



## TOWN OF COMOX

1809 Beaufort Avenue Ph. 250 339-2202  
Comox BC V9M 1R9 Fx. 250 339-7110

### POLICY MANUAL

<b>SECTION 1 – COUNCIL POLICIES</b>	<b>POLICY NO. CCL - 054</b>
<b>ESTABLISHED:</b>	<b>LAST REVISED:</b>
<b>TITLE: Deployment of Fire Department to Outside Areas</b>	

#### **1 PURPOSE**

- 1.01 The purpose of this policy is to delegate the authority to the CAO and Fire Chief to allow the fire department to quickly and legally deploy some of its resources outside of its designated protection areas. Comox Fire Rescue is a well trained and equipped emergency service provider. From time to time the province of B.C., through the Office of the Fire Commissioner or B.C. Wildfire Services requires assistance from resources such as ours.

#### **2 POLICY STATEMENT**

- 2.01 The Chief Administration Officer (CAO) and the Fire Chief may consider and approve (if appropriate) a request to send fire department resources outside of our designated protection areas.

#### **3 SCOPE**

- 3.01 This policy applies to the CAO and the Fire Chief.

#### **4 POLICY**

- 4.01 Council delegates authority to the CAO and the Fire Chief to consider and approve (if appropriate) outside area deployments of our fire department resources.

#### **5 PROCEDURES**

- 5.01 The CAO and Fire Chief will consider our current availability of our resources (including manpower) and our ability to continue to provide adequate service to our community before making the decision to approve an outside area request.

#### **6 RATIONALE**

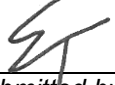


- 6.01 Large scale events like wildfires, earthquakes, floods or other disasters can quickly overwhelm provincial and local resources. In such cases the province of B.C. through the Office of the Fire Commissioner or B.C. Wildfire Services may request local governments to provide assistance for a fee.
- 6.02 We believe this is the right thing to do as one-day our community may require this additional assistance and we would hope others would provide assistance to us.

- 6.03 These opportunities also provide good experience for our people. This experience will assist us should we be faced with a large scale event in our community.
- 6.04 While these outside areas deployments can be costly all costs are covered by the province. In some cases these deployments generate additional income for the fire department.



## TOWN OF COMOX PLANNING REPORT

TO:	JORDAN WALL, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, DIRECTOR OF DEVELOPMENT SERVICES ELLIOT TURNBULL, PLANNER I
SUBJECT:	DEVELOPMENT VARIANCE PERMIT APPLICATION: DVP 20-6 1582 BALMORAL AVE
DATE:	AUGUST 5, 2020 - RCM

  
Submitted by  
Concurrence  
Approval

### **Director of Development Services' Recommendation:**

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.

### **Proposal:**

The Development Variance Permit application DVP 20-6 proposes to vary Town of Comox Subdivision and Development Servicing Bylaw, 1261 and Comox Zoning Bylaw 1850 to facilitate construction of a BC Housing subsidized, non-profit housing development at 1582 Balmoral Avenue, comprised of 52 units in a three storey apartment building.

The application Summary is contained in **Attachment 1** and the applicant's submission is contained in **Attachment 2**.

### **Background:**

In accordance with standard procedures, notification of Council's intent to consider this Development Variance Permit at the August 5, 2020 Regular Council Meeting was mailed to abutting property owners and tenants.

Correspondence received in advance of the August 5, 2020 RCM will be distributed to Council prior to commencement of the August 5, 2020 RCM. Letters of support submitted by the applicant are included in **Attachment 3**.

The subject property is double fronted with frontages along Balmoral and Cypress Avenues. The property size is approximately 3035m<sup>2</sup> and is occupied by d'Esterre Gardens, a 16 unit affordable housing development for seniors run by the Comox Valley Affordable Housing Society (CVAHS). The existing single storey buildings are approaching the end of their usable lifespan and CVAHS has the opportunity to apply for BC Housing funding to redevelop the property into a subsidized, non-profit seniors housing development comprised of 52 units in a three storey apartment building. A tenant relocation plan is included in **Attachment 4**.

### **OCP Implications:**

The subject property's OCP designation is Residential: Townhouses and Ground-Oriented Infill. This designation is intended to accommodate development consisting of townhouses, single detached dwellings, secondary suites, coach houses, duplexes, triplexes, patio homes, and, on the subject property only, low-rise apartments to a maximum of 3 storeys for the purposes of accommodating affordable housing and special needs housing.

The subject property is located within Development Permit Area #3 General Multi-Family. A Development Permit application has been received and will be processed at a staff level in accordance with section 12(1)(a) of Comox Planning Procedures Bylaw 1780.

### **Zoning Implications:**

The subject property is zoned PA1.2 Public Assembly/Housing under Comox Zoning Bylaw 1850. The PA1.2 zone permits dwelling units in any form, with a maximum height of 10m. Ten metres is typical for a 3 storey building. Given that the proposed use is consistent with the existing zone, a rezoning and associated public hearing is not required.

Development Variance Permit application DVP 20-6 proposes to vary the following Comox Zoning Bylaw 1850 requirements:

1. Section 5.20(19)(a) Special Needs Housing Standards – Adaptable Housing Parking  
from: 6 accessible parking spaces  
to: 3 accessible parking spaces
2. Section 6.11(1)(e) Location and Siting  
from: No parking areas within a required interior side setback  
to: Parking area may project 2.0m into the east required interior side setback
3. Section 6.12(5)(a) Minimum Width of 2-way maneuvering aisle for standard and small car parking spaces  
From: 7.3m  
To: 7.2m
4. Section 6.15(3) Required Off Street Parking Spaces Outside Downtown  
From: 52 residential parking spaces and 13 visitor parking spaces  
To: 13 residential parking spaces, 6 visitor parking spaces, and not less than 19 covered scooter parking spaces with individual 120 volt electrical outlets to enable recharging.

The applicant's rationale for the parking reduction is included in **Attachment 2**. The proposed parking variance is directly tied to the type of housing provided, its operation, and location: low income, seniors over the age of 60 and disabled people over the age of 55, within walking distance of a broad range of services and transit. Schedule 1 Outstanding Items includes registration of a restrictive covenant limiting occupancy of the building to seniors over 60 and disabled people 55 and older. Schedule 1 Development Variance Permit Conditions include the following:

- Provision of 19 covered scooter parking spaces each equipped with a 120 volt outlet for scooter recharging:
  - o 6 located in the resident courtyard
  - o 13 located on the ground floor patios excluding the units which front Balmoral Avenue.
- Provision of 13 Class I (racks) bicycle parking spaces.
- Provision of two parking spaces equipped with an electric vehicle recharging station.
- Provision of a conduit to the remaining on-site parking spaces to allow easy installation of future electric vehicle charging stations.

Zoning Bylaw 1850 does not permit parking areas within a side setback for parcels zoned Institutional, but does allow parking in a side setback for parcels zoned Multi-Family Residential. This distinction is intended to address the more intensive permitted uses in institutional zones (e.g. hospital, library, etc). The proposed variance to allow parking areas to project up to 2.0 m into the 3.0 m east side setback for the proposed development is consistent with this distinction. In accordance with Zoning Bylaw screening requirements, the proposed development includes combination fence and landscape screening along the east lot line.

The minimum width of a 2-way drive aisle within a parking area is established at 7.3m for outside of the Downtown. Within Downtown, the 2-way drive aisle minimum width requirement drops to 6.0m. This standard is based off a more urban parking standard as opposed to a suburban standard. It is anticipated that future Zoning Bylaw revisions would include consideration of expansion of the Downtown parking standards to the rest of Town, reflecting a desire for more sustainable and walkable communities.

The Town's standard practice for rezonings that create more than four additional residential lots or units is to seek 10% of the new housing to meet the Adaptable Housing standards in Comox Zoning Bylaw 1850. Even though no rezoning is required for this project, the applicant is proposing 20% (i.e. 12) accessible dwelling units as defined by BC Housing. The BC Housing Accessible standard meets and exceeds the Comox Zoning Bylaw 1850 Adaptable Housing standards (i.e. the units will be immediately usable by a disabled person as opposed to easily convertible for use by a disabled person).

### **Subdivision and Development Servicing Implications**

The subject property is located within an established neighbourhood dating before the current Town subdivision servicing standards were adopted.

The DVP 20-6 application proposes to vary Town of Comox Subdivision and Development Servicing Bylaw, 1261 to reflect the existing neighbour character by reducing for Cypress Avenue the required road allowance width from 20.0 m to 13.6 m, minimum pavement width from 9.0m to 6.0m with approximately 11 perpendicular (i.e. 90 degree) parking spaces, the required number of sidewalks from both sides to the south side only, and change the curb requirement from roll over to a vertical face barrier curb and gutter.

**Schedule 2** contains a preliminary engineering analysis from the Public Works Department. The engineering analysis is preliminary, the comments are subject to change.

MK/ET

Schedule 1: Outstanding Items and Development Variance Permit Conditions  
Attachments: 4

cc: Ann Janssen, Comox Valley Affordable Housing Society, #21-1547 Dingwall Road, Courtenay, BC V9N 3S8

## SCHEDULE 1

### OUTSTANDING ITEMS

1. Registration of a restrictive covenant limiting occupancy of the apartment building to seniors over 60 years of age and disabled people 55 years of age and older.
2. 7.6 m wide road dedication along the Cypress Ave lot frontage;
3. Revised site plan showing
  - a. Expansion of Cypress Ave road pavement width to 6.0 m
  - b. Approximately 11 asphalt surfaced perpendicular parking spaces in the road dedication, and 1.5 m wide concrete sidewalk with vertical face barrier curb and gutter; and
  - c. combination fence and landscape screen along the east lot line in accordance with Comox Zoning Bylaw 1850 section 8.12.

### DEVELOPMENT VARIANCE PERMIT CONDITIONS

1. This Development Variance Permits is to permit the construction of a three storey apartment building and parking area in accordance with the revised Site Plan.
2. Elevations of the proposed apartment building shall be in general conformance to the Elevations (drawing number A2.01 dated 2020-07-22) in **Attachment 2**.
3. Provision of 12 Accessible units as defined by BC Housing which meets and exceeds Comox Zoning Bylaw 1850, Section 5.20 Adaptable Housing Standards.
4. Town of Comox Subdivision and Development Servicing Bylaw, 1261, Schedule C.1 is varied as follows:
  - a. Appendix "C" Specifications for Highways, Table C-1 (Minimum Requirements, Roadway Widths, Curbs and Sidewalks for Urban Roads:  
  
From:  
Urban (Local) Road Allowance Width of 20.0 m  
Pavement Width of 9.0 m  
Type of Curb: concrete rollover curb  
Number of Sidewalks: both sides  
  
To for Cypress Avenue:  
Urban (Local) Road Allowance Width of 13.6m

Pavement Drive Aisle Width of 6.0 m and approximately 11 asphalt perpendicular parking spaces

Type of Curb: vertical face barrier curb

Number of Sidewalks: south side only

5. Comox Zoning Bylaw 1850 is hereby varied as follows

a. Section 5.20 (19)(a)

From:

19(a) A minimum of 1 parking space for disabled persons shall be provided in accordance with Section 6.9(4)(a) and Section 6.9(4)(b) of this bylaw for each adaptable dwelling unit, including a path of travel in accordance with Section 5.20(1), for 4 or less adaptable dwelling units on a parcel, and at a ratio of 0.25 for each additional unit.

To:

19(a) A minimum of 3 parking spaces for disabled persons shall be provided in accordance with Section 6.9(4)(a) and Section 6.9(4)(b) of this bylaw, including a path of travel in accordance with Section 5.20(1).

b. Section 6.11(1)(e)

From

(e) In Commercial, Marine, Industrial and Institutional zones, no parking area shall be located within a required exterior side setback or within a required interior side setback that abuts a parcel in a Residential or Multi-Family Residential zone.

To

(e) No parking area shall located with the required setback from the west lot line. Parking areas may project up to 2.0m into the required setback from the east lot line.

c. Section 6.12(5)(a)

From

(a) Minimum width of 2-way maneuvering aisle for 90 degree parking: 7.3m

To

(a) Minimum width of 2-way maneuvering aisle for 90 degree parking: 7.2m



d. Section 6.15(3)

From

Dwelling, Apartment - 1 parking space per dwelling unit, plus 0.25 per dwelling unit for visitors

To

Dwelling, Apartment - 13 residential parking spaces, 6 visitor parking spaces and a minimum of 19 covered parking spaces for scooters, each equipped with a 120 volt socket to permit scooter recharging

6. All on-site parking spaces shall be provided with an electrical conduit to permit installation of an electrical vehicle charging station.
7. Parking stall number 2 and 3 shall be provided with an electric vehicle recharge station.
8. Provision of 13 Class I bicycle parking spaces in accordance with Section 7.5 of Comox Zoning Bylaw 1850.

**SCHEDULE 2**  
**ENGINEER'S REPORT**

<b>TO:</b> Elliot Turnbull, Planner I	<b>FILE:</b> DP DVP
<b>FROM:</b> Shelley Ashfield, Director of Operations	<b>DATE:</b> July 30, 2020
<b>SUBJECT:</b> Proposed 55 unit Apartment Building – 1582 Balmoral Avenue Lot A District Lot 87, District of Comox Plan 22917	

In review of planning referral dated July 6, 2020, reference file DP and DVP, Project Data drawing A0.01 Rev F dated 2020-07-02, public works offers the following:

**Professional Engineer:**

- The applicant will be required to retain the services of a Professional Engineer registered in the Province of British Columbia to submit designs for review and approval by the Town of Comox and supervise all aspects of construction. The Engineer must provide cost estimates and submit certified as-built drawings upon project completion, per Town standards. Prior to construction, the applicant's engineer must provide cost estimates for all offsite works and submit certified as-built drawings upon project completion. The Professional Engineer shall also be responsible to review the elevations of the existing gravity mains and designate the minimum floor elevation for the proposed building.
- A performance bond for work within the Municipal right-of-way must be posted prior to commencing work within an existing road. The amount of this bond shall be the equivalent of 125% of the cost as determined by the engineer's estimate. Works within the municipal right-of-way, or those to be transferred to the Town of Comox, shall be covered by a one-year maintenance period that shall include a maintenance bond equivalent to 10% of the total construction cost.
- All works to be completed by qualified contractor(s) under the design and supervision of the applicant's engineer and coordinated with Town of Comox Superintendent of Public Works.

**Roads and Sidewalks:**

- Cypress Avenue to the west of the subject property is currently 13.72 m, the road dedication fronting the subject property is only 6.1 m therefore an additional road dedication of 7.62 m is required to align with the adjacent properties for a full road dedication of 13.72m. This is a reduction in the Town's development standards bylaw of a required road dedication of 20m.
- The current paved width of Cypress Avenue fronting the subject property is 5.0 m and must be widen to a minimum pavement width of 6.0 m.
- It is recommended that all parking requirements be retained on site however if this is not achievable and a parking variance be approved the developer is to provide public street parking on Cypress. Perpendicular parking is supported to maximize the number of parking stalls. Perpendicular parking is typically not recommended due to safety concerns however due to the nature of Cypress Road and the limited local traffic volume on this road perpendicular parking is recommended.
- This will also include installation of sidewalk, barrier curb and gutter along the entire frontage of the subject property on Cypress Avenue. The applicant's engineer to ensure the elevations and location of the curb/gutter/sidewalk will drain and create no ponding areas. All costs associated with these works shall remain the responsibility of the applicant.

#### **Sanitary Sewage System:**

- McElhanney shall run the sanitary model to confirm if there is adequate capacity in the sanitary sewer on Balmoral Avenue. Any recommendations regarding modifications or upgrades that result from this assessment shall form part of the subdivision requirements. All costs associated with this assessment and any requirements that are forthcoming, must be borne by the applicant.
- The subject property is currently service by a 100 mm diameter connection off Balmoral. A second 100 mm diameter connection off the municipal main on Balmoral has been identified which must be abandoned. Only one sanitary service connection is permitted per lot. The applicant's engineer shall consult with the Building Department to determine the adequate size of the service to this property. Installation of a new service shall be completed by a suitable contractor under the design and supervision of the applicant's engineer. All costs to abandon the service connections and install a new service connection shall be borne by the applicant.

#### **Storm Drainage System:**

- The subject property is currently serviced by a 200 mm diameter connection off a storm manhole on Balmoral Ave. The applicants engineer shall consult with the Building Department to determine the adequate size of the service to this property. Installation of a new service shall be completed by a suitable contractor under the design and supervision of the applicant's engineer. All costs to install a new service connection and abandon the existing shall be borne by the applicant.
- Under no circumstances shall a connection of less than 150mm diameter be permitted.
- Connections larger than 150mm in diameter must be directed to a storm manhole. The construction of which shall be completed by a suitable contractor under the design and supervision of the Applicant's Engineer.

- All runoff from parking areas shall be directed to oil/grit separators, which are required for all exposed parking areas. The Town's standard maintenance covenant should be applied to the subject property to ensure the suitable maintenance and operation of this appurtenance.
- The applicant's engineer must include in the design established minimum habitable floor elevations
- Applicant's engineer to provide a separate erosion and sediment control plan in accordance to the Town's Bylaw. Ensure that no runoff, silt-laden runoff or debris are allowed to enter the storm or sanitary system and municipal roads during the period of site or building construction.
- The Town's municipal storm main runs the full length of the subject property's east property line, which connects from Cypress Avenue to Balmoral Avenue. A statutory right-of-way in favour of the Town will be required.

