

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday July 14, 2021

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
C. Freundlich, Director of Finance (electronically)
M. Kamenz, Director of Development Services
S. Ashfield, Director of Operations (electronically)

Call to Order:

The meeting was called to order at 5:00 p.m.

There were 0 members of the public in attendance.

Pursuant to Ministerial Order, the meeting was conducted by electronic means with some or all members of Council participating electronically. Further, in accordance with Ministerial Order, the public was not permitted to be in attendance. The meeting was also live-streamed on the Town's YouTube pages.

Mayor Arnott acknowledged that the Town of Comox is standing on the Unceded traditional territory of the K'omoks First Nation.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS:

a. Introduction of Late Items

Late Items

That the Agenda be amended to include the following items:

1. *A delegation from Haeley Dewhirst (Comox BIA) regarding an upcoming street closure.*
2. *A resolution to exclude the public in accordance with section 90(1)(k) of the Community Charter.*

(2021.230) -- CARRIED UNANIMOUSLY

2. ADOPTION OF AGENDA:

a. Adoption of the Agenda

Adoption of Agenda

That the July 14, 2021 Regular Council Meeting Agenda be Adopted as amended.

(2021.231) -- CARRIED

3. DELEGATIONS:

a. Haeley Dewhirst (Comox BIA) Upcoming Street Closure

BIA End of Summer Sale

Ms. Dewhirst advised that on Saturday August 21 the BIA would like to host an end of summer sidewalk sale, including entertainment and family activities. She requested permission to close Comox Avenue from 8:00 a.m. to 6:00 p.m. as well as to use Town barricades for the event.

1. *That Council waive Council Policy No. CCL-001 to permit action to be taken on the delegate's request without the receipt of a staff report on the matter.*

(2021.232) -- CARRIED UNANIMOUSLY

a. Haeley Dewhirst (Comox BIA) Upcoming Street Closure

BIA End of Summer Sale

2. *That the request of the BIA to close Comox Avenue on Saturday August 21 between 8:00 a.m. and 6:00 p.m. and to use Town barricades for their end of season sidewalk sale be granted.*

(2021.233) -- CARRIED

b. Harold Long & Derek Jensen, Applicants (Valley View Estates Ltd. & McElhanney Ltd.): 2309 McDonald Road

2309 McDonald Road

Mr. Jensen and Mr. Long advised that they are requesting the deferral of their requirement to provide offside services. They advised that with this approval of this variance, they could have phase one lots completed by the end of July, whereas without the deferral, the lots could not be ready for completion until the end of 2021 or early 2022. They also advised that they are not looking to circumvent their obligations, and just asking for a deferral.

c. Fred Horne, Art Reitmayer & Mark Blandford, Applicants (Providence Living): 2137 Comox Avenue

2137 Comox Avenue

Mr. Horne advised they are pleased that they have been able to support Council's vision for Comox Avenue through the dedications given in their proposal and expressed their appreciation to Council for staff's recommendation to provide a covenant in lieu of bonding required. In response to the request of Councillor Grant, Mr. Reitmayer advised that the relocation of the project from the northwest corner to the northeast corner of the property was necessary due to the high water table discovered in the northwest corner.

d. Jeff Loder, Laura Litchfield, John Crouch and others (Hearth, Patio and Barbecue Association of Canada): Industry air quality improvement plan proposal

Hearth, Patio and Barbeque Association

Mr. Loder advised of their industry's commitment to improve air quality and introduced their proposal of three pillars to achieve this: access to a seasoned and sustainable supply of wood through a wood lot, a well-funded and well-administered exchange program for wood appliances, and increased education efforts. They advised that they are not asking for financial or in-kind assistance at this time and stated that industry would fund, resource and administer the initiative. They also asked that Council remove the bylaw related to wood-burning appliances and the restrictions related to installations in new homes.

e. Shannon Jamison: Local Government Implications of Short-Term Rentals

Short-Term Rentals

Ms. Jamison advised of the award-winning Short-Term Rental Toolkit that has been developed by Third Space Planning. She advised that rapid growth is occurring in short-term rentals, particularly in smaller communities, and that they are here to stay. She also advised that the Province is implementing more regulation related to short-term rentals, in addition to more local government regulation, and that Cumberland and Courtenay are currently in the process of establishing regulations. Ms. Jamison presented some of the benefits and harms of short-term rentals and suggested that a broad range can be permitted while at the same time protecting housing for residents.

4. ADOPTION OF MINUTES:

a. Regular Council Meeting Minutes

RCM Minutes

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday June 16, 2021, be Adopted.

(2021.234) -- CARRIED

b. Special Council Meeting Minutes

Special Council Meeting

That the Minutes of the Special Meeting of Council, held in Council Chambers on Tuesday July 6, 2021, be Adopted.

