

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday August 5, 2020

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

Absent: Nil

Staff Present: J. Wall, Chief Administrative Officer
S. Russwurm, Corporate Officer
M. Kamenz, Director of Development Services
G. Schreiner, Fire Chief (electronically)
E. Turnbull, Planner
L. Greasley, Communications & Legislative Coordinator

Call to Order:

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

The Agenda was Adopted.

There were 0 members of the public in attendance.

M. Arnott thanked Councillor Grant for acting as Mayor during his medical leave of absence.

1. DELEGATIONS:

a. Haeley Dewhirst (Comox BIA): Comox Avenue Closure for End-of Season Sale

End-of-Season Sale

Ms. Dewhirst advised that the BIA would like to hold an end-of-season sale on Friday September 4th and Saturday September 5th. They are asking for Comox Avenue to be closed to vehicle traffic on these days, between Church and Stewart Streets. Ms. Dewhirst advised that emergency access for Berwick and the Ambulance Station would be maintained, as would through traffic along Port Augusta Street to allow access to the Mall. She also advised that traffic marshals would be used, and asked for the Town's support in providing barricades.

b. Ron Webber, Martin Hagarty and Ann Janssen (Comox Valley Affordable Housing Society): Development Variance Permit Application: DVP 20-06 (1582 Balmoral Ave)

1582 Balmoral Avenue

The proponents described the current development and the need for its re-development. They advised of a shortage of affordable housing in the Comox Valley, as identified in a recent housing needs assessment. They described their proposal for increasing the amount of affordable housing units for seniors, and asked for Council's support of their development variance permit application.

c. David Willis - Development Variance Permit Application: DVP 20-06 (1582 Balmoral Ave)

1582 Balmoral Avenue

Mr. Willis advised that he does not have a problem with the current or proposed use of the site; however, as designed, it will block views. He advised that the parking reduction is his main concern, and that the proposal does not fit with the spirit of the plan. Mr. Willis is asking Council to table the application.

- d. **Graham Argyle - Development Variance Permit Application: DVP 20-06 (1582 Balmoral Ave)**

1582 Balmoral Avenue

Mr. Argyle advised that he supports affordable housing, and the need for it. He advised that he is concerned with compatible urban design, and the proposed building will not fit in with the surroundings. Mr. Argyle also advised that he would support a height of two storeys.

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 July 15, 2020, be Approved.

(2020.232) -- CARRIED

2.1 RECONSIDERATION OF MATTER:

- a. **Garbage Collection Frequency**

Solid Waste Collection

1. *That Council's July 15, 2020 resolution 2020.216, as follows:*

"THAT, upon a thorough communications plan and notification to the public, the Town of Comox moves to a garbage collection system of:

- Bi-weekly Garbage Collection*
- Bi-weekly Recycling Collection*
- Weekly yardwaste and Organic Collection"*

be reconsidered.

(2020.233) -- CARRIED
[Opposed: Councillor NMinions]

2. *THAT, upon a thorough communications plan and notification to the public, the Town of Comox moves to a garbage collection system of:*

- Bi-weekly Garbage Collection*
- Bi-weekly Recycling Collection*
- Weekly yardwaste and Organic Collection*

(2020.234) -- CARRIED
[Opposed: Mayor Arnott, Councillor KGrant]

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- a. **Management Report - August 5, 2020**

Management Report

That the August 5, 2020 Management Report be received and filed for information.

(2020.235) -- CARRIED

- b. **Rezoning Application RZ 19-7 / Development Permit Application DP 19-5 / Development Variance Permit Application DVP 20-3 (695 Aspen)**

695 Aspen Road

1. *That Comox Zoning Amendment Bylaw 1934 be Adopted.*

(2020.236) -- CARRIED

b. Rezoning Application RZ 19-7 / Development Permit Application DP 19-5 / Development Variance Permit Application DVP 20-3 (695 Aspen)

695 Aspen Road

2. *That Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet be Adopted.*

(2020.237) -- CARRIED

3. *That Development Permit Application DP 19-5 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.*

(2020.238) -- CARRIED

4. *That Development Variance Permit Application DVP 20-3 be issued, subject to the Development Variance Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.*