#### **Water System:**

- Koers and Associates must be retained to provide an assessment of the municipal water system's capacity to meet the domestic and fire flow demands posed by the development. All costs associated with this assessment, shall be borne by the applicant. Any required upgrades to the Town of Comox water system shall form a condition of this development.
- The subject property is currently serviced by a 38 mm diameter metered water service connection off Balmoral Avenue. The applicant's engineer shall consult with the Building Department to determine the adequate size of the service to this property. Installation of a service shall be completed by a suitable contractor under the design and supervision of the applicant's engineer. All costs to install a new service connection and abandon the existing shall be borne by the applicant.
- Use of Ultra-sonic or magnetic meters such as the Sensus "Hydraverse" will be accepted in lieu of the use of Sensus "Fire Line Fire Service Assembly", all of which must be compatible with the Sensus AutoRead software, Sensus M3600 Vehicle Transceiver and the Sensus AR5502 Handheld reader.
- Meter vaults must be accessible from the public road network and be contained within the road right-of-way or a SRW dedicated to this purpose. Separate meter box for the radio read and MXU on services 100mm or larger is required.
- Backflow prevention through a double check valve shall be installed for all services larger than 50mm and shall be located in a chamber on private property.
- The Fire Department should be requested to provide a review as to the suitability of the current fire hydrants to service the subject property on Balmoral Avenue.
- All costs associated with these conditions must be borne by the Applicant.

**BC Hydro/Telus/Cable/Gas/ Emterra/Transit (Handy Dart Access):**

- Refer to the respective utilities for their comments.

**ATTACHMENT 1  
APPLICATION SUMMARY**



**Subject Property:**  
 1582 Balmoral Avenue  
 LOT A DISTRICT LOT 87 DISTRICT OF COMOX PLAN 22917

<b>Proposal:</b>	The Development Variance Permit application DVP 20-6 proposes to vary Town of Comox Subdivision and Development Servicing Bylaw, 1261 and Comox Zoning Bylaw 1850 to facilitate construction of a BC Housing subsidized, non-profit housing development at 1582 Balmoral Avenue, comprised of 52 units in a three storey apartment building.	
<b>Applicant:</b>	Ann Janssen, Comox Valley Affordable Housing Society	
Legal Description:	LOT A DISTRICT LOT 87 DISTRICT OF COMOX PLAN 22917	
Civic Addresses:	1582 Balmoral Avenue	
<b>OCP:</b>		
Land Use Designation:	Residential: Townhouses and Ground-Oriented Infill	
Development Permit Areas:	DPA #3 (Development Permit application received)	
<b>Zoning</b>	<b>PA 1.2 Public Assembly/Housing</b>	
Permitted uses include:	Accessory structures and uses, excluding outside storage, Dwelling units, Offices, Parking lots, etc.	
	Existing	<b>Proposed Variances</b>
Height and Storeys	10m   9.4m proposed	
Setbacks		
Front	0m   4.8m proposed	
Rear	0m   1m proposed	
Side- interior	3.0m   3.0m east and 6.4m west proposed	
<b>Parking</b>		
Resident parking spaces	52 (of which 6 are accessible)	13 ( of which 3 are accessible) and not less than 19 covered scooter parking spaces with recharge connection
Visitor parking spaces	13	6
Minimum width of 2-way maneuvering aisle	7.3m	7.2m
Parking area location	No parking area shall be located within a required interior side setback	Parking areas may project 2.0m into the east required interior side setback

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**Subdivision and Development Servicing Bylaw, 1261  
Schedule C.1, Appendix C (Specifications for Highways),  
Table C-1 (Minimum Requirements, Roadway Widths, Curbs and Sidewalks)**

	Required	Proposed Variances for Cypress Ave
Road Allowance	20.0m	13.6m
Pavement Width	9.0m	6.0m
Type of Curb	Rollover curb	Vertical face barrier curb
Number of Sidewalks	Both sides	South side only
<b>Surrounding Uses:</b>	Single-Family Residential developments to the north, east, and south; Multi-Family Residential development to the west.	

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**ATTACHMENT 2  
APPLICANT'S SUBMISSION**

## **Cypress Gardens [formerly known as D’Esterre Gardens] Seniors Housing Parking Variance Rationale – Revision A, July 13- 23, 2020**

### **Introduction**

In October 2019 Comox Valley Affordable Housing Society [CVAHS] conducted a survey of our 16 residents of D’Esterre Gardens to determine their vehicle and parking needs and requirements. Only 6 [37.5%] of our residents owned cars and in general they only drove their cars occasionally. Two of them expected to give up their car within two years. Approximately 80% of our residents, including some car owners, travelled mostly by other means; including walking, using the bus, riding scooters, riding with family and friends, riding on the HandyDART or using other transport services for seniors, such as Wheels for Wellness. Five of the current residents own scooters. Twelve [70%+] of our residents reported that they often walked to where they wanted to go. Overall their most common means of travelling are walking or riding a scooter. Also, many local businesses, including John’s Independent Grocery store, Thrifty Foods and Pharmacies, will provide delivery service to the building. In summary, the survey determined the majority of our tenants do not need cars.

### **Rationale for reduction of resident parking spaces**

There are many reasons our residents do not need cars.

D’Esterre Gardens is one block from Downtown Comox and our residents are within a short walking distance of necessary amenities, including shopping, coffee shops, the supermarket, doctors’ offices and pharmacies.

Many of our residents use scooters to get around. A few residents have bicycles.

With the public bus stop directly across the street and on the main Comox route using the bus is easier than ever for many of our tenants. The bus service is also improving.

Our tenants are elderly and many no longer have driver licenses.

Our tenants are low income seniors and most cannot afford a car or pay for insurance, gas, and maintenance.

Some of our residents share cars.

### **Rationale for reduction of visitor parking spaces**

We also do not require many visitor parking spaces. We are an independent living facility and currently there are about three caretaker visits per week. Our few other visitors are mainly family and friends of our residents.

### **Rationale for reduction of Accessible parking spaces**

In the current design there are 12 **accessible** [as defined by BC Housing] apartments. These units will meet and exceed the Town of Comox’s **Adaptable Housing** standards [Section 5.20 of Zoning Bylaw 1850] and the 10% of our apartments [5 units] required to be **Adaptable Housing**. The bylaw requires that each if the 5 required *Adaptable Housing* units have an *accessible* parking space. However, at this time no residents who need accessible housing have cars;

instead, some of them use scooters, and only occasionally some of them will need an accessible onsite parking space when they are being picked up by a friend or family member. To meet our accessible parking needs the six-ground floor *accessible* units have scooter spaces. We estimate that up to 50% of our residents could use scooters as their main form of transportation.

### **Proposed On Site Parking Demand Management:**

#### **Resident Parking**

The tenant agreement will include statements that Cypress Gardens provides residents a limited number of vehicle parking spaces on a first come first served basis and neither the Society or the Town guarantees an on-site or off-site parking space for residents. Two of the resident spaces will be EV ready and one of those spaces will be for a potential car share.

#### **Scooter Parking**

In lieu of regular car parking spaces we are providing 19 covered scooter parking spaces. There is a covered scooter space adjacent to the patios of 13 of the exterior 16 units. An additional 6 covered spaces are provided parallel to the west property line. All scooter spaces will have charging stations. Scooters will not be allowed in the building. A scooter friendly sidewalk is provided around the building with access to both Balmoral and the lane.

#### **Bicycle Parking**

In lieu of regular car parking spaces we are providing 13 bicycle Class A parking spaces. Seven spaces are provided at the front of the building, within 6 meters of the front entry. The other six spaces are provided in the back courtyard within 6 meters of the main resident entry from the parking area.

#### **Visitor Parking**

The six visitor spaces will be numbered and designated 'visitor' in the parking lot. A seventh visitor space is designated as 'loading' that would include resident pick-up and drop-off. We expect the HandyDART will pick up and drop off residents at the front entry on Balmoral Avenue where there is unrestricted public street parking.

#### **Car Share**

Two car share/electric vehicle spaces will be designated as such in the parking lot. The Society has begun to explore different opportunities and ideas with the support of the Black Creek and Monarch Lions Clubs that include:

- A bus shared between both CVAHS Seniors Housing facilities;
- A community bus;
- Car donations or car loan programs (especially electric) with local car dealerships;
- Government grants, and
- A car share/bus program driven and run by the Lions Clubs instead of by the Society (and they are very interested in the idea).
- A car share agreement with residents

## Electric Vehicles

Two electric vehicle spaces will be designated in the parking lot and there will be electrical conduit to each space from the electrical panel for future charging stations

## Summary

Throughout BC Seniors are increasingly using cars less as a way to get around for the same reasons listed above. Municipal bylaws often reflect the reduced car needs of seniors and encourage reduced parking, especially for its environmental benefit, by mandating fewer parking spaces for seniors' facilities. For example, the Town of Comox has a 50% parking reduction [.5 spaces per apartment, instead of 1.0 spaces] for *congregate care facilities* with shared kitchens [e.g. Berwick]. However, the Town does not have reduced parking for other types of official senior facilities, such as ours, where there are many fewer cars compared to apartment buildings for the general population.

Based on our survey, the few cars we presently have, and the growing trend at our location for fewer cars, we respectfully ask the Town of Comox for a variance of **Section 6, Off Street Parking and Loading of Comox Bylaw 1850** to reduce our required parking from one space per apartment, plus .25 spaces for visitors, to **19 resident and visitor car parking spaces plus 19 covered scooter parking spaces each equipped with a charging station.**

We also ask for a reduction of our required *accessible* parking spaces from six spaces to **three** spaces.

Currently the parking requirement for our proposed 52-unit apartment building is 52 standard spaces [one per unit], including 6 accessible spaces, plus 13 visitor spaces, for a total of 65 spaces.

We also request as part of this parking variance application:

- A reduced east side yard setback to the edge of car parking from 3.0 m to 1.3 m;
- A reduced parking area maneuvering aisle width of 7.2m.

It is our belief that less parking is a sustainable solution that also benefits the growing number of seniors who are switching out of their vehicle to a mobility scooter, public transportation, car share, shared rides, and good old-fashioned walking.

Sincerely,

Ann Janssen  
Administrator, CVAHS



Comox Valley Affordable Housing Society  
#21-1547 Dingwall Road  
Courtenay, BC V9N 3S8  
250-334-3340

July 21, 2020

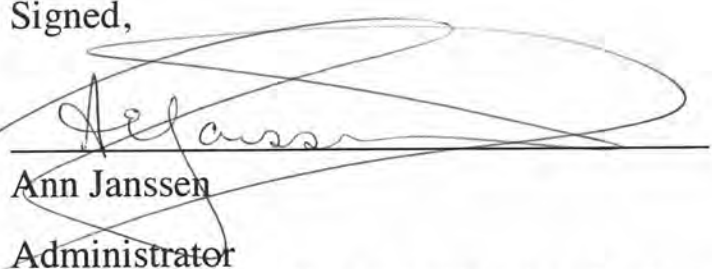
This document is intended to provide the Town of Comox with certification that the Comox Valley Affordable Housing Society will include an addendum in all tenancy agreements signed after July 1<sup>st</sup>, 2020 at either 1582 Balmoral (Cypress Gardens) or 1742 Beaufort (Quadra Gardens), that relieves the Town of any responsibility regarding parking spaces.

This addendum will have all new tenants witness that neither the Town of Comox, nor CVAHS is responsible for providing them with parking. Any available parking will be first come, first served, and no tenant will be entitled to have a parking spot reserved for their use only.

Should CVAHS personnel change, this agreement will be honoured by any new staff or board member and will remain in effect indefinitely.

Attached is a copy of this parking addendum for filing purposes.

Signed,



Ann Janssen

Administrator

Comox Valley Affordable Housing Society

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Fred Tutt

Board President

Comox Valley Affordable Housing Society





## CVAHS Tenancy Agreement Addendum: Parking

This document once signed by the tenant, releases the Comox Valley Affordable Housing Society and the Town of Comox from any responsibility to provide parking. By signing this document, the tenant understands and acknowledges that they are **not** provided a parking space at Cypress Gardens or Quadra Gardens.

Parking at 1742 Beaufort Ave. (Quadra Gardens) and 1582 Balmoral Ave. (Cypress Gardens) is strictly "first come, first served". No tenant may have a reserved parking spot and tenant's may only park in spaces that are appropriately marked for their use. Most parking spaces will be reserved for visitor, care worker, and other use.

The Comox Valley Affordable Housing Society encourages carsharing between tenants but is not responsible for any issues that may arise from this.

Tenants may not park their vehicles in or on private property, loading zones, shopping centers, etc. without the prior written permission of the landowner.

The Town of Comox has no responsibility to provide parking for tenants whatsoever. The Comox Valley Affordable Housing Society and the Town of Comox are not to receive any complaints regarding parking or lack thereof, as by signing this document the tenant understands and acknowledges **parking is not included in their tenancy**.

In case of conflict between the provisions of this addendum and any other provisions of the Residential Tenancy Agreement, the provisions of this addendum shall govern.  
This Residential Tenancy Agreement addendum is incorporated into the Residential Tenancy Agreement executed or renewed this day between Landlord and Tenant.

---

Tenant Signature

---

Date

---

Tenant Signature

---

Date



Cypress Gardens  
1582 BALMORAL AVENUE  
Issued for DP - R-2



MacDonald Hagerly Architects  
Ltd.  
1802 Lusk (E) Commerce Ave  
Coquitlam BC  
V3H 3M7

#### SHEET LIST

sheet list	
A0.01	PROJECT INFORMATION
A0.02	SCHEDULES
A1.02	MAIN FLOOR PLAN
A1.03	2nd + 3rd FLOOR
A2.01	ELEVATION
A3.01	SECTIONS
A3.02	PERSPECTIVES

#### CONTACT INFORMATION

Owner + Operator  
Canox Valley affordable housing society  
#21 1547 Dingwall Road  
Coquitlam BC  
T - 250.334.3340

Prime Consultant + Architect  
MacDonald Hagerly Architects Ltd  
Project Architect: Mark MacDonald  
Mark@MHAArchitecture.ca  
T - 604.345.9733

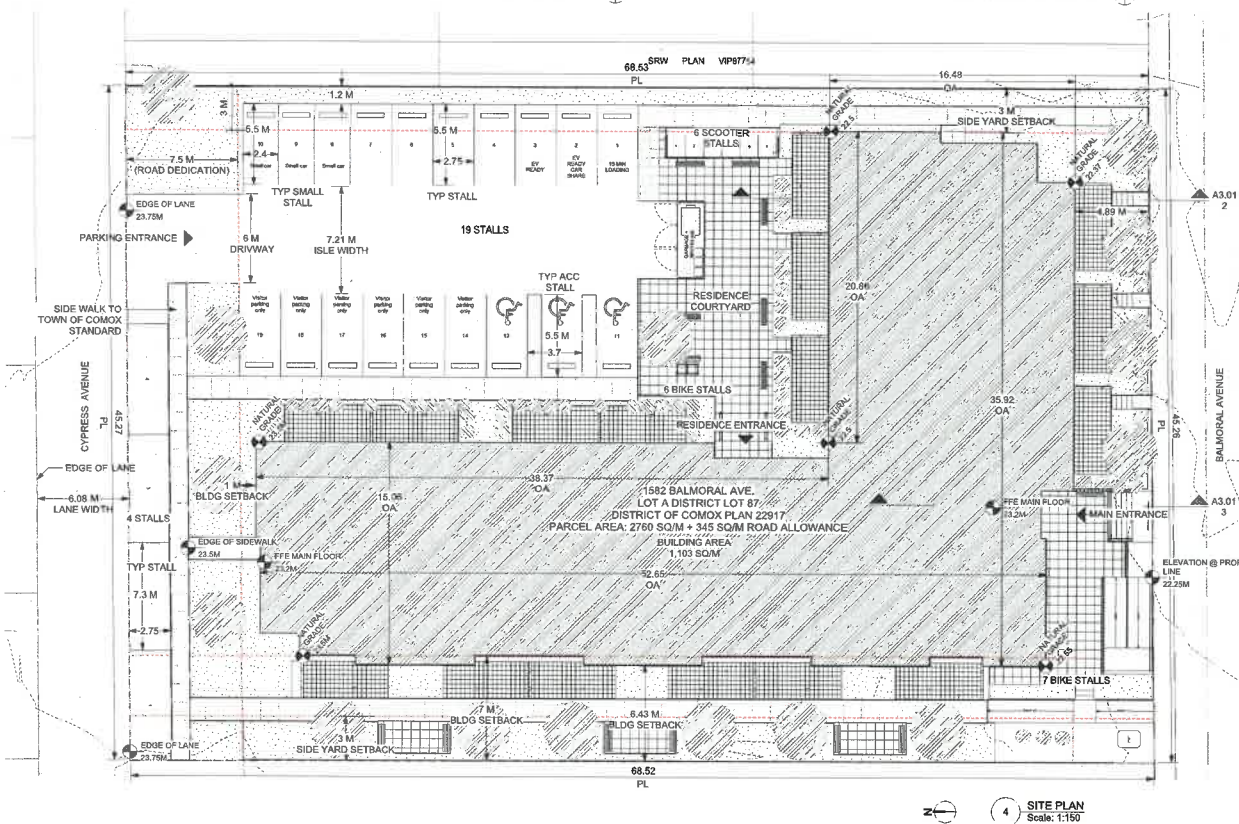






TOWN CONTEXT

NEIGHBOURHOOD CONTEXT



4 SITE PLAN  
Scale: 1:150

## PROJECT INFORMATION

Authority Town of Comox  
Street Address 1582 Balmoral Avenue  
Legal Description LOT A DISTRICT LOT 87 DISTRICT OF COMOX PLAN 22917  
Zoning PA1.2  
PID 003-197-522