(2021.235) -- CARRIED

5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

6. CONSENT AGENDA:

a. Consent Agenda

Consent Agenda

1. *That the Consent Agenda items as follows be received:*
 1. *June 11, 2021 email from Erin Petersen regarding the Skate Park.*
 2. *June 11, 2021 email from Jessie Beauchamp regarding the Playground at McKenzie Park.*
 3. *June 14, 2021 letter from Lynn Jacobson regarding the Skate Park.*
 4. *June 18, 2021 email from Ron & Anne Taylor regarding the HBPC wood burning presentation.*
 5. *June 21, 2021 email from Kelly & Brenda Clausen regarding their application to subdivide 1153 Tara Road.*
 6. *June 24, 2021 email from Joan Miller of Vancouver Island North Film Commission regarding a feature film in Comox Valley.*
 7. *June 25, 2021 email from Charles & Lorraine Romain regarding Church Street Tap House.*
 8. *June 28, 2021 email from Michael Stambois regarding Public Benches designed into Art.*
 9. *June 29, 2021 email from Jason Andrew, Crown Isle Resort and Golf Club, regarding the subdivision application for 1153 Tara Road.*
 10. *June 30, 2021 email from Calvin Woroniak regarding the Dog Enforcement Bylaw.*
 11. *July 7, 2021 email from Len Mathot regarding 1153 Tara Road.*
 12. *July 7, 2021 email from Barbara Berger of Comox Valley Council of Canadians regarding CARIP.*
 13. *July 7, 2021 email from Lauren Sipone regarding the increased commercial traffic along Noel Avenue and Aspen Road.*
 14. *July 7, 2021 email from Ryan Dodd regarding 1153 Tara Road.*
 15. *July 8, 2021 email from Steve Hill regarding an article "There are Growing Calls to Finally Tax the Catholic Church".*
 16. *Comox Strathcona Waste Management Board meeting minutes held on June 17, 2021.*
 17. *Comox Valley Regional District Board meeting minutes held on June 29, 2021.*

(2021.236) -- CARRIED

a. Consent Agenda

Consent Agenda

2. *That items 1 and 3 (emails from Erin Petersen and Lynn Jacobson regarding the Skate Park) be removed from the consent agenda for discussion.*
(2021.237) -- CARRIED

3. *That items 7 (email from Charles and Lorraine Romain regarding the Church Street Pub) and 10 (email from Calvin Woroniak regarding bylaw enforcement relating to dogs) be removed from the consent agenda for discussion.*
(2021.238) -- CARRIED

4. *That item 4 (email from Jessie Beauchamp regarding the playground at McKenzie Park) be removed from the consent agenda for discussion.*
(2021.239) -- CARRIED

7. UNFINISHED BUSINESS:

a. Strategic Priorities and Action Items Report - July 14, 2021

Strategic Priorities and Action Items

That the Strategic Priorities and Action Items Report for July 14, 2021 be received and filed for information.
(2021.240) -- CARRIED

b. Development Variance Permit Application DVP 21-5: 2309 McDonald Road

2309 McDonald Road

That Development Variance Permit DVP 21-5 be issued upon resolution of the Outstanding Items and subject to the Development Variance Permit Conditions listed in Schedule 1 to the July 14, 2021 Planning Report on DVP 21-5.
(2021.241) -- CARRIED

REGULARLY MOVED AND SECONDED THAT THE MEETING RECESS AT 5:51 P.M. UNTIL AFTER THE PUBLIC HEARING ON REZONING APPLICATION RZ 18-10 (1974 BOLT AVENUE).

CARRIED

THE REGULAR COUNCIL MEETING WAS CALLED BACK TO ORDER AT 6:09 P.M.

c. Implementation of NE Comox SWMP: First and Second Reading Report, OCP Amendment OCP 21-2

NE Comox Storm Water Management Plan

1. *That Comox Official Community Plan Amendment Bylaw 1976 be given First Reading.*
(2021.242) -- CARRIED

2. *That, having considered the Town of Comox May 2020 Housing Needs Report and Summary Form, the Comox Strathcona Waste Management 2012 Solid Waste Management Plan and the impact on the current Financial Plan, Comox Official Community Plan Amendment Bylaw 1976 be given Second Reading.*
(2021.243) -- CARRIED

3. *That a Virtual Public Hearing in respect of Comox Official Community Plan Amendment Bylaw 1976 and Zoning Amendment Bylaw 1983 be scheduled for September 8, 2021, at 6:00 pm, via Zoom video conferencing, and the Town publish the requisite notices as required by the Local Government Act.*
(2021.244) -- CARRIED

d. OCP and Rezoning Application OCP RZ 20-5 / Development Permit Application DP 20-9 (1153 Tara Road)