(2020.239) -- CARRIED

c. Planning Report PR 20-5: Temporary Patio and Parklet Program Extension

Temporary Parklet and Patio Program

1. *That the Town of Comox suspends until October 31, 2020 enforcement of:*
 - a. *Comox Zoning Bylaw 1850 setback and parking requirements; and,*
 - b. *Comox Official Community Plan Bylaw 1685 Development Permit Area requirements in respect of restaurants (including coffee shops), restaurant-lounges, breweries, and pubs who wish to place temporary outdoor seating on existing on-site open space and parking areas provided that:*
 - c. *the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;*
 - d. *temporary seating in a parking lot does not reduce vehicle parking capacity by more than 6 parking spaces or 50% of existing onsite parking spaces whichever is greater;*
 - e. *no structures are constructed or placed on the property other than temporary seating and associated temporary tables, fencing and serving facilities;*
 - f. *no existing trees are impacted, and any landscaping alterations are temporary; and,*
 - g. *use of temporary seating within a required Zoning setback does not exceed 10:00 a.m. to 8:00 p.m. and in all other instances 7:00 a.m. to 10:00 p.m.*

(2020.240) -- CARRIED

2. *That the Town of Comox extend the temporary parklet program until October 31, 2020 provided that:*
 - a. *the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;*
 - b. *applicant provision of 1.07 m high 2 x 4 wooden railing with horizontal roping between posts or other methods to delineate the boundaries of the parklet acceptable to the Town; and*
 - c. *the approval is limited to 60 days with a 30 day review/reconsideration if any public complaint is received, after 60 days, Staff issuance of a new license is required.*

(2020.241) -- CARRIED

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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 Tuesday, July 14, 2020.*

(2020.242) -- CARRIED

6. BYLAWS:

a. Bylaw 1959 - Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020

Overhead Wiring in Infill

That the Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020 be Adopted.

(2020.243) -- CARRIED

7. NEW BUSINESS AND NOTICES OF MOTION:

AT 7:18 P.M., COUNCILLOR MCGOWAN LEFT THE MEETING, DECLARING A CONFLICT OF INTEREST WITH ITEM 7a ON THE AGENDA AS SHE IS A TENANT OF THE DEVELOPER.

AT 7:25 P.M., COUNCILLOR MCGOWAN RETURNED TO COUNCIL CHAMBERS.

a. Rezoning and OCP Amendment Application: OCP RZ 19-1 / Development Permit Application: DP 19-1 / Development Variance Permit Application: DVP 19-1 (2309 McDonald Road)

2309 McDonald Road

That, in accordance with section 475 of the Local Government Act:

- 1. Notice of Proposed OCP Amendment, as contained in Attachment 2 to the August 5, 2020 Planning Report OCP RZ 19-1, be placed on the Town's bulletin board and website, until replaced by a notice of public hearing; and*
- 2. The August 5, 2020 Planning Report OCP RZ 19-1 be posted on the Town's website.*

(2020.244) -- CARRIED

b. Deployment of Fire Department to Outside Areas

Fire Department Deployment

That Council Policy No. CCL-054, as attached to the Fire Chief's Staff Report to Mayor and Council titled "Deployment of Fire Department to Outside Areas" be approved.

(2020.245) -- CARRIED

c. Planning Report - Development Variance Permit Application: DVP 20-06 (1582 Balmoral Ave)

1582 Balmoral Avenue

That Development Variance Permit DVP 20-6 be issued upon resolution of the Outstanding Items and subject to the Development Variance Permit Conditions listed in Schedule 1 to the August 5, 2020 Planning Report on DVP 20-6.

(2020.246) -- CARRIED
[Opposed: Councillor PMcKenna]

AT 7:36 P.M., COUNCILLOR BISSINGER LEFT THE MEETING.

d. Correspondence Regarding DVP 20-06 1582 Balmoral Avenue

1582 Balmoral Avenue

That the following correspondence be received and filed for information:

- July 23, 2020 email from W.G. Graham & Louis M. Argyle;
- July 29, 2020 email from Ian Moul;
- July 29, 2020 email from Devorah Peterson;
- July 30, 2020 letter from Sandra Forsayeth;
- July 30, 2020 email from Kathryn Silcox;
- July 30, 2020 email from David and Dr. Victoria Willis; and
- July 31, 2020 letter from Ray Uhl.