**Project Description** The 52 apartments are arranged in a three storey 'L' shaped building with the short leg of the 'L' along Balmoral and the long leg down the length of the property on the west side. This arrangement provides several benefits. The continuous frontage along Balmoral provides a strong street and pedestrian orientation. To fit in with nearby ground oriented family homes the apartments facing Balmoral have individual front entries and street access via stairs at grade. The interior court of the 'L' screens the parking from the street and provides winter weather protection for the amenity spaces. The resident's principal gathering/meeting spaces and a distinctive central entry are located at the outside corner of the 'L' facing Balmoral. The building form because of its siting does not shadow the neighbouring single family properties. To mitigate the overall height of the building and to meet the 10 m max building height requirement of the existing PA 1.2 zone the roof is flat. To mitigate the overall horizontal massing of the building, the facades are divided by changes of materials into a series of blocks, and a continuous first storey porch roof, supported by residential scale timber framing, to shelter patios and scooters, breaks the vertical massing into a one storey base and a two storey top. The residential character of the building is further reinforced by the patio roofs and by the extensive use of vertical

**LOT SUMMARY/FSR**  
Total Lot Area 2,760 SQM  
Total gross floor area 3,337 SQM  
Units per H 168 UPH

ZONING SUMMARY	REQUIRED	PROPOSED
LOT COVERAGE	N/A	41%
SETBACKS		
FRONT	0 METERS	4.89 METERS
BACK	0 METERS	1 METERS
EAST SIDE	3 METERS	3 METERS
WEST SIDE	3 METERS	7 METERS

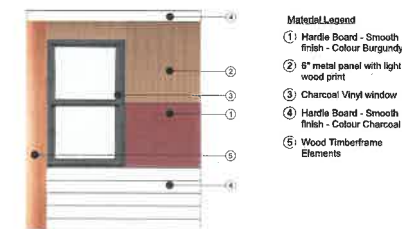
**BUILDING HEIGHT** Max 10 Meters  
\* SEE ELEVATIONS FOR BUILDING HEIGHTS

BUILDING STATISTICS	Description	Unit Count	Area (GROSS)
	Main Floor	16	1,117 SQM
	2nd Floor Residential	18	1,110 SQM
	3rd Floor Residential	18	1,110 SQM
	Total	52 (12 ACC)	3,337 SQM

OFF STREET PARKING	REQUIRED	PROPOSED	STALL BREAKDOWN
52 Dwelling Units	52 STALLS	10 STALLS	3 SMALL
Residences	5 STALLS	3 STALLS	3 ACC
Visitors	6 STALLS	3 STALLS	10 REGULAR
Accessible		19 STALLS TOTAL	1 LOADING
		+ 19 SCOOTER STALLS	2 EV READY

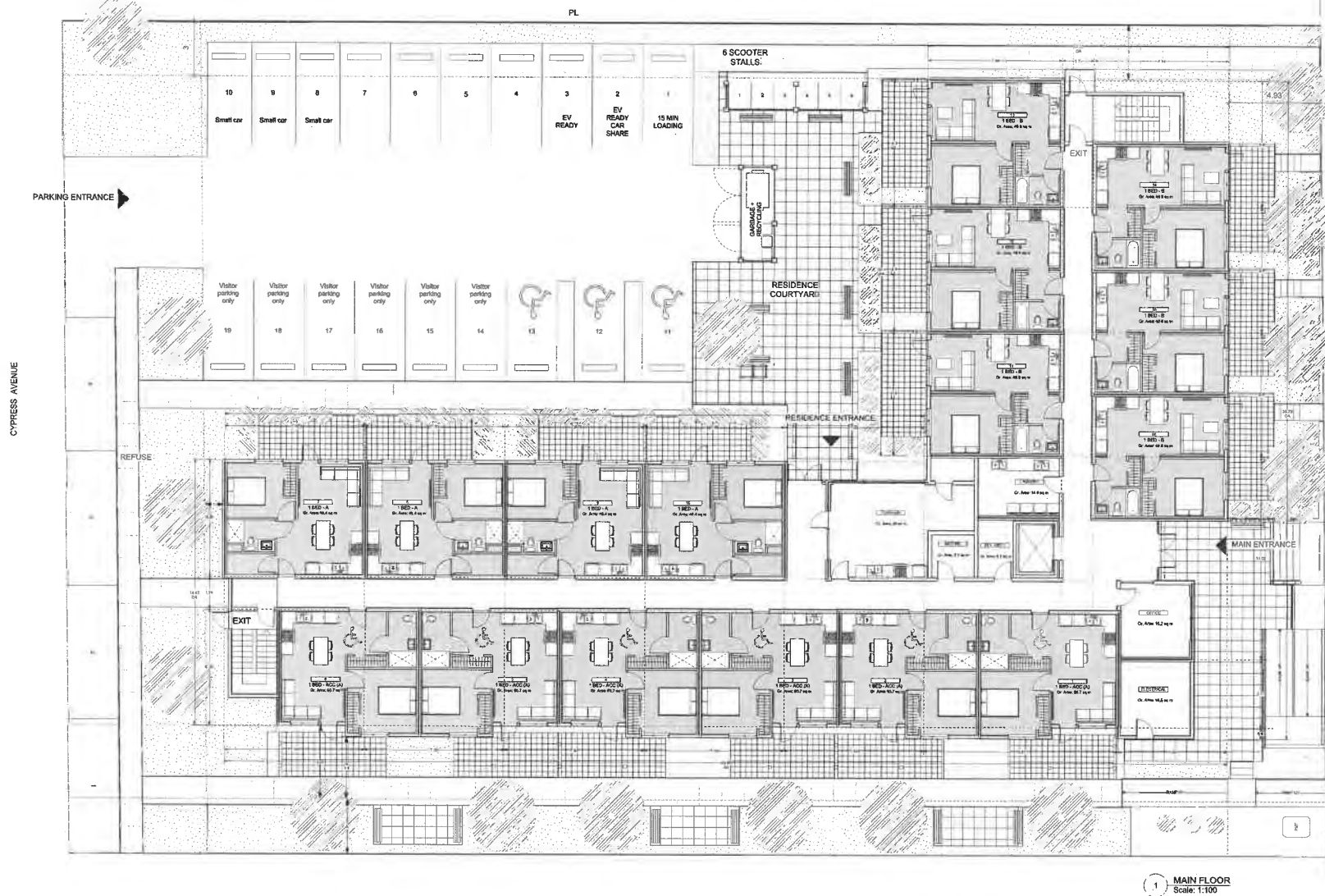


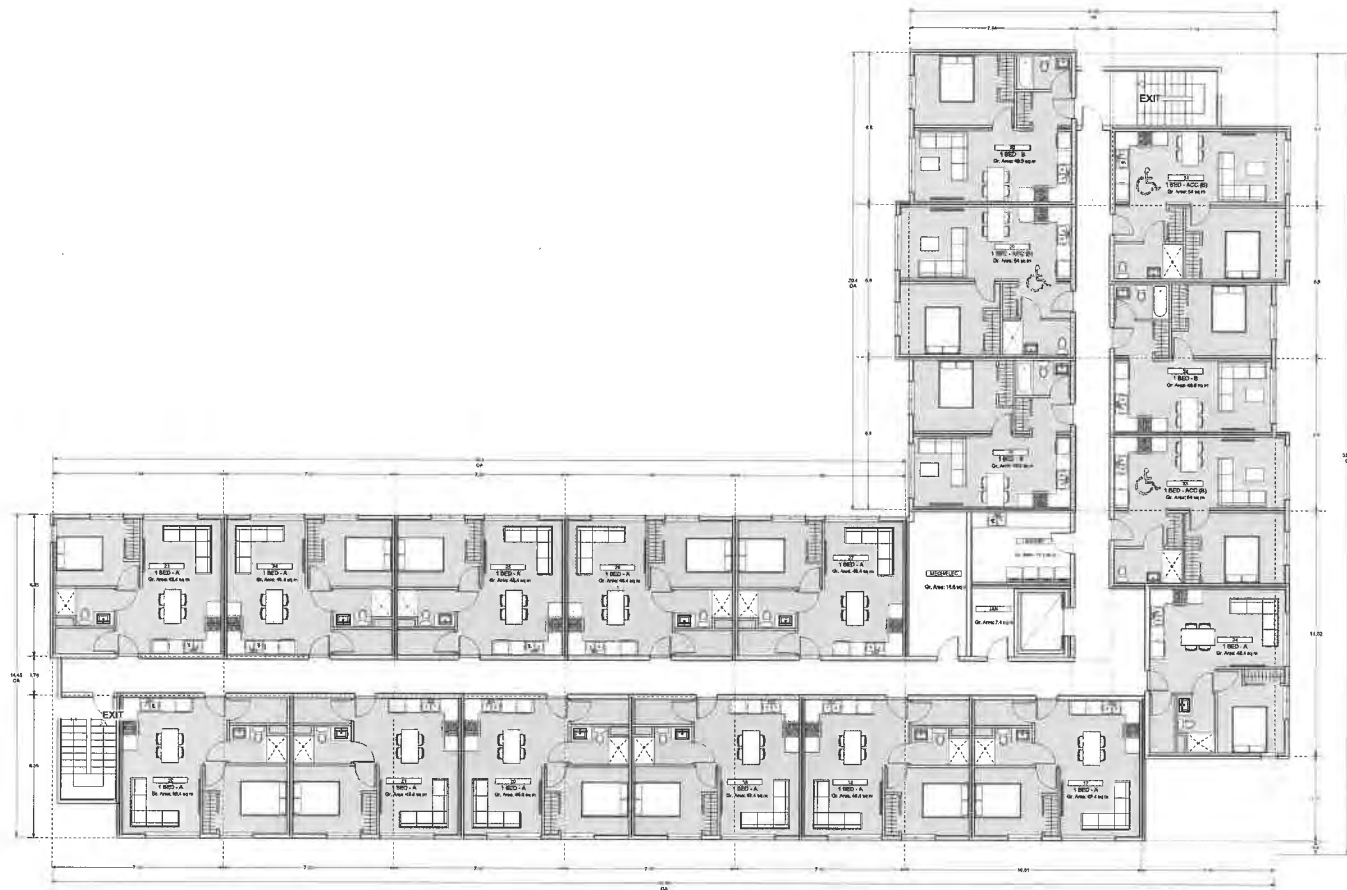
## MATERIAL BOARD







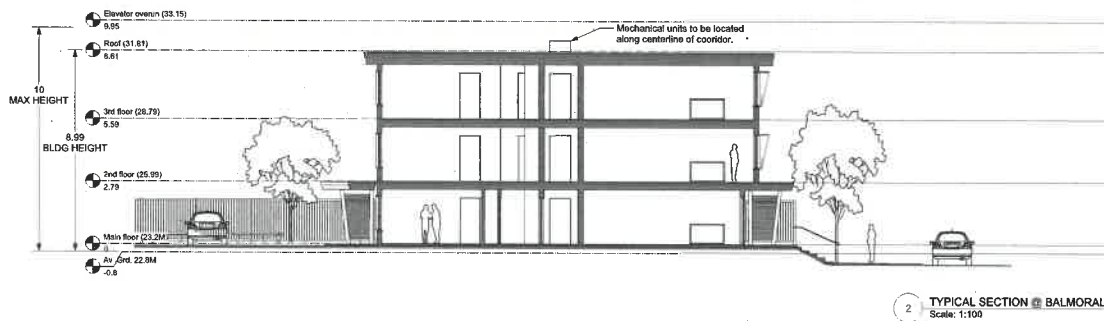




2 2nd + 3rd FLOOR  
Scale: 1/100

- Material Legend**
- ① Hardie Board - Smooth finish - Colour Burgundy
  - ② 6" metal panel with light wood print
  - ③ Charcoal Vinyl window
  - ④ Hardie Board - Smooth finish - Colour Charcoal
  - ⑤ Wood Timberframe Elements





CONTEXT IMAGES



WEST PROPERTY LINE



FRONT LOT LINE



EAST PROPERTY LINE



1. 2019-07-01 Issued for GP - 102  
2. 2019-07-01 Issued for Construction  
3. 2019-07-01 Issued for GP  
REV: 1 2 3

SECTION

A3.01





1 balmoral looking east  
Scale: 1:75



2 cypress  
Scale: 1:75



3 birds eye cypress  
Scale: 1:75

**ATTACHMENT 3**  
**LETTERS OF SUPPORT SUBMITTED BY APPLICANT**

File No. 3030-20 Balmoral 1582 / Log No. 20-271

July 23, 2020

Ann Janssen, Administrator  
Comox Valley Affordable Housing Society  
#21 - 1547 Dingwall Road  
Courtenay, BC V9N 3S8

Email: [lvve@shaw.ca](mailto:lvve@shaw.ca)

Dear Ms. Janssen

**RE: Letter of Support – 1582 Balmoral Avenue development**

It is with pleasure that we provide this letter of support for the Comox Valley Affordable Housing Society's redevelopment of the D'Esterre Seniors' housing at 1582 Balmoral Avenue. At the July 15<sup>th</sup> Regular Council Meeting, Council approved a motion directing staff to expedite the approval process for this project understanding the community benefits the project will bring when complete.

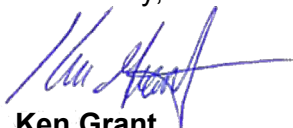
It is widely acknowledged that rental rates in the Comox Valley are unaffordable. The demographic projections provided by Statistics Canada and the housing affordability concerns most recently identified in the Comox Valley Regional Housing Needs Assessment confirm the significant need for affordable senior housing options.

The Town of Comox is pleased to support this redevelopment to create additional affordable seniors housing and recognizes the thoughtful planning that has already gone into this project. This addition of affordable housing will not only provide safe and inclusive housing for seniors in Comox, it will relieve pressure on the existing rental housing market within the Comox Valley, and the benefits will be positive for our community as a whole.

The Comox Valley Affordable Housing Society, since its inception in 1990 and through various collaborations and joining of forces, has demonstrated the commitment to ensuring there are affordable housing options in the Comox Valley, and has Council's full support in this project.

Should you require anything, please do not hesitate to contact us.

Yours truly,



**Ken Grant**  
**Acting Mayor**

C: J. Wall, CAO  
M. Kamenz, Director of Development Services

*We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q' a'*



# **Black Creek Lions Club**

*"Serving the community since 1980"*

**Terry Levesque - President**

*Tel: 250-334-2209*

*Email: terrlev@telus.net*



June 25<sup>th</sup>, 2020

## **To Whom It May Concern:**

The Comox Valley Affordable Housing Society (CVAHS) is a group that our club has worked closely with for a number of years.

As Lions, our main priority is to build a sense of community and unity between all types of people - CVAHS is a society that believes the same. Members of the Black Creek Lions can regularly be found volunteering at any of the 3 CVAHS properties, serving on the Board of Directors, and generally donating their time and efforts to help out in any way they can.

The staff and volunteers that spend their time working under the Comox Valley Affordable Housing Society go above and beyond for their residents. About 2 years ago we worked with the society to get a pantry program going – where tenants from the family complex can go and grab a few items when they are really struggling, in August of 2019 we helped them to get a hot meal program started so that the 50 some odd low-income seniors under their care could be provided with healthy meals free of charge twice a month.

This is a society that not only works to house their tenants, but a society who makes every single person who lives on one of their properties feel important, safe, and cared for. It is the belief of our entire club that the Comox Valley Affordable Housing Society not only has the capacity to build and maintain a new development – but that the development will improve the lives of many low-income seniors in Comox and the Comox Valley.

**Thank you for your time,**

**Terry Levesque, President**  
Black Creek Lions Club



Town of Comox  
1809 Beaufort Ave  
Comox, BC V9M 1R9

June 29<sup>th</sup>, 2020

**Re: Comox Valley Affordable Housing Society –Re-development of 1584 Balmoral Ave, Comox**

Dear Town of Comox Mayor and Council,

The Comox Valley Coalition to End Homelessness is a collective of 29 local non-profit agencies who plan, coordinate, recommend, advocate for, and implement responses to reducing homelessness and increasing affordable housing in the Comox Valley. The Comox Valley Affordable Housing Society is one of our member agencies.

Daily, we hear from seniors, and from the agencies who work with them, who tell us it has become increasingly challenging to find suitable, safe, and affordable places to rent. As you know, a provincially mandated Housing Needs Assessment was recently conducted for the Comox Valley Regional District, and the findings support what we have been hearing. The housing crisis is getting worse. In the Town of Comox nearly 24% of all renters are paying more than 30% of their income on housing.

We are especially concerned about seniors. In the Comox Valley we have experienced a surge in seniors' population over the last 10 years – a 58.2% increase, meaning 25.2% of our total population are over the age of 65. Seniors have specific housing needs as they age, and we currently do not have the non-market housing availability to support this population wave, particularly for vulnerable, low-income seniors. The affordability challenge is only going to increase with the uncertainties of economic stability due to COVID-19. We must ensure that low-income senior renters are protected and able to find safe, affordable, and appropriate housing, and we believe the CVAH D'esterre Garden re-development will do just that.

In 2018, the Coalition conducted a [Comox Valley-wide community engagement](#) asking residents what their ideas were regarding different types of affordable housing solutions. Residents from Comox supported an increase in seniors housing and even listed D'esterre as model of the type of housing they would like to see more of.

The Coalition fully supports CVAH in their intent to re-develop their property at Balmoral Avenue to create 38 new units of affordable seniors housing and to replace the existing and in-much-need-of major-repair 16 units. The CVAH works hard to care for their tenants not only by providing housing but by checking in on tenants regularly, and providing programs and services that are necessary to help improve daily lives, and we believe this is exactly what our community needs more of.

Thank you for considering our recommendation.

A handwritten signature in black ink, appearing to read "Andrea Cupelli".

