we did not try to find a win-win;
- the MLHS that has held the money does not agree with the platform concept,
- the process was correct but something is missing;
- that the Town gave back the money on Dec 6, 2017 - the same day that the Court motion was put forward - and it doesn't feel like the due diligence was done to 100%; and
- as a new Council we are having a challenge with the moral side of how we treat our history and our citizens that have given a large gift to the Town.

b. Modification of Mack Laing Trust

Mack Laing Trust

Mayor Arnott advised that:

- this has been a passionate issue for some residents, and that it was not a big topic on the recent campaign trail;
- of those he spoke with, most think a viewing platform and signage is a nice way to remember Mack Laing while enjoying the natural beauty of the area;
- this topic was not raised as a concern from the homes he knocked on;
- he believes creating a museum would require excessive amounts of tax money after initial grant funding dries up and the trust fund becomes exhausted;
- allocating limited tax dollars between either a single home or a longer community benefit, such as affordable housing is what Council's role is all about;
- there will never be enough tax dollars, and Council's task is to decide if spending the Town's tax dollars on a project that very well might continue to be a net drain on the budget is a wise choice to make;
- he feels that our current path of applying to amend the Trust and building a viewing platform is a worthwhile compromise; and
- being a believer in climate change, and with increased storm activity and rising sea levels, he sees this as becoming a bigger problem that will continually challenge the suitability, and engineering, of operating a museum at this site.

REGULARLY MOVED AND SECONDED THAT THE MEETING RECESS AT 6:28 P.M. UNTIL AFTER THE PUBLIC HEARING ON REZONING APPLICATION RZ 17-12 (1961 BOLT AVENUE).

CARRIED

THE MEETING WAS CALLED BACK TO ORDER AT 6:55 P.M.

b4. Modification of Mack Laing Trust

Mack Laing Trust

That the court proceedings be put into abeyance for a period of up to three months, in order that Council facilitate discussions with all parties interested in the Mack Laing trust issue

*(2019.029) -- CARRIED
[Opposed: Mayor Arnott]*

c. Planning Report PR 19-3 Non-Medical Cannabis Licence Application Review (City Cannabis Corporation) 215 Port Augusta Street - Comox Mall

215 Port Augusta

That staff be directed to gather the views of Town residents on Non-Medical Cannabis Retail Store Licence Application PR 19-3 as follows:

- a. Placement of a notice of request for written public comment in two consecutive issues of a newspaper; and*
- b. Mail-out or hand delivery of a notice of request for written public comment to property owners and tenants within 75 metres of the subject property.*

(2019.030) -- CARRIED

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 Board held on Wednesday, December 19, 2018;*
- *Comox Valley Regional District (Comox Strathcona Waste Management) Board held on Thursday, January 10, 2019; and*
- *Comox Strathcona Regional Hospital District Board held on Thursday, January 10, 2019.*

(2019.031) -- CARRIED

6. BYLAWS: NIL

7. NEW BUSINESS:

a. Planning Report PR 19-1 - Annual Referrals to School Districts

School District Referrals

That the annual referral responses from local school districts (SD71 and SD93) be received by Council for information, as contained in Planning Report PR 18-1 dated February 6, 2019.

(2019.032) -- CARRIED

b. PR 19-2 Streamlined Applications for Side-By-Side Secondary Suites and Coach Houses

Side-by-Side Secondary Suites and Coach Houses

1. That, in accordance with s. 475 of the Local Government Act:

- a. A notice of proposed OCP amendment, as contained in Attachment 2 to the February 6, 2019 Planning Report PR 19-2, be placed on the Town's bulletin board and website, until replaced by a notice of public hearing; and*
- b. A copy of the February 6, 2019 Planning Report PR 19-2 be posted on the Town's website, until replaced by a notice of Public Hearing.*

(2019.033) -- CARRIED

2. That staff be directed to prepare for Council's consideration an OCP Amendment Bylaw to:

- a. Create a new Development Permit Area for side-by-side secondary suites, which exempts side-by-side secondary suites that meet standardized design criteria from the requirement to obtain a Development Permit; and*
- b. Allow coach houses in single-family zones as an outright use, as opposed to requiring site by site consideration.*

(2019.034) -- CARRIED

3. That staff be directed to prepare for Council's consideration a Zoning Amendment Bylaw:

- a. To amend the definition of secondary suite to include side-by-side location; and*
- b. To permit coach houses as an outright use in single-family residential zones.*

(2019.035) -- CARRIED

4. That staff be directed to prepare for Council's consideration an amendment to Comox Planning Procedures Bylaw 1780, to delete procedures specific to coach house zoning amendments.

(2019.036) -- CARRIED

c. Rezoning Application: RZ 18-11 / Development Variance Permit Application: DVP 18-12 (1622 Ascot Avenue Coach House)

1622 Ascot Avenue

1. That Comox Zoning Amendment Bylaw 1871 be given First and Second Readings.

(2019.037) -- CARRIED

2. That in accordance with Section 464(2) of the Local Government Act the requirement to hold a Public Hearing in respect of Comox Zoning Amendment Bylaw 1871 be waived and staff be instructed to publish the requisite notices as required by the Local Government Act.