(2020.247) -- CARRIED

e. Proposed New Council Procedure Bylaw

**Proposed New Council
Procedure Bylaw**

1. *That the proposed Comox Council Procedure Bylaw No. 1960, 2020 be given First Reading*
(2020.248) -- CARRIED
2. *That the proposed Comox Council Procedure Bylaw No. 1960, 2020 be given Second Reading.*
(2020.249) -- CARRIED
3. *That subsection 13(2)(a) of the proposed Comox Council Procedure Bylaw No. 1960, 2020 be amended to read: "the member is unable to be present at Council Chambers for reasons due to being out of Town, being sick or for childminding;"*
(2020.250) -- DEFEATED
[Opposed: Councillors ABissinger KGrant SMcGowan PMcKenna NMinions MSwift]
4. *That the proposed Comox Council Procedure Bylaw No. 1960, 2020 be amended by adding as subsection 13(3):*

"No more than three members of Council or of a Council Committee may Participate Electronically at any one time during any meeting."

and renumbering accordingly.
(2020.251) -- CARRIED
5. *That the proposed Comox Council Procedure Bylaw No. 1960, 2020 be given Third Reading as amended.*
(2020.252) -- CARRIED

COUNCILLOR BISSINGER RETURNED TO THE MEETING ELECTRONICALLY AT 7:44 P.M.

f. Employee Criminal Record Check Policy

Criminal Record Check Policy

That Council adopts the Town of Comox Employee Criminal Record Check policy, attached as Appendix A to the Chief Administrative Officer's August 5, 2020 Report to Council, titled "Employee Criminal Record Check Policy".

(2020.253) -- CARRIED

8. CORRESPONDENCE:

a. David Murray: Request for restricted parking in front of 221 Church Street

Church Street Parking

That the July 17, 2020 email from David Murray, requesting three 15-minute parking spaces in front of 221 Church Street, be received and referred to staff for followup.

(2020.254) -- CARRIED

b. Various Correspondence Regarding Mask-Wearing in Indoor Spaces

Mask-Wearing in Indoor Spaces

1. *That the following correspondence be received and filed for information:*

- July 20, 2020 email from Dr. Michael Raymont;
- July 21, 2020 email from Dr. Alex Nataros, BSc MD CCFP;
- July 29, 2020 email from Marion Hoerberg;
- July 30, 2020 email from Tom Wright;
- July 30, 2020 email from Lindsay Alexander; and
- July 30, 2020 email from Marcel Longpre.

(2020.255) -- CARRIED

2. *That the Town of Comox issue a proclamation encouraging residents and visitors to wear masks in indoor public spaces and encouraging private businesses to maintain a voluntary customer registry at the entrance of the establishment.*

(2020.256) -- DEFEATED

[Opposed: Mayor Arnott, Councillors KGrant NMinions MSwift]

c. Amanda Howe - Mental Health Outreach needed for the Comox Valley (Assertive Community Treatment ACT)

Assertive Community Treatment Team

That the July 23, 2020 email from Amanda Howe, requesting that the Town ask the Provincial government for an Assertive Community Treatment (ACT) team in the Comox Valley, be received and that Council send a letter as requested.

(2020.257) -- CARRIED

d. Ben Pires - Colonial Name of our Province

Colonial Name of Province

That the July 21, 2020 email from Ben Pires, requesting that Council urge the Provincial government to proclaim a new inclusive name for the Province of BC, and adopt a new flag and coat-of-arms on the 150th anniversary of the province's entry into the Canadian confederation on July 20, 2021, be received and filed for information.

(2020.258) -- CARRIED

e. Lynn Shaw - Suggested Timeline for Outdoor Machinery Noise

Machinery Noise

That the July 29, 2020 email from Lynn Shaw, requesting a schedule for permitted outdoor machinery noise, be received and filed for information.

(2020.259) -- CARRIED

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- f. **Mary Carter - Requesting more park benches in the shade at Stewart Street and Balmoral Avenue**

Anderton Park Benches

That the July 28, 2020 letter from Mary Carter, requesting that more park benches be added in the shade at Anderton Park, be received and referred to staff for followup.

(2020.260) -- CARRIED

9. LATE ITEMS: NIL

10. DELEGATIONS: NIL

11. REPORTS FROM MEMBERS OF COUNCIL: NIL

14. EXCLUDE THE PUBLIC:

- a. **Exclude the Public**

Exclude the Public

That the Public be Excluded from the In-Camera session of Council on Wednesday August 5, 2020 pursuant to the following sub-sections of section 90 of the Community Charter:

(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and

(1)(g) litigation or potential litigation affecting the municipality.

(2020.261) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 7:58 P.M.

THE REGULAR COUNCIL MEETING RECONVENED AT 8:43 P.M.

Adjournment:

Regularly moved and seconded that the meeting adjourn at 8:43 p.m.

CARRIED

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



MAYOR



CORPORATE OFFICER