Andrea Cupelli  
Coordinator for the Comox Valley Coalition to End Homelessness





July 7, 2020

To whom it may concern:

I am writing in support of Comox Valley Affordable Housing Society's application for funding sponsored by BC Housing. The Comox Valley Regional District has an aging population and BC Housing funds will be instrumental in supporting our community's efforts to increase subsidized housing options in the Comox Valley.

Comox Valley Family Services Association's mission is to 'build on individual and family strengths which support growth and healthy lifestyles'. Since we opened our doors in 1974 our agency has grown and evolved into a supportive, caring and thriving social service agency that provides a comprehensive range of programs. Our organization has had the pleasure of working in partnership with Ann Janssen at the Lions Valley View Estates low-income housing complex for the past five years. The community hall, located centrally to 32 family townhouse units, provides a comfortable environment in which to bring services to families living in this distinct neighbourhood. We have appreciated the receptiveness of the Comox Valley Affordable Housing Society in supporting our efforts to increase access to community services, through the generous donation of their facilities as well as Ann's willingness to promote our services to families in-need.

Housing affordability is decreasing and community surveys indicate that many seniors experience difficulty accessing housing and have grave concerns about affordability. The Comox Valley Vital Signs Report highlights affordable and safe housing as one of the top two local community health issues for seniors. Our agency strongly supports Comox Valley Affordable Housing Society's vision to create local solutions that will facilitate access to low-income senior housing at D'Esterre Gardens.

I hope you will choose to support this application, as the benefits to seniors and ultimately the larger community will be felt for many years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Iverson", written over a horizontal line.

Lisa Iverson  
Executive Director



# Courtenay Recreational Association (CRA)

July 14, 2020

Please accept this letter of support for the Comox Valley Affordable Housing Society's project to construct a 52 unit building for low income seniors. The organization is well respected and is committed to the completion of this project as well as the future management and maintenance of the housing units.

As the Executive Director of an organization that provides social and recreational programs for over 2000 seniors, the Evergreen Club, and a program for adults with developmental disabilities, I am well aware of the many challenges faced by adults in this age bracket.

Low income housing is very much needed in the Comox Valley as there is severe lack of affordable rental units in our area. This project will be provide units suitable for seniors, and offer much housing options in a community in which it is extremely challenging to find affordable rent and decent accommodations. More low income housing is desperately needed in Comox Valley to meet the needs of our senior population.

The CRA Evergreen Club is in full support of the Comox Valley Affordable Housing Society's project.

Sincerely,

*J Hutchinson*



Janet Hutchinson  
Executive Director  
Courtenay Recreational Association  
Coordinator CRA/Evergreen Club [www.evergreenclub.ca](http://www.evergreenclub.ca)  
250-338-1000  
[jhutchinson@courtenay.ca](mailto:jhutchinson@courtenay.ca)



# Comox Valley Monarch Lions Club

"We serve"

Gail Flynn (Secretary)  
Telephone: 250-871-0027  
Email: [dgflynn@shaw.ca](mailto:dgflynn@shaw.ca)

---

June 25<sup>th</sup>, 2020

Hello Ann,

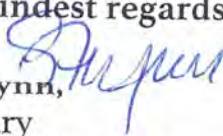
It is my understanding that the society (The Comox Valley Affordable Housing Society) intends to re-build the D'Esterre building at 1582 Balmoral Ave. in Comox. I can say without a shadow of a doubt that our club is behind you in this project.

The Courtenay Lions (which has now become the Comox Valley Monarch Club) have been heavily involved with the Comox Valley Affordable Housing Society (formerly Courtenay Low Income Housing Society) since its inception in 1990. Over that time, our members have seen the society grow exponentially – and it is something that we are all very proud of.

When CVAHS took over D'Esterre and Quadra Gardens, the properties were in a condition of major disrepair. Since then, we have seen staff and volunteers (some of which are from our club) work so hard to maintain and improve the tenants living conditions and overall comfort. Unfortunately, it is our understanding that D'Esterre is to the point where it is losing money and needs so much work done, that if the building does not get torn down and rebuilt – the property will have to be closed down. This means 16 people will lose their homes completely, whereas if CVAHS is to rebuild – the number of residents will at least double!

The Comox Valley Affordable Housing Society is not only capable of managing a larger building/development project, but it is our club's belief that this project is imperative to the Town of Comox, the Comox Valley as whole, and the seniors who's housing situations are less than ideal.

With kindest regards,

  
Gail Flynn,  
Secretary

Comox Valley Monarch Lions Club



**ATTACHMENT 4**  
**PROPOSED TENANT RELOCATION PLAN**



Comox Valley Affordable Housing Society  
#21-1547 Dingwall Road  
Courtenay, BC V9N 3S8  
250-334-3340

## Tenant Relocation Plan D'Esterre Gardens 1582 Balmoral Ave. Comox, B.C.

This plan outlines the way Comox Valley Affordable Housing Society will manage the tenant relocation of 16 residents living on the property at 1582 Balmoral Ave. (the "Property") in order to proceed with demolition and reconstruction of the Property.

Over the past few years, since taking over the D'Esterre property – our society has been weighing the pros and cons of re-developing the land at 1582 Balmoral Ave. Ultimately, the choice to demolish and reconstruct the Property was made.

We had anticipated much difficulty with telling the current tenants – but ended up being pleasantly surprised by the amount of excitement and support for the project! In fact, soon after the tenants were informed, multiple people started packing their things and saying they had places to go. They were very enthusiastic about the possibility of a brand-new home. Some tenants have made arrangements to move in with family or friends and others have been looking for new accommodations already. On July 1<sup>st</sup> we moved one of the tenants into our Quadra Gardens building, with much optimism and a positive outlook into his future. As we have vacancies in the Quadra building, we will move other tenants over from the D'Esterre complex where possible. We will be working with other community agencies and societies, to ensure we fill out appropriate paper work and get the right people talking to the right supports, etc. We have other tenants that have been long waiting to get into assisted or extended care, and the hopes of their families is that this will move them up on the list with VIHA and finally get them into the facility they need.

Most of the tenants realize the need to re-develop the Property not only due to the aging infrastructure of the building but the need to increase density for other low-income seniors to have housing.

Our society's main goal is that all of our tenants are taken care of, and this plan has been written to reflect this intention.



Comox Valley Affordable Housing Society  
#21-1547 Dingwall Road  
Courtenay, BC V9N 3S8  
250-334-3340

**A. Financial Payout Package**

1. Tenants will receive financial compensation based on the number of years they have been a tenant at 1582 Balmoral Ave:

**One Month\* rent PLUS:**

- i. 4 months' rent for tenancies up to 5 years;
- ii. 5 months' rent for tenancies over 5 years and up to 10 years;
- iii. 6 months' rent for tenancies over 10 years;

This can be applied to monthly rent, be a lump sum payment, or a combination of both.

The method of compensation is at the sole discretion of the society, but the tenant may express his/her preference.

\*CVAHS expressly notes that the Financial Payout Package to tenants is inclusive of one month's rent payable as per section 51 (1) of the *Residential Tenancy Act*.

2. The society realizes the potential added costs to the tenant and will provide a lump-sum payment of \$250.00 to help cover their moving costs, etc.
3. If a tenant received a 4-month notice to end tenancy and moves out prior to the end of the second month (prior to vacate date on the 4-month notice to end tenancy) they will receive an early move-out incentive of
4. \$100.00

**B. Eligible tenants will be offered the option of assistance with identifying alternate housing options. In all cases CVAHS will take efforts to minimize disruption to the existing resident, and offer as much additional support as possible during the transition – incl. but not limited to:**

- i. Assistance with the Provincial SAFER application forms and processing; where appropriate.
- ii. Partnering with health organizations, and other Non-Profit services and government agencies; where applicable.
- iii. Working with the tenant, family, and other supports, to ensure as smooth a transition as possible.

Tenants who do not want to be provided with relocation assistance shall provide written confirmation as such. Some tenants have already decided on alternate accommodation.

**C. In cases where the tenant moves out prior to receiving a notice to end tenancy from CVAHS, that tenant is still entitled to the full financial compensation they are eligible for under the CVAHS Tenant Relocation Plan. In cases where tenants leave the building prior to receiving a**





Comox Valley Affordable Housing Society  
#21-1547 Dingwall Road  
Courtenay, BC V9N 3S8  
250-334-3340

notice to end tenancy from CVAHS, those tenants are still entitled to insured moving company assistance or lump sum moving expense payments under the CVAHS Tenant Relocation Plan.

- D. CVAHS will offer a mutual agreement to end tenancy to tenants – in which case the tenant will be eligible for all compensation and incentives as applicable.
- E. CVAHS procedure for Ending Tenancies must comply with all rules under the Residential Tenancy Act. Under the BC Residential Tenancy Act (RTA) Section 49(6)a: – there are two ways to end tenancies for the purpose of Demolition. A notice to end tenancy or a mutual agreement to end tenancy.
- A 4-month Notice to End Tenancy may not be issued until all Town permits are issued (e.g. Development Permit, Building Permit, Demolition Permit)
  - A tenant will have 4-months from the date of issue on the Notice to End Tenancy to move out.
  - Mutual Agreement to End Tenancy signed by both parties.
- F. Tenants will be offered tenancy in the new building, provided they meet the eligibility requirements for the new social housing units. If the project also includes secured rental, they will also be offered tenancy in market rental units. This will be under a new tenancy agreement, rules, etc. and at the new rates, as set for the building.
- G. CVAHS will submit to Town staff regular status updates showing evidence that the Tenant Relocation Plan is being implemented. Status updates should provide information updating the Planner on all aspects of implementation of the Tenant Relocation Plan, including but not limited to:
- Information on tenants moving into extended or assisted living.
  - Information on tenants moving in with friends and family.
  - Samples of communications with tenants.
  - Total compensation provided for each tenant.
  - Options provided for tenants who need alternate housing.
  - Results of relocation assistance and details of any additional assistance that may be provided to tenants.
  - Monthly rent amounts in new units.
  - Move out dates and proof of end of tenancy.
  - All information will be provided ensuring adherence to the Freedom of Information and Protection of Privacy Act. (FOIPPA)

Sincerely,

Ann Janssen

Administrator, CVAHS

215 Pritchard Road, Comox, B.C. V9M 2N3

[grahamargyle@icloud.com](mailto:grahamargyle@icloud.com)

250 339 1111

Tuesday 23<sup>rd</sup>. July 2020

Mayor and Council and Corporate Officer  
Town of Comox  
1809 Beaufort Avenue  
Comox, B. C.  
V9M 1R9

**RECEIVED**

**Jul. 23, 2020**

**TOWN OF COMOX**

By email to:  
town@comox.ca  
Copy by email to:  
Comox Valley Affordable Housing Society  
CVAH@shaw.ca

Dear Mayor and Council and Corporate Officer,

Re: DVP 20-6 Cypress Gardens Proposed Development

LOG: 20-288	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

Thank you for your notice of the above proposal, which arrived in the morning of Monday 22<sup>nd</sup> July, 2020. We are also in receipt of a pamphlet by the Comox Valley Affordable Housing Society.

We support the continued land use for affordable housing. It is an essential and needed component in the housing mix. Nonetheless, we have concerns about the planning process.

Please be advised Graham Argyle of 215, Pritchard Road, Comox, B.C., V9M 2N3 asks to appear as a delegation in the Council Chambers at 5.30p.m. on August 5th. 2020.

We have now seen drawings of this proposal, which we believe will introduce a unique and new architectural form with a much larger size of massing against the established residential scale. Architecturally, the flat-roofed three floor proposal will not fit in.

From our perspective, there are absent clause definitions in the PA1.2 Public Assembly/Housing Zoning, when compared to the surrounding R1.1 Single-Family Zone, and for that matter, any multi-family Zoning in Comox.

It is as if residents of affordable housing, from a Comox Zoning Bylaw perspective, are not seen in the same light by the Town as other Comox residents, giving proponents a carte-blanche on far too many planning, design and development aspects, including any density and now any parking.

The Official Community Plan in 2.1.3 *Downtown Comox* states "New buildings or major renovation of existing buildings in neighbourhood commercial areas shall be in keeping with the scale of the adjacent residential neighbourhood." Surely, this sentiment is even more true of affordable housing in a single-family residential area. We believe the residents of DVP 20-6 will want to fit into the character of our community rather than be institutionalised by the form of their housing.

There is no mention of site coverage in the PA1.2 Public Assembly/Housing Zone. This is because the Zone assumes a wide variety of land uses. It is a major weakness of the PA1.2 Bylaw. Consequently, the Town is vulnerable to any development proposal. Comox should provide leadership to any development application in this Zone, coupled with a defensible public process. The PA1.2 Bylaw favours the proponent not the residents or future residents of Comox.

We would support a height restriction of two floors with a maximum height of 8 metres and allowing for a pitched roof in this PA1.2 Public Assembly/Housing Zone. This meets the spirit of the Official Community Plan.

We believe there are enough questions about the proposal to require a public hearing, although we understand that this can be waived by Council under certain defined circumstances. We believe this proposal is not such a defined circumstance.

We ask that Council review the DVP 20-6 proposal and it be given a planning process that includes advice from a Town of Comox Design Panel and includes a public hearing.

We will not offer comment on the choice of Cypress Avenue for vehicular access to the DVP 20-6 site. This access proposal benefits our property and we would want the choice to remain. However, there is the issue of “pick-up and drop-off.”

Because of the close proximity of our driveway (required to be 20metres back from Pritchard Road), we have experienced difficulties for ourselves and the d’Esterre residents, who are presently being picked up and dropped off on Balmoral Avenue by friends, relatives and especially by “Handydart” and taxis. The proposed additional units will bring a greater demand for on-site “pick-up and drop-off” parking. A lower density on two floors, would reduce this demand.

As yet, we have not seen how the proposed parking would be screened by landscaping, particularly on the east property line of DVP 20-6. We look forward to that information.

In recent months, we understand both Council and staff have risen to the challenges of working for our community in very trying times. We thank all of you. However, it is hard to understand why this planning process is so rushed. It also raises a pertinent and timely design question, asking if the proposed cellular rooms with internal corridors and no outside access to each unit in a high-density facility is a wise plan form. It will not isolate residents.

We trust this process and the proposal can be properly resolved.

Warm regards,

W. G. Argyle

W. Graham Argyle  
Retired Architect

L. M. Argyle

Louise M. Argyle  
Retired Human Resources Manager

Ian Moul  
1585 Birch Ave.  
Comox, BC  
V9M 2N5

LOG: 20-287	REFER:	AGENDA:  RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

**RECEIVED**

29 July 2020

With regards to DVP 20-6      **Jul. 29, 2020**

Mayor and Council,

## TOWN OF COMOX

I wish to be very clear that I support housing for low income seniors and seniors with disabilities in this neighbourhood. I have lived across the street from the subject property for fourteen years and have enjoyed the daily contact I have with the residents. I strongly support construction of a new and appropriate building for seniors on this site.

On 27 July I received a notice from the Town of Comox with regards to DVP 20-6 and proposed variances for onsite parking and street width. This notice included a link that allowed me to view a site plan and concept of the building design. I viewed the plans and compared this with the Town of Comox Official Community Plan (OCP) for Development Permit Area DPA#3 (see attached clips from DPA#3).

It appears to me that the building proposed for this site fails to address numerous Building Guidelines in the OCP.

I called and spoke on the telephone with Town Planner, Elliot Turnbull about interpretation of design criteria in the OCP. Mr. Turnbull listened to my questions and several times reminded me that my comments were my own opinion and that he and other staff have different opinions.

I am a highly educated environmental professional who has practiced in the Comox Valley for over 30 years. I chaired an Advisory Planning Commission in another jurisdiction for seven years. I have contracted Architects and managed multi million-dollar construction projects. I have experienced the detail by which Planners interpret zoning By-laws and OCP's. I believe that I have enough knowledge and experience to offer some valid judgement and interpretation of the Comox OCP.

By allowing this project to proceed with the design presented, you 'lower the bar' and set a precedent that essentially rips up the OCP. Approval of this proposed building creates an atmosphere of mistrust between the Town governance and local residents; it makes mockery of all the community effort that went into developing OCP guidelines for maintaining local neighbourhoods.

Towards the end of my conversation with Mr. Turnbull, he said words to the effect that this building was for seniors of low incomes and there were budget constraints on what could be built for them. I suggested that low income seniors and people with disabilities deserve a building that reflects the design criteria of the OCP. Mr. Turnbull again reminded me that this was my opinion. **It is my opinion that it is ethically irresponsible for a Planner to give special consideration to any applicant based on their budget.**

It is my opinion that this building proposal is well out of step with any reasonable interpretation of the OCP. I urge Council to table any decision on variances until Comox Valley Affordable Housing Society resubmits a proposal that comes much closer to meeting the OCP design guidelines. I suggest a two story, peaked roof building would fit well in this neighbourhood.

Respectfully,



Ian Moul

Clips from:

### Comox Official Community Plan Development Permit Area #3

#### 3.3.5 Guidelines

Use of the word “should” in a guideline does not indicate that compliance is at the option of the applicant. Rather compliance to the guideline will be required as a condition of issuance of a development permit unless there are exceptional reasons why the guideline should not be applied to its fullest extent.