1153 Tara Road

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

- 1. *Notice of proposed OCP Amendment, as contained in Attachment 1 to the July 14, 2021 Planning Introductory Report OCP RZ 20-5 and DP 20-9, be placed on the Town's bulletin board, website, and Facebook and Twitter social media channels, until replaced by a notice of Public Hearing; and*
- 2. *The April 21, 2021 Planning Report OCP RZ 20-5 and DP 20-9 and the July 14, 2021 Planning Introductory Report OCP RZ 20-5 and DP 20-9 be posted on the Town's website.*

(2021.245) -- DEFEATED
[Opposed: Councillors ABissinger KGrant NMinions MSwift]

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS: NIL

10. NEW BUSINESS:

a. Proposed Road Closure at Comox Avenue Development Permit Variance Application DVP 21-3 (2137 Comox Avenue)

2137 Comox Avenue

- 1. *That Road Allowance Closure and Dedication Removal Bylaw 1982 be given First, Second and Third Reading.*

(2021.246) -- CARRIED

- 2. *That a notice be given of Council's intention for road closure and disposition in relation to Bylaw 1982, in accordance with Section 94 of the Community Charter.*

(2021.247) -- CARRIED

- 3. *That a notice of Council's intention for road closure and disposition in relation to Bylaw 1982 be given to BC Hydro, Fortis BC, Shaw Cable and TELUS, in accordance with s. 40(4) of the Community Charter.*

(2021.248) -- CARRIED

- 4. *That Development Variance Permit DVP 21-3 be issued upon resolution of the Outstanding Items and subject to the Development Variance Permit Conditions listed in Schedule 1 to the July 14, 2021 Planning Report on DVP 21-3.*

(2021.249) -- CARRIED

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

Temporary Parklet and Patio Program

- 1. *That the Town of Comox suspends until June 1, 2022 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.*

(2021.250) -- CARRIED

2. *That the Town of Comox extend the temporary parklet program until June 1, 2022 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.*

(2021.251) -- CARRIED

c. Short-Term Rental Regulation and Enforcement Program

Short-Term Rentals

1. *That the Town proceed with development of a Short-Term Rental Regulation and Enforcement Program in accordance with Staff Report PR 21-15 dated July 14, 2021.*

(2021.252) -- DEFEATED

[Opposed: Mayor Arnott, Councillors ABissinger KGrant SMcGowan PMcKenna NMinions MSwift]

2. *That staff be directed to consult regionally to explore a partnership on the development of short-term rental regulations and bring back a report for Council consideration.*

(2021.253) -- CARRIED

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE: NIL

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor McKenna

Councillor McKenna advised that he attended a Community Justice Centre meeting, a Vancouver Island Regional Library board meeting, met with a potential Councillor for the upcoming byelection and talked to residents about both Claddagh Estates as well as Beckton parking.

b. Councillor McGowan

Councillor McGowan advised that she attended a Food Policy Council sub-committee meeting, a Comox Archives and Museum Society meeting and talked to community members regarding a variety of things.

c. Councillor Grant

Councillor Grant advised that he:

- attended the Regional District sewer commission, water committee and sports commission meetings;
- participated in some meetings with local hockey teams; and
- attended the Regional District board meeting.

d. Councillor Bissinger

Councillor Bissinger advised that she attended the regional solid waste management board meeting, visited the Hands on Farm and met with residents regarding Beckton Estates parking and Claddagh Estates.

e. Councillor Minions

Councillor Minions advised that she:

- attended the regional district sewage commission meeting,
- attended the regional solid waste management board meeting,
- met with a couple of people interested in the upcoming byelection, and
- had some conversations with residents on a variety of topics.

f. Councillor Swift

Councillor Swift advised that she attended the Regional District board meeting as well as the sewer commission, water committee and recreation commission meetings.

g. Mayor Arnott

Mayor Arnott advised that he attended:

- a local leaders lunch,
- the last regional EOC meeting, and
- a West Jet restart announcement.

He also advised that he met with the Comox Bay Sailing Club along with the CAO and chatted with residents regarding a variety of issues.

17. BUSINESS ARISING FROM PUBLIC HEARING:

a. Rezoning Application RZ 18-10: 1974 Bolt Avenue

1974 Bolt Avenue

That Comox Zoning Amendment Bylaw 1902 be given Third Reading.

(2021.254) -- CARRIED

18. RESOLUTION TO GO IN-CAMERA:

a. Exclude the Public

Exclude the Public

That the Public be Excluded from the In-Camera Session of Council on Wednesday July 14, 2021 pursuant to the following sub-sections of section 90 of the Community Charter:

(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

(2021.255) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 6:48 P.M.

THE REGULAR COUNCIL MEETING RECONVENED AT 7:46 P.M.

19. RISE AND REPORT FROM IN-CAMERA: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 7:46 p.m.

CARRIED

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



MAYOR



CORPORATE OFFICER