(2019.038) -- CARRIED

d. Bates-Huband Fire Service Agreement

Bates-Huband Fire Service

That the Town of Comox enter into an agreement with the Comox Valley Regional District for the provision of fire protection services and emergency assistance to the Bates-Huband fire protection local service area, for a period of five years, effective January 1, 2019.

(2019.039) -- CARRIED

e. Rezoning Application: RZ 18-9 / Development Variance Permit Application: DVP 18-8 (1548 Dogwood Avenue Coach House)

1548 Dogwood Avenue

1. *That Comox Zoning Amendment Bylaw 1901 be given First and Second Readings.*

(2019.040) -- CARRIED

2. *That in accordance with Section 464(2) of the Local Government Act, the requirement to hold a Public Hearing in respect of Comox Zoning Amendment Bylaw 1901 be waived and staff be instructed to publish the requisite notices as required by the Local Government Act.*

(2019.041) -- CARRIED

8. CORRESPONDENCE:

a. CivicInfo BC - Message from the Legislative Assembly of British Columbia - Inquiry into ride hailing services

Ride Hailing Services

That the December 18, 2018 email from the Legislative Assembly of BC, regarding ride hailing services, be received and filed for information.

(2019.042) -- CARRIED

b. Kerry Griffiths - Move forward with honouring Mack Laing Jim Hentschel - The Future of Mack Laing Nature Park

Mack Laing

That the January 23, 2019 email from Kerry Griffiths and the January 28, 2019 email from Jim Hentschel, regarding the Mack Laing nature park and trust, be received and filed for information.

(2019.043) -- CARRIED

c. Pamela Munroe (Comox Valley Social Planning Society) Designate one Councillor as a representative

CV Social Planning Society

That the January 21, 2019 letter from the Comox Valley Social Planning Society, inviting the Town to designate a representative to the Society, be received; and further, that Councillor McGowan be appointed.

(2019.044) -- CARRIED

d. Noreen Robertson - Concerns with 635 Anderton and area

635 Anderton Road Concerns

That the January 24, 2019 letter from Noreen Robertson, inquiring into why the Town removed their second driveway, be received and referred to staff for followup.

(2019.045) -- CARRIED

e. Earlene Cameron - Parking concerns with new Craft Pub on Guthrie

Land and Sea Brewing

That the January 24, 2019 letter from Earlene Cameron, regarding parking concerns with the new Land and Sea Brewing Company, be received and referred to staff for followup.

(2019.046) -- CARRIED

9. LATE ITEMS: NIL

10. DELEGATIONS: NIL

11. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor McKenna

Councillor McKenna advised that he:

- attended two Homelessness Coalition meetings,
- attended the Chamber of Commerce breakfast at Crown Isle,
- met with members of the Mack Laing Heritage Society,
- rented one of the Twin Sail buildings for a Habitat for Humanity event,
- attended a restorative justice training event,
- attended the Local Government Leadership Academy training sessions,
- represented the Town at a Fung Loy Kok Institute tai chi open house in Parksville,
- attended the Community Enrichment Awards event, and
- attended the Community Action Hive at the World Community Film Festival.

b. Councillor Bissinger

Councillor Bissinger advised that she:

- attended the regional solid waste advanced technology select committee meeting,
- attended the regional solid waste management board and hospital board meetings, and
- judged a robotics competition at Highland Secondary School.

c. Councillor Grant

Councillor Grant advised that he:

- attended the regional committee of the whole meeting, and
- attended the regional sewer commission and water committee meetings.

d. Councillor Minions

Councillor Minions advised that she:

- attended the regional solid waste management and hospital board meetings,
- attended a Vancouver Island Regional Library board meeting,
- attended a Filberg Lodge Association meeting,
- attended a Comox Archives and Museum Society meeting,
- attended an environmental sustainability event at Highland Secondary School, and
- attended the Democracy Corner at the Hive.

e. Councillor Swift

Councillor Swift advised that she:

- toured through India over the past month,
- attended the regional sewer commission meeting, and
- attended the regional district budget meeting.

f. Councillor McGowan

Councillor McGowan advised that she:

- attended a d'Esterre Seniors' Association meeting,
- attended the Community Enrichment Awards event, and
- attended the Democracy Corner at the Hive.

g. Mayor Arnott

Mayor Arnott advised that he:

- met with Rob and Lee Everson regarding their red dress campaign;
- attended the Mayor's Cup hockey game;
- attended the Campagnolo Lecture series featuring Brenda Luckie, RCMP Commissioner;
- co-chaired the Mayor's breakfast at a Comox Valley Economic Development Society event;
- attended the Comox Valley Chamber awards night;
- attended the Regional District board meeting for Councillor Swift;
- toured the Cannabis lab site with Nick Page;
- attended the Community Action Hive;
- presented the Mayor's cup to Courtenay Mayor Wells; and
- attended a Regional District sewage committee meeting.

12. BUSINESS ARISING FROM PUBLIC HEARING:

**a. Rezoning Application RZ 17-12 / Development Variance Permit Application DVP 17-9
(1961 Bolt Avenue)**

1961 Bolt Avenue

That Comox Zoning Amendment Bylaw 1894 be given Third Reading.

(2019.047) -- CARRIED
[Opposed: Mayor Arnott]

15. EXCLUDE THE PUBLIC: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 7:44 p.m.

CARRIED

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

MAYOR

CORPORATE OFFICER