#### 3.3.5.2 Building Guidelines

- 2) Buildings over 1 storey should be massed to reduce the appearance of the height and increase ground floor weight through terracing or tapering of building mass and roof lines;
- 3) Building design should reflect a residential character. Sloping rooflines and extensive use of gables and dormers are encouraged;
- 4) To maintain a residential scale, a major break in the building form should be incorporated into the architecture at least every 15 metres;
- 5) Overall building character should convey permanence, provide visual interest at the pedestrian level, and avoid monotonous or overbearing character. . .
- 7) Where a building is adjacent to a street, its principal elevation should be orientated to the street and designed in such a manner as to promote a lively, energetic, pedestrian-oriented, streetscape. . .
- 11) Buildings should provide visual privacy between units and also between private amenity spaces such as balconies and patios;

#### 3.3.5.3 Integration with the Existing Development

- 2) Building character should be compatible with surrounding development;

#### 3.3.5.6 Open Space

- 3) Apartments should have an outdoor amenity space area not less than 5.0 square metres for each residential unit. The design of the outdoor amenity area should provide for sunlight exposure but should not be located within the required front yard;
- 4) In addition to the apartment outdoor amenity area, each apartment unit should provide a deck, patio, or balcony with a minimum area of 5.0 square metres,

Devorah Peterson  
1585 Birch Ave.  
Comox, BC  
V9M 2N5

O - Cfile: 3090-20/DVP 20-06  
Copies - Council  
- JW/MK/Lia

July 27, 2020

Dear Mayor and Council,

Re: DVP 20-6

LOG: 20-286	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

**RECEIVED**

Jul. 29, 2020

**TOWN OF COMOX**

I am writing in regards to the Cypress Gardens proposed development. I live close to the site and have serious concerns about the development, not only for what it means for the neighbourhood but especially for the seniors and people with disabilities who live there now and those who would be moving into the new building.

I am a Registered Clinical Counsellor with a Masters degree in Counselling Psychology. Besides being a therapist, I have taught a course on Counselling Seniors for nearly twenty years. I know that seniors, like everyone, need to feel comfortable and valued. Living in a tiny apartment with no balcony in a boxy 52 unit building is not how seniors (or people with disabilities) thrive and it gives a message that they are not worth better. Would you want to live there? Would you want your parent living there?

The patio home concept, which is what they have now, is ideal as they do not need to deal with elevators or hallways and can step out of their doors to green space (which has been proven to have enormous benefit for well-being) and community. (It is also far safer in terms of transmission of disease.)

Many of the tenants enjoy walking along Cypress Avenue and talking with neighbours. This neighbourhood has a lovely community feeling which would be destroyed if there is more parking and traffic. The present tenants I have spoken with are distressed, anxious, and saddened about the new style of building and the losses they would face in terms of their ease, dignity, and life satisfaction.

If it is impossible to renovate the suites that are there now or if it is not feasible to build new patio homes, I would recommend a nicely designed two floor building with sloped roofs and outside entrances. This would fit well in the neighbourhood and provide pleasure and ease to those who live there. Moreover, it would give the tenants the message they are worth it.

I ask that Council stand by the official Town plan and consider more than what is "cost effective" and "efficient." Please seriously consider the dignity of the tenants of the building and the effects on the neighbourhood and community.

Thank you for your time and consideration.

Sincerely,

Devorah Peterson, M.Ed., RCC

July 30, 2020

LOG: 20-291	REFER:	AGENDA: RCM
FILE: DVP20-06 3090-20	ACTION: File	05AUG20

RECEIVED

JUL 30 2020

Dear Sirs:

Re: Development Permit Application TOWN OF COMOX  
DVP20-6

In accordance with the information recently received from the Town of Comox regarding 1582 Balmoral Avenue I wish to make the following comments:

Sidewalks

If any Comox Council members have physically walked Cypress Avenue they would realize that Cypress Avenue is more like a back lane that has been paved with the properties on the North side having their back yards facing onto Cypress Avenue. At one time I suspect Cypress Avenue was probably just a gravelled back lane. On the South side there are at least eight maple & fir trees which are nearly 100 feet high. I can't imagine putting in a sidewalk without removing these beautiful trees roots and all! There are no large trees on the North side! I have lived here for three years and can testify that Cypress is rarely used and the elderly people who currently live at 1582 Cypress never use it. The only people that I can see from my window are cyclists and the odd walker. Putting in sidewalks and messing with the pavement width is a waste of money as even those on scooters because of the lack of traffic would use the road anyway! Surely the "Cypress Gardens" complex would provide access to Balmoral Avenue for anyone wishing to walk on sidewalks!

Parking

I understand that Cypress Gardens on the original plans had parking spaces for 65 stalls. My understanding

→ over →

is that you now want to reduce it to 19 total. There are sixteen units presently on the property and most of them have cars and three or four of them now park on Balmoral Avenue. I have two friends who live in low cost seniors housing and lack of parking space is always a problem. If the Town of Comox is concerned about the number of people who will be left to park on Balmoral Avenue then cut down on the number of units that are planned to be built.

As I have said I have two friends in low cost senior housing and in both of these buildings there has been trouble with tenants that smoke. They are not allowed to smoke in their units so the tenants that smoke take benches, chairs, etc outside the building under the eaves alongside the entrance very near the parking area where they generally make a mess and bother people wanting to enter or leave the building. If the Comox Valley Affordable Housing Society want to do something smart, build an enclosed area for the smokers so they don't bother others.

Respectfully submitted

Sandra Forsyth  
#5-1600 Balmoral Avenue  
Tel: (250) 941-1022



## Town of Comox – Administration

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**From:** Lia Pesklevits  
**Sent:** July 30, 2020 2:51 PM  
**To:** Shelly Russwurm: Town of Comox; Town of Comox – Administration  
**Subject:** FW: DVP 20-6 (proposed Cypress Gardens Seniors Affordable Housing project)

---

**From:** KATHRYN SILCOX <katsilcox@shaw.ca>  
**Sent:** July 30, 2020 12:05 PM  
**To:** council <council@comox.ca>  
**Subject:** DVP 20-6 (proposed Cypress Gardens Seniors Affordable Housing project)

Kathryn Silcox  
1609 Cypress Avenue  
Comox, BC  
V9M 2N4

LOG: 20-289	REFER:	AGENDA:  RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

**RECEIVED**

Jul. 30, 2020

**TOWN OF COMOX**

Dear Mayor and Council,

Thank you for taking the time to read this letter. As you can see, I am a resident of Cypress Avenue which is on the north boundary of the proposed project, Cypress Gardens. Elliot Turnbull was kind enough to send me a copy of the DVP and architects' perspectives.

Initially, I had a very positive reaction to the drawings. The proposed building is not completely out of sync with the miscellaneous design elements around the neighbourhood and incorporates a somewhat modern or contemporary look. I found various other features appealing as well. Additionally, the site offers accessibility and convenience to downtown which is sure to be enjoyed by future tenants. However, some of our surrounding area residents are concerned that OCP guidelines are not being adhered to. I trust this is not the case and that it is not the intent of the town to ignore local input.

For many years, Cypress Avenue has offered a uniquely quiet and attractive (green) lane way enjoyed by pedestrians, cyclists, and dog walkers. These attributes are what attracted me to this neighbourhood in the first place. It's what inspires me to cultivate and maintain the gardens in and around the front yard. I'd like to believe that preservation will play an equally important role in future planning and development if it becomes necessary to consider widening Cypress Avenue. Meanwhile, the building of Cypress Gardens will soon get underway and this is sure to result in increased traffic due to construction activities. It's been suggested the grassy area on the south side of Cypress Avenue (adjacent to Balmoral Manor patio homes) should have some protection. There are a number of mature trees which could be damaged if construction crews use this area for parking and/or storage of materials. With conservancy in mind, perhaps this park-like area could house some benches for seniors to enjoy.

Again, thank you for your consideration.

Kathryn Silcox

David and Dr. Victoria Willis  
A-235 Pritchard Rd  
Comox, BC  
V9M 2N3

July 30, 2020

LOG: 20-290	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

**RECEIVED**

Jul. 30, 2020

**TOWN OF COMOX**

Dear Mayor Arnott and Council,

This letter is in response to Development Variance Permit Application DVP 20-6. We would like to thank council for the opportunity to provide input into this decision. We enjoy being neighbours with the residents of d'Esterre Gardens and we support the objective of the CVAHS in the redevelopment proposal for 1852 Balmoral, however we believe the implementation plan as well as the process for this redevelopment are flawed and warrant a more transparent review by council and town residents. We have specific concerns with the DVP application, and we also have broader concerns with the development plan, all of which could be addressed via a more inclusive and transparent review and planning process.

Specifically, our concerns with the DVP application 20-6 are:

- The DVP application for Sections 5.20(19)(a) and 6.15(3) provides no information on how the 300%+ increase in parking demand as well as other vehicle traffic (e.g. visitors, taxis, Handi-Darts, delivery vehicles, etc.) will be addressed. I assume that those sections of Zoning Bylaw 1850 exist for good reason, so it is completely unclear to us how the expected increase in parking will be mitigated in the absence of 46 required parking stalls (only 19 proposed instead of 65 as required by Bylaw 1850). It is reasonable to expect that the neighborhood will be impacted by vehicles driving and parking in other locations off of the d'Esterre Gardens property. Cypress Avenue is a narrow street and safely handle on-street parking of this magnitude. No mitigation plan for this issue has been made available, leading us to believe that it has not been properly considered.
- The DVP application for Sections 6.11(1)e and 6.12(5)(a) seem to only be required because the developer is trying to fit more onto this site than would be otherwise be accommodated under existing development bylaws. More vehicles in less space will only increase parking and vehicle issues on Cypress Ave and elsewhere in the neighbourhood. The added vehicle traffic as well as visual obstruction from increased offsite parking will render our yard on the Cypress side less safe for children and seniors that use Cypress to walk, including our young daughter.

In addition to our concerns with the DVP 20-6 that is under review on August 5, we have broader concerns with this development. The OCP for our block is identified as "Townhouse and Ground Oriented Infill", so when we moved here we did not anticipate construction of a 3 storey building directly beside us as a possibility. The box-like 3 storey apartment building being proposed does not fit the character of the neighbourhood and is certainly out of step with the spirit of the OCP.

Notwithstanding amendment 2.1.2.3 (i) to the OCP (which was made in 2011 despite significant opposition from the community), the current proposal fails to meet most of the standards outlined in the OCP for multi-family housing amongst ground oriented infill and single family

David and Dr. Victoria Willis  
A-235 Pritchard Rd  
Comox, BC  
V9M 2N3

housing (e.g. # of storeys, building size, building design, character). The fact that our current view of the mountains and glacier over the roofs of our neighbours will completely disappear is extremely disappointing to us, as is the loss of privacy from third storey apartments that will look into our yard and house. This should not even be an issue based on the DPA #2 guidelines for this block.

In addition to our concerns with the actual Development and DVP application, we also feel challenged by the haste of this process. It appears to us that the priority is on “get it done fast”, instead of “get it done right”. This DVP application, if approved, would have significant negative effects on our quality of life, safety, as well as the character of the neighborhood that attracted us here in the first place. It is not reasonable to expect meaningful input from local residents in such a short time frame next to a long weekend in the summer.

We strongly recommend that council table this DVP application so that there is the ability for more meaningful review of the entire project by Council and the community, ideally through a Public Hearing. We fully support redevelopment of the d’Esterre Gardens site to accommodate increased affordable housing for seniors, and trust that the CVAHS can find “win-win” solutions instead of the current “win-lose” scenario that has been presented to the local residents. A 2-storey building that better fits with the others in the neighbourhood and that better aligns with the Town’s existing OCP would be one suggested approach.

Sincerely,



David and Victoria Willis

RECEIVED

JUL 31 2020

O-File: 3090-20/DVP20-06  
Copies - Council  
- JW/MK/Lia

30 July, 2020

TOWN OF COMOX

Town of Comox

Mayor and Council

Re: DVP 20-6

LOG: 20-297	REFER:	AGENDA: RCM
FILE: 3090-20/ DVP-20-06	ACTION: File	05 AUG 20

The Development Variance Proposal intends to reduce the number of off-street parking spaces from 65 to 19 which includes 6 visitor and 3 accessible: ie 10 spaces for vehicle parking and scooter parking is shown at 6.

Typically, the existing 16-unit complex has had 8 automobiles using 7 spaces off Cypress and 1 off Balmoral Ave. There were also 4 electric scooters and 1 bicycle and 1 tenant using transit for transportation to and from work. 75% of the tenants had automobiles and 25% with scooters requiring a place to park.

The brochure put out by Seniors Affordable Housing states that "we have significant data that shows lower income seniors are driving vehicles less." It appears someone forgot to tell those at 1582 Balmoral. Does this data come from studies of high-density urban properties served by multi-million dollar transit systems going to any desired location?

Increasing the rental units 325% to 52 from 16 and providing only 2 more car and 2 scooter on site spaces can only result in a very chaotic street parking situation. Add in the narrowing of an unlit Cypress avenue only acerbates the situation. (The nearest lamp standard for night lighting is on Pritchard between Cypress and Birch). Picture - 5 pm December 22<sup>nd</sup> blowing a full gale and a parked car door opening into the path of a bicycle, scooter or even a car...

Bottom line, provide adequate and safe on-site parking as any other developer would be required to do, and leave the rest of the landscape alone.

  
Ray Uhl owner

Unit 6 - 1600 Balmoral Ave.

Comox

V9M 2N2

250-339-0454

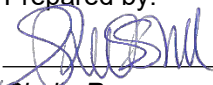





**TOWN OF COMOX**  
REGULAR COUNCIL MEETING

**STAFF REPORT**  
Meeting Date: Aug. 5, 2020

<b>TO:</b> Mayor and Council	<b>FILE:</b> 0550-01
<b>FROM:</b> Shelly Russwurm, Corporate Officer	<b>DATE:</b> July 30, 2020
<b>SUBJECT:</b> Proposed New Council Procedure Bylaw	

Prepared by:  Shelly Russwurm, CO	Supervisor: _____	Financial Approved: _____ Clive Freundlich, Fin. Director	Report Approved:  Jordan Wall, CAO
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**RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:**

1. That the Comox Council Procedure Bylaw No. 1960, 2020 be given First Reading.
2. That the Comox Council Procedure Bylaw No. 1960, 2020 be given Second Reading.
3. That the Comox Council Procedure Bylaw No. 1960, 2020 be given Third Reading.

**ALTERNATIVES TO THE RECOMMENDATIONS**

Council may wish to provide direction on amendments to the proposed Comox Council Procedure Bylaw No. 1960, 2020. If this is Council's desire, it should first adopt a resolution as follows:

1. That the proposed Comox Council Procedure Bylaw No. 1960, 2020 be amended as follows:
  - a. suggested amendment a,
  - b. suggested amendment b. etc.

Council can then proceed with passing First, Second and Third Readings as per the recommendations above.

**PURPOSE**

To present new Council Procedure Bylaw for Council and Council Committee meetings, and to recommend that Council proceed with First, Second and Third Readings.

**STRATEGIC PLAN LINKAGE**

Council meeting procedures falls under one of Council's Core Services, to ensure strong governance and administration. Adoption of a Council procedure bylaw also ensures that Council meets the legislative requirement of outlining Council and Council Committee meeting procedures by bylaw.

**BACKGROUND**

Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business. Such

bylaws establish procedures for the conduct of meetings and for the general conduct of Council members. Procedure bylaws must:

- establish rules of procedure for Council and Council Committee meetings, including how resolutions may be passed and bylaws adopted;
- provide for the taking and certifying of minutes at meetings;
- provide for giving advance public notice of meetings;
- identify places to post public notices issued by the Town;
- establish the procedure for designating a Council member as the acting Mayor; and
- identify a day, within the first ten days of November, for the first Regular Council Meeting following a general local election.

Council may include other matters in a procedure bylaw, provided they do not conflict with other procedures or requirements set out in the *Community Charter* or other legislation,.

At its June 17, 2020 Regular Meeting, Council passed a resolution as follows:

*THAT the Comox Council Procedure Bylaw, 2009 be updated to replace Committee of the Whole Meetings with Strategic Planning Meetings.*

Since Council's current procedure bylaw has been in place since 2009 and amended many times, staff have taken this opportunity to propose an entirely new bylaw that not only incorporates the above resolution but also incorporates a number of other procedural and housekeeping changes.

## **ANALYSIS AND AMENDMENTS**

The proposed Comox Council Procedure Bylaw No. 1960, 2020 (the proposed Bylaw) includes a number of procedural changes as follows (reference to specific sections in the proposed Bylaw):

- a. A name change of Committee of the Whole meetings to Strategic Planning Committee meetings – sections 2, 3, 7, 8 and Part VI;
- b. Clarification of the process to call a Special Council Meeting – section 6;
- c. Elimination of the reference to specific dates of meetings, and replacement with the requirement to establish and adhere to a schedule of meetings – sections 7 and 8;
- d. Addition of a procedure to follow if both the Mayor and Acting Mayor are absent from a meeting – section 10;
- e. Addition of the provision to hold a Special Council meeting electronically – section 13;
- f. Elimination of many of the conditions of electronic participation in meetings – section 13;
- g. Clarification of the process to follow if there is no quorum present for a meeting - 15;
- h. Establishment that new items of business at a meeting be approved by unanimous consent of Council – section 16;
- i. Addition of a Consent Agenda definition and a provisions, as well as addition of a Consent Agenda as an agenda item for Regular Council Meeting agendas – sections 2, 17 and 18;
- j. Addition of a Resolution to Close the Meeting to the Public and a Rise and Report section as agenda items for Regular Council Meeting agendas – section 18;
- k. Clarification of the Mayor's discretion to refuse to schedule a delegation on the agenda, and of the process to appeal the Mayor's decision – section 19;
- l. Addition of a procedure to follow when the Mayor's decision on a point of order is appealed by a member of Council – section 22;
- m. Clarification of the process to introduce a notice of motion – section 25;
- n. Addition of processes for the reconsideration of a resolution by Council members or the Mayor section sections 27 and 28; and
- o. Addition of provisions for the establishment of a Strategic Planning Committee and the conduct of Strategic Planning Committee meetings – sections 33 and 34.

The proposed Comox Council Procedure Bylaw No. 1960, 2020 is attached as Appendix A. The current Consolidated Comox Council Procedure Bylaw, 2009 is also attached as Appendix B for comparative purposes.

**a. Applicable Policies and Legislation**

Related legislation, bylaws and policies include the following:

- *Community Charter*, Division 2 of Part 5 [Municipal Government and Procedures]
- Council Policy CCL-001 Delegations to Council
- Council Policy CCL-010 Principles of an Effective Council Structure – Committees

**b. Legal**

Not applicable.

**c. Financial**

In accordance with section 124(3) of the *Community Charter*, a procedure bylaw must not be amended, or repealed and substituted, unless Council first gives notice describing the proposed changes in general terms. The regular fees will be incurred in advertising in the local newspaper.

**d. Intergovernmental**

Not applicable.

**e. Public Relations**

In accordance with section 124(3) of the *Community Charter*, notice of the proposed repeal and adoption of a new procedure bylaw will be advertised in two editions of the local newspaper. The notice will also be posted on the Public Notice Board and on the Town's website and Facebook pages.

**GOVERNANCE CONSIDERATIONS**

Q: The proposed Bylaw is a fairly significant rewrite of the existing Council Procedure Bylaw. Is it required at this time?

A: It is not required for Council to adopt a new bylaw at this time. However, an amendment is required to replace Committee of the Whole meetings with Strategic Planning Committee meeting, which will require the same financial and procedural steps as a complete rewrite.

Q: When can Council hold its first Strategic Planning Committee under the proposed Bylaw?

A: The expected timeline for adoption of the proposed Bylaw is as follows:

- August 5 – first three readings
- August 12 and 19 – required advertising in local newspaper
- September 2 – adoption of proposed Bylaw.

This timeline will allow for Council's first Strategic Planning Committee meeting, currently scheduled for September 9.

*Attached: Appendix A – Proposed Comox Council Procedure Bylaw No. 1960, 2020  
Appendix B – Current Consolidated Comox Council Procedure Bylaw, 2009*

**TOWN OF COMOX****BYLAW NO. 1960****A BYLAW TO ESTABLISH PROCEDURES FOR THE ORDER AND CONDUCT OF  
COUNCIL AND COUNCIL COMMITTEE MEETINGS**

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**TOWN OF COMOX**

**BYLAW NO. 1960**

**A BYLAW TO ESTABLISH PROCEDURES FOR THE ORDER AND CONDUCT  
OF COUNCIL AND COUNCIL COMMITTEE MEETINGS**

---

WHEREAS Section 124 of the Community Charter prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

**PART I -- INTRODUCTION**

**1. Title**

This Bylaw may be cited as the "Comox Council Procedure Bylaw No. 1960, 2020".

**2. Definitions**

In this Bylaw, unless the context otherwise requires,

- (a) "Acting Mayor" means the Council member appointed by Council resolution, responsible for acting in the place of the Mayor, when the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant.
- (b) "Agenda" means the list of items and order of business for any meeting of Council or Council Committee.
- (c) "Consent Agenda" means a portion of a meeting that lists items of business that are routine in nature and do not require substantial discussion and/or debate.
- (d) "Corporate Officer" means the Corporate Officer for the Town of Comox, as appointed under section 148 of the *Community Charter*.
- (e) "Council" means the Council of the Town of Comox.
- (f) "Council Chambers" means the regular meeting place of Council, located at 1801B Beaufort Avenue, Comox, British Columbia.
- (g) "Council Committee" means a Select or Standing Committee of Council established in accordance with the *Community Charter*, or any other committee, task force, commission, authority or board.

- (h) “In-Camera Meeting” means a meeting or portion of a meeting that is closed to the public.
- (i) “Inaugural Meeting” means the Regular Council Meeting at which the Members elected at the most recent general local election are sworn in.
- (i) “Member” means the Mayor or a Councillor, or another person appointed to a Council Committee.
- (j) “Mayor” means the elected mayor of the Town of Comox.
- (k) “Participate Electronically” means participation in a Council or a Council Committee meeting, by a member, through the use of audio, audiovisual, electronic or other communication facilities, that
  - (i) enables all members to hear and speak with each other, and
  - (ii) enables the public to hear the member participating electronically during that part of the meeting that is open to the public.
- (l) “Public Notice Posting Place” means the notice board located inside Comox Town Hall (main level) and the notice board immediately outside the main door of the Comox Town Hall.
- (m) “Regular Council Meeting” means a regularly scheduled Council Meeting.
- (n) “Special Council Meeting” means a Council meeting other than a Regular Council Meeting.
- (o) “Strategic Planning Committee” means a Council Committee composed solely of all members of Council.
- (p) “Town” means the Town of Comox.
- (q) “Town Hall” means the Comox Town Hall, located at 1809 Beaufort Avenue, Comox, British Columbia.
- (r) “Town Website” means the information resource found at <http://comox.ca>.

### **3. Application of the Rules of Procedure**

- (1) The provisions of this Bylaw govern the proceedings of Council and Council Committee meetings.
- (2) In cases not provided for under this Bylaw, the *Community Charter* or the *Local Government Act*, the most recent edition of the Robert’s Rules of Order Newly Revised apply to the proceedings of Council and Council Committee meetings to the extent that those Rules are applicable in the circumstances.

#### **4. Suspension of the Rules of Procedure**

The rules of procedure contained in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by a unanimous vote of the members present.

### **PART II -- COUNCIL MEETINGS**

#### **5. Inaugural Meeting**

- (1) Following a general local election, the first Regular Council Meeting must be held on the first Wednesday in November in the year of the election.
- (2) If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

#### **6. Special Council Meetings**

- (1) The Mayor may call a Special Council Meeting in his or her discretion.
- (2) Two or more Council members may, in writing, request that the Mayor call a Special Council Meeting.
- (3) Two or more Council members may themselves call a Special Council Meeting if,
  - (a) within 24 hours after receiving a request under subsection (2), no arrangements are made by the Mayor for a Special Council Meeting to be held within the next 7 days, or
  - (b) both the Mayor and the Acting Mayor are absent or otherwise unable to act.
- (4) If a Special Council Meeting is called under subsection (3), the Council members calling the meeting or the Corporate Officer must sign the notice of meeting in place of the Mayor.

#### **7. Time and Location of Meetings**

- (1) All Council meetings normally take place within Council Chambers.
- (2) Despite subsection (1), and subject to subsection (3), Council may meet at a place other than Council Chambers.
- (3) Where a Council meeting is to be held at a place other than Council Chambers, the Corporate Officer will post a notice as to the alternate location at the Public Notice Posting Place.

- (4) Regular Council Meetings must
  - (a) be held in accordance with the schedule of meetings, as approved by Council; and
  - (b) adjourn within three (3) hours on the day scheduled for the meeting, unless Council resolves to proceed beyond that time.
- (5) Despite subsections (1) and (4), the Corporate Officer may, in consultation with the Mayor and the Chief Administrative Officer, cancel, postpone or reschedule a Regular Council Meeting, and establish a different day, time or place for that meeting.

## **8. Schedule and Notice of Meetings**

- (1) Council will prepare annually a schedule of the dates, times and places of Regular Council meetings and any regularly scheduled Strategic Planning Committee meetings.
- (2) The schedule of meetings shall be made available to the public by posting it at the Public Notice Posting Place by January 2 of each year.
- (3) Notice of the availability of the schedule of meetings shall be published annually on or before December 31 in accordance with section 94 of the *Community Charter*.
- (4) Where revisions are necessary to the schedule of meetings in accordance with subsection 7(5), the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a meeting.

## **9. Notice of Special Council Meetings**

- (1) Except where notice of a Special Council meeting is waived by unanimous vote of all Council, a notice of the date, time and place of a Special Council meeting must be given at least 24 hours before the time of meeting, by
  - (a) posting a copy of the notice at the Public Notice Posting Place, and
  - (b) providing one copy of the notice for each Council member.
- (2) The notice under subsection (1) shall state the Agenda of the meeting, unless closed to the public, and be signed by the Mayor or the Corporate Officer.

## **10. Designation of Member to Act in Place of Mayor**

- (1) At the Inaugural Meeting and from time to time as required, Council must, from amongst its members, designate one or more Councillors, by Council resolution, to serve on a permanent or rotating basis as Acting Mayor.

- (2) Each Councillor designated under subsection (1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and Acting Mayor are absent or otherwise unable to act,
  - (a) the Corporate Officer shall call the meeting to order; and
  - (b) Council members present must choose, by Council resolution, a Councillor to preside at the Council meeting.
- (4) The member designated under subsection (1) or subsection (3)(b) has the same powers and duties as the Mayor in relation to the applicable matter.

#### **11. Attendance of Public at Meetings**

- (1) Except where the provisions of section 90 of the *Community Charter [Meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter [requirements before Council meeting is closed]*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter [application of rules to other bodies]*.
- (4) Despite subsection (1), the Mayor or the Acting Mayor may expel or exclude from a Council meeting a person in accordance with subsection 23(8) of this Bylaw.

#### **12. Minutes of Meetings**

- (1) Minutes of the proceedings of Council must be
  - (a) legibly recorded,
  - (b) certified as correct by the Corporate Officer, and
  - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) The names of members Participating Electronically shall be recorded in the minutes.
- (3) The results of each vote on a motion shall be recorded in the minutes, including the name of any member of Council who voted in the negative on any question.

- (4) Subject to subsection (5), and in accordance with section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* the minutes of the proceedings of Council must be open for public inspection at Town Hall during its regular office hours.
- (5) Subsection (4) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter [Meetings that may or must be closed to the public]*.

### **13. Electronic Meetings and Electronic Participation in Meetings**

- (1) A Special Council Meeting may be conducted by means of electronic or other communication facilities, provided
  - (a) the notice under section 9 [Notice of Special Meetings] includes notice of the way in which the meeting is to be conducted and the place where the public may attend to hear the proceedings that are open to the public; and
  - (b) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place.
- (2) A member of Council or of a Council Committee, who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may Participate Electronically, provided
  - (a) the member is unable to be present at Council Chambers for reasons due to absence from the Town or health reasons, or with permission of Council;
  - (b) the member is able to provide their own audio, audiovisual, electronic or other communication facilities;
  - (c) the communication facilities enable the meeting's participants to hear, or watch and hear, each other;
  - (d) except for any part of the meeting that is closed to the public, the communication facilities enable the public to hear, or watch and hear, the participation of the member; and
- (3) A member Participating Electronically is deemed to be present in the meeting as though they were physically present.
- (4) The Mayor or Acting Mayor, who is presiding at a Regular Council Meeting, must not Participate Electronically. If the Mayor or Acting Mayor requests to Participate Electronically,

- (a) the Corporate Officer must call the meeting to order; and
- (b) Council must choose, by Council resolution, a member to preside at the meeting.
- (5) A member Participating Electronically must inform the presiding member when they join and leave the meeting.
- (6) A member who is Participating Electronically by audio communication means only must vote by audibly stating either “in favour” or “opposed”.
- (7) If communication is lost to one or more members Participating Electronically during a meeting,
  - (a) Council may choose to call a recess until a communication link can be reestablished, and
  - (b) if a communication link cannot be reestablished after five (5) minutes
    - (i) the member Participating Electronically will be deemed to have left the meeting, and
    - (ii) if there is no longer a quorum of members remaining, the presiding member shall call for a motion to recess or adjourn the meeting.

### **PART III -- COUNCIL PROCEEDINGS**

#### **14. Calling Meeting to Order**

- (1) As soon after the scheduled time for a Council meeting as the Mayor is present, the Council meeting shall be called to order.
- (2) Where the Mayor is not present after five (5) minutes, the Acting Mayor shall take the Chair and call the meeting to order.
- (3) If a quorum of Council is present, but neither the Mayor nor the Acting Mayor is present after five (5) minutes of the scheduled time for a Council meeting:
  - (a) the Corporate Officer shall call to order the members present; and
  - (b) the members present shall choose, by Council resolution, a member to preside at the meeting until the Mayor or Acting Mayor arrives.

#### **15. No Quorum**

- (1) If there is no quorum of Council present within ten (10) minutes of the scheduled time for a Council meeting, the Corporate Officer shall



- (a) call to order the members present,
  - (b) record the names of the members present, and those absent, and
  - (c) adjourn the meeting.
- (2) If a quorum ceases to exist during a Council meeting, and a quorum cannot be re-established within ten (10) minutes, the presiding member, or the Corporate Officer if the presiding member is no longer in attendance, shall call for a motion to adjourn the meeting.

#### **16. Agenda**

- (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the Agenda.
- (2) Submissions of Agenda items by Council members or the public shall, subject to Council policy as amended from time to time, be made to the Corporate Officer by 12:00 p.m. on the Wednesday prior to the meeting.
- (3) The Corporate Officer shall make the agenda available to the members of Council and the public by 4:00 p.m. on the Friday prior to the Meeting.
- (4) Council must not consider any matter not listed on the Agenda unless introduction and approval of the matter is provided by unanimous resolution of Council, at the time allocated on the Agenda for such matters.

#### **17. Consent Agenda Items**

- (1) A Consent Agenda contains items that do not typically require discussion or debate.
- (2) Items listed in the Consent Agenda are considered for approval in one motion without discussion or debate, unless a member of Council requests that the item be excluded from the Consent Agenda.
- (3) If an item is excluded from the Consent Agenda by Council, it will be considered as an agenda item under the appropriate section, at Council's discretion and without resolution, to discuss such items in more detail or to provide a motion on the item excluded.
- (4) Items in the Consent Agenda may include, but are not limited to:
  - (a) minutes from Council Committees and the Comox Valley Regional District meetings; and
  - (b) correspondence, including petitions.

## **18. Order of Proceedings and Business**

- (1) The agenda for all Regular Council Meetings contains the following matters in the order in which they are listed below:
  - (a) Introduction and Approval of Late Items
  - (b) Adoption of Agenda
  - (c) Delegations
  - (d) Adoption of Minutes
  - (e) Council Committee Minutes/Reports
  - (f) Consent Agenda
  - (g) Unfinished Business
  - (h) Special Reports
  - (i) Bylaw Adoptions
  - (j) New Business
  - (k) Notices of Motion
  - (l) Correspondence
  - (m) Late Items – those permitted under subsection 16(4)
  - (n) Reports from Members of Council on matters relevant to Town business
  - (o) Media Question Period
  - (p) Public Question Period
  - (q) Resolution to go In-Camera
  - (r) Rise and Report from In-Camera Meeting
  - (s) Adjournment
- (2) Particular business at a Council meeting shall in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

## **19. Delegations**

- (1) An individual or a delegation may address Council at a meeting provided written submission has been received by the Corporate Officer in accordance with subsection 16(2).
- (2) The Mayor may refuse to schedule a delegation on an agenda if
  - (a) the matter is regarding a public hearing or opportunity for input, held in accordance with an enactment as a prerequisite to the adoption of a bylaw or approval of a permit;
  - (b) the matter is regarding any item listed in section 90 of the *Community Charter [Meetings that may or must be closed to the public]*;
  - (c) the matter is related to a request for access to information under the *Freedom of Information and Protection of Privacy Act*;
  - (d) the matter is outside the legal authority or jurisdiction of the Town;
  - (e) the Mayor considers the matter to be frivolous; or
  - (f) any other matter in accordance with Council policy, as amended from time to time.
- (3) The Mayor's decision in subsection (2) can be appealed in writing to the Corporate Officer, and will be included in the next Council meeting agenda for Council consideration. A two-thirds vote of Council is required to allow delegations in accordance with this section.

## **20. Council Meeting Adjournment**

A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.

## **PART IV -- RULES OF DEBATE**

## **21. Voting at Meetings**

- (1) Each Council member has one vote on any motion or question.
- (2) Each Council member present at the time of a vote must vote on a matter, and, if a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.
- (3) The following procedures apply to voting at Council meetings:

- (a) when debate on a matter is closed the presiding member shall put the matter to a vote of Council members;
- (b) when the Council is ready to vote, the presiding member shall put the matter to a vote by asking for those in favour and, subsequently, those opposed;
- (c) when the presiding member is putting the matter to a vote under subsections (a) and (b), a member shall not
  - (i) cross or leave the room,
  - (ii) make a noise or other disturbance, or
  - (iii) interrupt the voting procedure under subsection (b) unless the interrupting member is raising a point of order;
- (d) after the presiding member finally puts the question to a vote under subsection (b), a member shall not speak to the question or make a motion concerning it;
- (e) the presiding member's decision about whether a question has been finally put is conclusive;
- (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative ("Carried") or the negative ("Defeated").

## **22. Points of Order**

- (1) In accordance with section 132 of the *Community Charter [Authority of presiding member]*, the presiding member at a Council meeting must preserve order and, subject to an appeal by a Council member, decide points of order that may arise.
- (2) The presiding member shall apply the correct procedure to a motion
  - (a) if the motion is contrary to the rules of procedure in this Bylaw, and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (3) When the presiding member is required to decide a point of order, the presiding member must cite the applicable rule or authority if requested by another Council member.

- (4) If a Council member appeals a decision of the presiding member under subsection (3), the question as to whether the presiding member is to be sustained must be immediately put by the presiding member and decided without debate.
- (5) On the question as to whether the chair is to be sustained under subsection (4),
  - (a) the presiding member may not vote on the motion,
  - (b) the motion passes in the affirmative if the votes are equal, and
  - (c) the presiding member must be governed by the result.
- (6) If the presiding member refuses to put the question under subsection (4),
  - (a) Council must immediately appoint another member to preside temporarily,
  - (b) that other member must proceed in accordance with subsection (4), and
  - (c) a motion passed under this subsection is as binding as if passed under subsection (4).

### **23. General Rules of Conduct and Debate**

- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members shall address the presiding member by that person's title of Mayor, Acting Mayor or Your Worship.
- (3) Members shall address other non-presiding members by the title Councillor.
- (4) No member shall interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the chair must call on the member who, in the chair's opinion, first spoke.
- (6) Members who are called to order by the chair
  - (a) must immediately stop speaking, and
  - (b) may explain their position on the point of order.
- (7) Members speaking at a Council meeting
  - (a) must use respectful language,

- (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of the presiding member, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
  - (b) a member may speak to a question, or may speak in reply, for longer than a total time of 5 minutes only with the permission of the presiding member.

#### **24. Motions Generally**

- (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (3) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with the unanimous consent of Council.



- (4) A Council member may make only the following subsidiary motions, when Council is considering a question:
  - (a) to refer to Council Committee,
  - (b) to amend;
  - (c) to lay on the table,
  - (d) to postpone indefinitely,
  - (e) to postpone to a future meeting,
  - (f) to adjourn.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

## **25. Notice of Motion**

- (1) Any Council member who, during a meeting, wishes to bring any new matter before Council, other than a point of order, may do so by way of a motion.
- (2) If any member present at the time such a motion is presented, and before debate on the motion commences, calls for notice of motion, then the motion shall be placed on the agenda of the next Regular Council meeting.
- (3) If, during a meeting, a Council member wishes to give notice his or her intention to move a motion at a future meeting:
  - (a) the Council member must first deliver to the Mayor, the Chief Administrative Officer and the Corporate Officer, either before or during the meeting, a written notice of motion;
  - (b) the notice of motion must set out all of the details of the motion;
  - (c) the notice of motion must stipulate the date of the meeting at which the Council member intends to move the motion;
  - (d) the presiding officer may require that the Council member, or the Corporate Officer, read aloud the notice of motion; and
  - (e) if acknowledged by the presiding member, the Corporate Officer shall add the motion to the agenda for the meeting as indicated in subsection (c).

## **26. Amendments Generally**

- (1) Amendments must be strictly relevant to the main motion and not alter in a material way, or be contrary to, the principle embodied in the main motion.

- (2) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (3) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (4) A proposed amendment must be reproduced in writing by the mover if requested by a member.
- (5) A proposed amendment must be decided before the main motion being considered is put to a vote.
- (6) Only one amendment to an amendment can be considered at any one time.
- (7) Subject to section 26, an amendment that has been defeated by a vote of Council cannot be proposed again.

## **27. Reconsideration by a Council Member**

- (1) Subject to subsection (5), a Council member may, at the same Council meeting, move to reconsider a matter that, other than to postpone indefinitely, has been taken.
- (2) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (3) A motion to reconsider shall only be made by a Council member who voted with the prevailing side.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
  - (a) had the approval or assent of the electors and been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter* [*Mayor may require council reconsideration of a matter*],
  - (c) been acted on by an officer, employee, or agent of the Town.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* [*mayor may require Council reconsideration of a matter*] is as valid and has the same effect as it had before reconsideration.

## **28. Reconsideration by the Mayor**

- (1) Without limiting the authority of a council to reconsider a matter, the Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote.
- (2) As restrictions on the authority under subsection (1),
  - (a) the Mayor may only initiate a reconsideration under this section
    - (i) at the same Council meeting as the vote took place, or
    - (ii) within the 30 days following that meeting, and
  - (b) a matter may not be reconsidered under this section if
    - (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Council, or
    - (ii) there has already been a reconsideration under this section in relation to the matter.
- (3) On a reconsideration under this section, Council
  - (a) must deal with the matter as soon as convenient, and
  - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

## **PART V -- BYLAWS**

### **29. Reading and Adopting Bylaws**

- (1) Before a bylaw is adopted by Council, it must be given three readings, all of which may be given at one Council meeting.
- (2) Any amendment to a proposed bylaw shall be made by a motion of Council after the proposed bylaw has received second reading and before it receives third reading. If the proposed bylaw has been amended, the motion at third reading shall be "That the bylaw be given third reading as amended".
- (3) Subject to section 477 of the *Local Government Act* [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.

- (4) Despite section 135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with section 477 and 480 of the *Local Government Act* [adoption procedures for official community plan and municipal zoning bylaw], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the proposed bylaw passed third reading.

### **30. Signing Bylaws**

After a bylaw is adopted and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the Town's records for safekeeping and endorse upon it:

- (a) the Town's corporate seal,
- (b) the dates of its readings and adoption, and
- (c) the date of Ministerial approval or approval of the electorate if applicable.

## **PART VI -- COUNCIL COMMITTEE MEETINGS**

### **31. Council Committee Recommendations:**

Council may take any of the following actions in connection with a recommendation it receives from Council Committees:

- (a) agree or disagree with the recommendation,
- (b) amend the recommendation,
- (c) refer the recommendation back to Council Committee, or
- (d) postpone consideration of the resolution.

### **32. Council Committee Proceedings**

For certainty, the rules and procedures of the Council under sections 14 to 28, except section 17, of this Bylaw shall be observed by Council Committees, so far as possible and unless otherwise specified in this Bylaw.

### **33. Strategic Planning Committee Meetings**

- (1) Council appoints all Council members to the Strategic Planning Committee.
- (2) The Strategic Planning Committee may meet on an as needed basis, in the same manner as prescribed in section 6 [Special Council Meetings] or as regularly scheduled by resolution of Council.

(3) Where meetings of the Strategic Planning Committee are regularly scheduled, a meeting may be cancelled by the Mayor for any reason or by the Corporate Officer for lack of agenda items.

(4) The Strategic Planning Committee has no decision making authority.

#### **34. Strategic Planning Committee Presiding Member and Quorum**

(1) The presiding member of Strategic Planning Committee meetings shall be

(a) the Mayor or Acting Mayor, or

(b) chosen by the Strategic Planning Committee from amongst its members.

(2) The quorum of the Strategic Planning Committee is the majority of Council members.

### **PART VII -- GENERAL**

#### **35. Severance**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

#### **36. Repeal or Amendment**

(1) This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter* [public notice].

(2) The Comox Council Procedure Bylaw, 2009 is hereby repealed.

#### **37. Adoption**

Read a FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Read a SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Read a THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Notice of the proposed repeal of the  
Comox Council Procedure Bylaw, 2009  
and substitution with this Bylaw, in  
accordance with sections 94 and 124(3)  
of the *Community Charter*, given this

\_\_\_\_\_ day of \_\_\_\_\_, 2020

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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MAYOR

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CORPORATE OFFICER



**TOWN OF COMOX****CONSOLIDATED BYLAW NO. 1614**

(Consolidated to May 16, 2018)

**A BYLAW TO ESTABLISH PROCEDURES FOR THE ORDER AND CONDUCT  
OF COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS**


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**Please note:** This is a consolidated bylaw prepared for  
Convenience only and is not a certified copy.

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Consolidated to include the following bylaws:

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Name</b>	<b>Purpose</b>
1642	Nov 18, 2009	Comox Council Procedure Bylaw Amendment No. 1, 2009	To change the start time for Committee of the Whole Meetings from 4:00 p.m. to 4:15 p.m.
1691	Sep 21, 2011	Comox Council Procedure Bylaw Amendment No. 2, 2011	To provide for the recording of names of Council members who voted in the negative.
1885	May 16, 2018	Comox Council Procedure Amendment Bylaw No. 1885, 2018	To provide for a number of amendments.
1936	Dec.4,2019	Comox Council Procedure Bylaw No. 1614, 2009, Amendment No. 4, 2019	To allow electronic participation in Council meetings

The Council of the Town of Comox, in open meeting assembled, enacts as follows:

**PART I -- INTRODUCTION****1. Title**

This Bylaw may be cited as the "Comox Council Procedure Bylaw, 2009".

## 2. Definitions

In this Bylaw,

- (a) “Agenda Committee” means the Mayor, Acting Mayor, Chief Administrative Officer and Deputy Corporate Administrator;

*(Subsection 2(b) amended, Bylaw 1885, May 16, 2018):*

- (b) “Corporate Officer” means the Corporate Officer for the Town of Comox, as appointed under section 148 of the *Community Charter*;

- (c) “Council” means the Council of the Town of Comox;

*(Subsection 2(d) added, Bylaw 1936, December 4, 2019):*

- (d) “Council Committee” means a select committee of Council, a standing committee of Council, or any other body established by Council that is composed solely of Council members,
- (e) “Committee of the Whole” means a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider, but not to decide on, matters of the Town's business;
- (f) “In-Camera Council Meeting” means a Council meeting or part thereof that is closed to the public;
- (g) “Mayor” means the mayor of the Town of Comox;

*(Subsection 2(h) added, Bylaw 1936, December 4, 2019):*

- (h) “Participate Electronically” means participation in a Council or a Council Committee meeting, by a Council or a Council Committee member, as applicable, by use of telephone communications or by Voice Over Internet Protocol (VOIP) that
  - (i) enables all members to hear and speak with each other, and
  - (ii) enables the public to hear the member participating electronically during that part of the meeting that is open to the public.

*(Subsection 2(g) replaced, Bylaw 1885, May 16, 2018):*

- (i) “Public Notice Posting Place” means the notice board located inside Comox Town Hall (main level) and the notice board immediately outside the main door of the Comox Town Hall;
- (j) “Regular Council Meeting” means a regularly scheduled Council Meeting;
- (k) “Special Council Meeting” means a Council meeting other than a Regular Council Meeting, and includes In-Camera Council Meetings;

- (l) “Town” means the Town of Comox;
- (m) “Town Hall” means the Comox Town Hall, located at 1809 Beaufort Avenue, Comox, British Columbia;

*(Subsection 2(l) added, Bylaw 1885, May 16, 2018):*

- (n) “Town Web Site” means the information resource found at comox.ca.

### **3. Application of the Rules of Procedure**

- (1) The provisions of this Bylaw govern the proceedings of Council and Committee of the Whole.

*(Subsection 3(2) amended, Bylaw 1885, May 16, 2018):*

- (2) In cases not provided for under this Bylaw, The New Robert’s Rules of Order, 11<sup>th</sup> edition, 2011 apply to the proceedings of Council and Committee of the Whole to the extent that those Rules are
  - (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of this Bylaw or the Community Charter.

### **4. Suspension of the Rules of Procedure**

The rules of procedure contained in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by a unanimous vote of the Council members present.

## **PART II -- MEETINGS**

### **5. Inaugural Meeting**

*(Subsection 5(1) amended, Bylaw 1885, May 16, 2018):*

- (1) Following a general local election, the first Council meeting must be held on the first Wednesday in November in the year of the election.
- (2) If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

*(Subsection 5(3) replaced, Bylaw 1885, May 16, 2018):*

- (3) In accordance with Section 198 of the *Local Government Act*, municipal director appointments to the Regional District board shall be made at pleasure by Council from among its members.

## 6. Special Council Meetings

- (1) Two or more members of Council may, in writing, request the Mayor to call a Special Meeting.
- (2) Persons other than Council members, appointed officials **and invited guests** are excluded from In-Camera Council Meetings.

## 7. Time and Location of Meetings

- (1) All Council meetings must take place within Council Chambers at Town Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
  - (a) be held on the first and third Wednesday of each month, and
    - (i) begin at 5:30 p.m.;
    - (ii) adjourn by 10:00 p.m. on the day scheduled for the meeting, unless Council resolves to proceed beyond that time in accordance with Section 26 of this Bylaw;
  - (b) Despite (a) above, Regular Council meetings will not be held, unless otherwise agreed,
    - (i) the third Wednesdays in July and August,

*(Subsection 7(2)(b)(ii) amended, Bylaw 1885, May 16, 2018):*

- (ii) the third Wednesday in October of a general local election,
    - (iii) the third Wednesday in December, and
    - (iv) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.
- (3) Committee of the Whole meetings must

- (a) be held on the second and fourth Wednesday of each month, and

*(Subsection 7(3)(a)(i) amended, Bylaw 1642, Nov 18, 2009):*

- (i) begin at 4:15 p.m.;
    - (ii) adjourn by 8:30 p.m. on the day scheduled for the meeting, unless the Committee resolves to proceed beyond that time in accordance with Section 31 of this Bylaw;
  - (b) Despite (a) above, Committee of the Whole meetings will not be held, unless otherwise agreed,

- (i) the second and fourth Wednesdays in July and August,

*(Subsection 7(3)(b)(ii) amended, Bylaw 1885, May 16, 2018):*

- (ii) the second and fourth Wednesday in October of a general local election,
- (iii) the fourth Wednesday in December, and
- (iv) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.

- (4) Council and Committee of the Whole meetings may:

*(Subsection 7(4)(a) amended, Bylaw 1885, May 16, 2018):*

- (a) be cancelled by the Agenda Committee, provided that two consecutive meetings are not cancelled; and
- (b) be postponed to a different day, time and place by the Mayor.

## **8. Notice of Regular Council and Committee of the Whole Meetings**

- (1) A schedule of the dates, times and places of Regular Council and Committee of the Whole meetings shall be made available to the public by posting it at the Public Notice Posting Place.
- (2) Notice of the availability of the Regular Council and Committee of the Whole meeting schedule shall be given annually on or before January 30 in accordance with section 94 of the *Community Charter*.
- (3) Where revisions are necessary to the annual schedule of Regular Council and Committee of the Whole meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a Regular Council or Committee of the Whole meeting.

*(Subsection 8(4) added, Bylaw 1885, May 16, 2018):*

- (4) The meeting schedule and amendments may be posted on the Town's Web Site and through other media and locations, if these options are available.

## **9. Notice of Special Council Meetings**

- (1) Except where notice of a Special Council meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a Special Council meeting must be given at least 24 hours before the time of meeting, by

*(Subsection 9(1)(a) deleted, Bylaw 1885, May 16, 2018):*

- (a) posting a copy of the notice at the Public Notice Posting Place, and

- (b) leaving one copy of the notice for each Council member in the Council member's mailbox at Town Hall.
- (2) The notice under subsection (1) shall state the Agenda of the meeting, describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

### **PART III -- COUNCIL PROCEEDINGS**

#### **10. Designation of Member to Act in Place of Mayor**

*(Subsection 10(1) amended, Bylaw 1885, May 16, 2018):*

- (1) At the Inaugural Council Meeting, and at subsequent regular or special Council meetings during the Council term when a change to members designated is required, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under section 10(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 10(1) are absent or otherwise unable to act, the next Councillor designated on the schedule shall act in place of the Mayor.
- (4) The member designated under section 10(1) or section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

#### **11. Attendance of Public at Meetings**

- (1) Except where the provisions of section 90 of the *Community Charter [meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter [requirements before Council meeting is closed]*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter [application of rules to other bodies]*.
- (4) Despite Section 11(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 10 may expel or exclude from a Council meeting a person in accordance with Section 21(8) of this Bylaw.



## **12. Minutes of Meetings**

- (1) Minutes of the proceedings of Council must be
  - (a) legibly recorded,
  - (b) certified as correct by the Corporate Officer, and
  - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.

*(Subsection 12(2) added, Bylaw 1691, Sep 21, 2011):*

- (2) The results of each vote on a motion shall be recorded in the minutes, including the name of any member of Council who voted in the negative on any question.
- (3) Subject to subsection 12(4), and in accordance with section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* minutes of the proceedings of Council must be open for public inspection at Town Hall during its regular office hours.
- (4) Subsection 12(3) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter [meetings that may be closed to the public]*.

## **13. Calling Meeting to Order**

- (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, shall take the Chair and call the Council meeting to order.

*(Subsection 13(2) added, Bylaw 1885, May 16, 2018):*

- (2) If a quorum of Council is present, but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 is not present at the scheduled time for a Council meeting:
  - (a) The Corporate Officer must call to order the members present; and
  - (b) The members present must choose a member to preside at the meeting until the Mayor or Acting Mayor arrives.
- (3) Where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 10 shall take the Chair and call such meeting to order.

*(Sections 14 thru to 16 added, Bylaw 1936, December 4, 2019):*

#### **14. Electronic Participation in Meetings**

- (1) A member of Council or of a Council Committee, who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may Participate Electronically.
- (2) No more than two members of Council or of a Council Committee may Participate Electronically at any one time during any meeting.
- (3) A member Participating Electronically is deemed to be present in the meeting as though they were physically present.
- (4) The Mayor, acting Mayor or chair, who is presiding at a meeting, must not Participate Electronically. If the Mayor, acting Mayor or chair requests to Participate Electronically, the Councillor designated as the member responsible for acting in the place of the Mayor, or the vice chair, is to preside over the meeting.

#### **15. Conditions of Electronic Participation in Meetings**

- (1) Members may only Participate Electronically in a meeting if the meeting is a regular Council, a special Council or Council Committee meeting.
- (2) Members may only Participate Electronically in a meeting at such times that the member is unable to be present at Council Chambers for reasons due to absence from the Town or health reasons, or with permission of Council.
- (3) Members may only Participate Electronically in a meeting if a majority of the members are physically present at the meeting.
- (4) There is no limit to the number of times a member may Participate Electronically in a meeting.

#### **16. Procedures for Electronic Participation in Meetings**

- (1) Notice of 24 hours must be given to the Corporate Officer in advance of the meeting if a member wishes to Participate Electronically.
- (2) When 24 hours' notice has not been given in advance of the meeting that a member wishes to Participate Electronically, the members physically present at the meeting must pass a resolution allowing the absent member's Electronic Participation.
- (3) A member Participating Electronically must inform the presiding member when they join and leave the meeting.
- (4) A member who is Participating Electronically must vote by audibly stating either "in favour" or "opposed".

- (5) If communication is lost to one or more members Participating Electronically during a meeting,
  - (a) a 5-minute recess will be called to try and reestablish the communication link, and
  - (b) if a communication link cannot be reestablished after the 10-minute recess,
    - (i) the member Participating Electronically will be deemed to have left the meeting, and
    - (ii) if there is not a quorum of members remaining, the presiding member will deem the meeting to be adjourned.
- (6) The Corporate Officer shall record the names of members Participating Electronically.”

#### **17. No Quorum**

- (1) If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer shall
  - (a) record the names of the members present, and those absent, and
  - (b) adjourn the meeting until the next scheduled meeting.

#### **18. Agenda**

- (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting agenda shall be 12:00 p.m. on the Thursday prior to the meeting.
- (3) The Agenda Committee shall review the draft Council meeting agenda prior to its distribution to the members of Council and the public.
- (4) The Corporate Officer shall make the agenda available to the members of Council and the public by 4:00 p.m. on the Friday prior to the Meeting.
- (5) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 17 of this Bylaw.

## **19. Order of Proceedings and Business**

- (1) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
  - (a) Introduction of Late Items,
  - (b) Approval of Agenda,
  - (c) Delegations – requests to address Council that have been approved by the Mayor,
  - (d) Adoption of Minutes,
  - (e) Reports of Committees and Commissions,
  - (f) Unfinished Business,
  - (g) Special Reports,
  - (h) Bylaws,
  - (i) New Business,
  - (j) Correspondence,
  - (k) Late Items,
  - (l) Delegations,
  - (m) Reports from Members of Council on matters relevant to Town business,
  - (n) Media Question Period,
  - (o) Public Question Period,
  - (p) Adjournment.
- (2) Particular business at a Council meeting shall in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.
- (3) Requests to appear as a delegation at a Council meeting shall use the Form in Schedule A, attached to this Bylaw.

## **20. Late Items**

- (1) An item of business not included on the Agenda shall not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.

- (2) If Council makes a resolution under section 17(1), information pertaining to late items shall be distributed to the members and the public.

## **21. Voting at Meetings**

- (1) Each Council member has one vote on any motion or question.
- (2) Each Council member present at the time of a vote must vote on a matter, and, if a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.
- (3) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding member shall put the matter to a vote of Council members;
  - (b) when the Council is ready to vote, the presiding member shall put the matter to a vote by asking for those in favour and, subsequently, those opposed;
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member shall not
    - (i) cross or leave the room,
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
  - (d) after the presiding member finally puts the question to a vote under paragraph (b), a member shall not speak to the question or make a motion concerning it;
  - (e) the presiding member's decision about whether a question has been finally put is conclusive;
  - (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
  - (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.
- (4) A Council member voting in the negative at a meeting who desires that their vote be recorded in the minutes, shall so instruct the Corporate Officer.

## 22. Delegations

- (1) An individual or a delegation may address Council at a meeting provided written application on the Form in Schedule A, attached to this Bylaw, has been received by the Corporate Officer by 12:00 p.m. on the Thursday prior to the meeting. Each address shall be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) Council shall not permit a delegation to address a meeting of Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (3) The Agenda Committee may schedule delegations to another Council meeting or Committee of the Whole, as deemed appropriate, according to the subject matter of the delegation.

*(Subsection 19(4) amended, Bylaw 1885, May 16, 2018):*

- (4) The Agenda Committee may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. A two-thirds majority vote is required when deciding to consider a non-jurisdictional item at a Council Meeting.

## 23. Points of Order

- (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, the chair shall apply the correct procedure to a motion
  - (a) if the motion is contrary to the rules of procedure in this Bylaw, and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the chair is required to decide a point of order
  - (a) the chair must cite the applicable rule or authority if requested by another Council member, and
  - (b) another member must not question or comment on the rule or authority cited by the chair under subsection (2)(a).

## 24. General Rules of Conduct and Debate

- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members shall address the presiding member by that person's title of Mayor or Acting Mayor.



- (3) Members shall address other non-presiding members by the title Councillor.
- (4) No member shall interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the chair must call on the member who, in the chair's opinion, first spoke.
- (6) Members who are called to order by the chair
  - (a) must immediately stop speaking, and
  - (b) may explain their position on the point of order.
- (7) Members speaking at a Council meeting
  - (a) must use respectful language,
  - (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
  - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat , and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
  - (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of the presiding member, or

- (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
- (b) a member who has made a substantive motion to the Council may reply to the debate;
- (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
- (d) a member may speak to a question, or may speak in reply, for longer than a total time of 5 minutes only with the permission of the presiding member.

## **25. Motions Generally**

- (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (3) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with the presiding member's permission.
- (4) A Council member may make only the following subsidiary motions, when Council is considering a question:
  - (a) to refer to Committee of the Whole;
  - (b) to amend;
  - (c) to lay on the table;
  - (d) to postpone indefinitely;
  - (e) to postpone to a future meeting;
  - (f) to move the previous question;
  - (g) to adjourn.
- (5) A motion made under subsections (4)(c) to (g) is not debatable.
- (6) After a motion has been seconded, it may be withdrawn, at any time before the decision or amendment, by the mover with the permission of the seconder.
- (7) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

## **26. Notice of Motion**

- (1) Despite Section 17(1), any member who, during a meeting, wishes to bring any new matter before Council, other than a point of order, shall do so by way of a motion.
- (2) If any member present at the time such a motion is presented, and before debate on the motion commences, calls for notice of motion, then the motion shall be placed on the agenda of the next Regular Council meeting.
- (3) Any member may give notice of a motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer during a meeting of Council and upon it being acknowledged by the presiding member, it shall appear in the minutes of that meeting as a notice of motion and be placed on the agenda of the next Regular Council meeting.

## **27. Amendments Generally**

- (1) Only one amendment shall be allowed at one time and shall be dealt with before the main motion is decided. Amendments must be strictly relevant to the main motion and not alter in a material way, or be contrary to, the principle embodied in the main motion.
- (2) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (3) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (4) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (5) A proposed amendment must be decided or withdrawn before the main motion being considered is put to a vote, unless there is a call for the main motion.
- (6) An amendment that has been negatived by a vote of Council cannot be proposed again.

## **28. Reports from Committee of the Whole**

Council may take any of the following actions in connection with a resolution it receives from Committee of the Whole:

- (a) agree or disagree with the resolution;
- (b) amend the resolution;
- (c) refer the resolution back to Committee of the Whole;

- (d) postpone its consideration of the resolution.

## **29. Council Meeting Adjournment**

- (1) Council may continue a Council meeting after 10:00 p.m. only by an affirmative vote of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.

## **PART IV -- BYLAWS**

### **30. Reading and Adopting Bylaws**

- (1) Before a bylaw is adopted by Council, it must be given three readings, all of which may be given at one Council meeting.
- (2) Any amendment to a bylaw shall be made by a motion of Council after the bylaw has received second reading and before it receives third reading. If the bylaw has been amended, the motion at third reading shall be "That the bylaw be given third reading as amended".

*(Subsection 27(3) amended, Bylaw 1885, May 16, 2018):*

- (3) Subject to section 477 of the *Local Government Act* [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.

*(Subsection 27(4) replaced, Bylaw 1885, May 16, 2018):*

- (4) Despite section 135(3) of the *Community Charter* [requirements for passing bylaws], and in accordance with section 477 and 480 of the *Local Government Act* [adoption procedures for official community plan and municipal zoning bylaw], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

### **31. Signing Bylaws**

*(Subsection 28(1) amended, Bylaw 1885, May 16, 2018)*

- (1) After a bylaw is adopted, and signed by the Corporate Officer and the chair of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the Town's records for safekeeping and endorse upon it:
  - (a) the Town's corporate seal],
  - (b) the dates of its readings and adoption; and],
  - (c) the date of Ministerial approval or approval of the electorate if applicable].

## **PART V -- COMMITTEE OF THE WHOLE MEETINGS**

### **32. Presiding Member and Quorum**

- (1) The Mayor or Acting Mayor shall be the presiding member of the Committee of the Whole.
- (2) The quorum of Committee of the Whole is the majority of Council members.

### **33. Committee of the Whole Proceedings**

- (1) For certainty, the rules and procedures of the Council under sections 12 to 24, except section 16, of this Bylaw shall be observed by the Committee of the Whole, so far as possible and unless otherwise specified in this Bylaw.

### **34. Committee of the Whole Meeting Adjournment**

- (1) The Committee of the Whole may continue a meeting after 8:30 p.m. only by an affirmative vote of the Council members present.
- (2) A motion to adjourn either a Committee of the Whole meeting or the debate at a Committee of the Whole meeting is always in order if that motion has not been preceded at that meeting by the same motion.

## **PART VI -- GENERAL**

### **35. Severance**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

### **36. Repeal or Amendment**

- (1) This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter [public notice]*.
- (2) The Comox Procedure Bylaw, 2000 is hereby repealed.

**37. Adoption**

- |                                       |                  |        |         |        |
|---------------------------------------|------------------|--------|---------|--------|
| (1) READ A FIRST AND SECOND time this | 21 <sup>st</sup> | day of | January | , 2009 |
| (2) READ A THIRD time as AMENDED this | 4 <sup>th</sup>  | day of | March   | , 2009 |
| (3) ADOPTED this                      | 18 <sup>th</sup> | day of | March   | , 2009 |

***“Paul Ives”***

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MAYOR

***“Richard Kanigan”***

---

CORPORATE OFFICER

**SCHEDULE A**



**REQUEST TO APPEAR AS A DELEGATION**

**TOWN OF COMOX**

1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE  
SUBMITTED NO LATER THAN THURSDAY NOON, THE WEEK PRIOR TO THE MEETING

Name(s) of person(s) speaking: \_\_\_\_\_

Organization you are representing: \_\_\_\_\_

Primary purpose of Organization: \_\_\_\_\_ Number of members: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Contact name: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Subject matter: \_\_\_\_\_

Specific request of Council, if any (i.e., letter of support, funding): \_\_\_\_\_

Requested meeting and date: \_\_\_\_\_

Audio-visual equipment required: \_\_\_\_\_

Date of application: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_

**Please Note:**

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:00 p.m. Delegations are dealt with at the beginning of each meeting.
2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting.
5. Please ensure that your cell phone is turned OFF during the meeting.





<b>TO:</b>	Mayor and Council	<b>FILE:</b>	2590-01
<b>FROM:</b>	Jordan Wall, Chief Administrative Officer	<b>DATE:</b>	August 5 <sup>th</sup> 2020
<b>SUBJECT:</b>	Employee Criminal Record Check Policy		

Prepared by:

**JORDAN WALL**

CAO

### **RECOMMENDATION**

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".

### **ALTERNATIVES TO THE RECOMMENDATION**

None identified

### **PURPOSE**

To establish a criminal record check procedure for all new employees. Further, to establish a criminal record check procedure for those working with money, vulnerable peoples, and in positions of trust.

### **BACKGROUND**

The Town of Comox has no current policy regarding criminal record checks.

This policy will see members of the organization receive two different types of criminal record checks. Those working with or around children will be required to receive a Vulnerable Persons Record Check which will identify if an individual has convictions in relation to children or other vulnerable peoples.

An employee who works with money, a new hire, or an employee in a 'position of trust' will submit a complete criminal records check that will identify any criminal convictions for which a pardon has not been received.

It is important to note that simply having a criminal record is not sufficient grounds to preclude someone from working at the Town of Comox. An evaluation will be completed to determine whether the past history creates an unacceptable risk or perception of risk while employed at the Town.

### **COMMUNICATIONS**

The policy has been submitted to and reviewed by the Union.

### **GOVERNANCE CONSIDERATIONS**

*Why aren't all employees included in the policy?*

All new hires will be included in the policy but not on a rotating basis. This has to do with privacy concerns and rights of employees as well as processing constraints by the RCMP. The RCMP are

currently only able to process 3 criminal record checks a day. These checks must be applied for in person by the employee.

*What is the difference between a full criminal record check and vulnerable persons check?*

A vulnerable persons check is what someone would be familiar with in volunteering at schools, youth sports, and other activities. The search is only conducted to flag issues that may pose a danger to vulnerable peoples. A full criminal record check will also identify other issues such as financial or fraud crimes.

*What happens if someone has a criminal conviction?*

In recognition of the privacy of our employees any conviction that is found will be first reviewed by the CAO and Executive Coordinator. If unrelated to work at hand the process will stop there.

If the conviction poses a risk or perceived risk to the organization the Department Head as well as the Union will be consulted. Should this arise each instance will be treated as a unique case.

*What is a position of trust?*

This is a position that holds significant decision making power within the organization or over the public. Senior Staff, building inspectors, and bylaw officials would be examples of positions of trust.



**TOWN OF COMOX**

1809 Beaufort Avenue Ph. 250 339-2202  
Comox BC V9M 1R9 Fx. 250 339-7110

**POLICY MANUAL**

<b>SECTION 1 – COUNCIL POLICIES</b>	<b>POLICY NO. CCL - 055</b>
<b>ESTABLISHED:</b>	<b>LAST REVISED:</b>
<b>TITLE: EMPLOYEE CRIMINAL RECORD CHECK POLICY</b>	

**1 PURPOSE**

- 1.01 To ensure that all new employees obtain a criminal record check as a condition of hire and that all positions who work with or near vulnerable people, with money, or are in positions of trust submit a criminal record check once every three year basis.

**2 POLICY STATEMENT**

- 2.01 All new employees for the Town of Comox will require a criminal record check prior to receiving a confirmed offer of employment for the Town of Comox.
- 2.02 All employees who work with money or vulnerable peoples such as children will be required to submit a criminal record check once every three years

**3 SCOPE**

- 3.01 All Town employees.

**4 PROCEDURES**

**4.01 New Hires**

- (a) All vacant positions posted or advertised must clearly outline that the successful candidate must submit a criminal record check.
- (b) During the interview process the prospective employee will be made aware of the requirement for the applicant to submit a Criminal Record Check. The applicant should be advised that employment may be denied if such a check reveals a criminal record of a related matter.
- (c) It is the applicant's responsibility to request a Criminal Records Check from the RCMP. All applicable fees/charges will be the responsibility of the Town

**4.02 Current Employees**

- (a) The Executive Coordinator will provide current Town employees working with money or vulnerable peoples with a Consent for Criminal Record Check form on a once every three

years basis instructing the employee(s) to return the completed form to them for further processing.

- (d) All applicable fees/charges will be the responsibility of the Town. Time will be provided to existing employees to complete the criminal record checks during working hours.
- (e) Failure to submit a required criminal record check may result in a suspension without pay until such time as the record is submitted.
- (f) To ensure confidentiality, all completed Criminal Record Checks will be returned to the Executive Coordinator. Any convictions on a Criminal Record Check will be reviewed by the Executive Coordinator and Chief Administrative Officer's. At the CAO's discretion the Department Head will be made aware of the record.

#### 4.03 Positive Criminal Record Searches

- (a) If a criminal record is received on a short-listed prospective applicant or a Town employee, any conviction should be assessed on the following criteria:
  - i. Does the behavior relating to the charge or conviction, if repeated, pose any threat to the employer's ability to carry on its business safely and efficiently?
  - ii. What are the circumstances of the charge or conviction and the particulars of the offence involved? (e.g.) How old was the individual when the events in question occurred; were there any extenuating circumstances?
  - iii. How much time has elapsed between the charge or conviction and the employment decision? What has the individual done during that period of time? Has he or she shown any tendencies to repeat the kind of behavior for which he or she been convicted? Has he or she shown a firm intention to rehabilitate himself or herself?

#### 4.04 Positions Required to Submit Complete Criminal Record Checks

- (a) All Senior Staff Positions
- (b) All Finance Department Staff
- (c) Bylaw Officers
- (d) Building Officials
- (e) Parks Superintendent
- (f) Public Works Superintendent

#### 4.05 Positions Require to Submit Vulnerable Persons Check

- (a) All Recreation Department Staff
- (b) Marina Caretaker

#### 4.06 Timing of Criminal Record Searches

- (a) The Executive Coordinator will inform employees at the time their criminal record checks become due. Employees will not be responsible for submitting a criminal record check should they not be made aware by the Town.

## Town of Comox – Administration

---

**Subject:** FW: 15 min parking on Church st

-----Original Message-----

From: David Murray <dave.the.baker@icloud.com>

Sent: July 17, 2020 9:37 AM

To: council <council@comox.ca>

Subject: 15 min parking on Church st

**RECEIVED**

**Jul. 17, 2020**

**TOWN OF COMOX**

David Murray

Owner, 221 Church Street Comox

LOG: 20-274	REFER:	AGENDA: RCM 05AUG20
FILE: 5480-02	ACTION: MR	

To Comox Council

On behalf of many Comox citizens and also the commercial tenants the building I am writing to request movement on the issue of restricting parking in front of 221 Church St during business hours.

Patrons and tenants of 221 Church St have seen the parking situation change dramatically since the opening of the pub next door. I have been asked to request the kind consideration of council in implementing three 15 minute parking spots in front of 221 Church as they seem to be required.

Thank you

DM

LOG: 20-275	REFER:	AGENDA: RCM 05Aug20
FILE: 4940-20 C	ACTION: MR	

## Town of Comox – Administration

**From:** Michael Raymont <merprem@yahoo.com>  
**Sent:** July 20, 2020 1:36 PM  
**To:** Town of Comox – Administration  
**Subject:** Compulsory Masks

**RECEIVED**

Jul. 20, 2020

Dear Sir/Madam,

## TOWN OF COMOX

Residents of Comox and surrounding areas have luckily and thankfully been spared a serious outbreak of SARS-CoV-2 (Covid-19) so far. However, credit for the absence of any serious local outbreak cannot be taken by any local authorities and their actions (or lack thereof). Instead our “luck” is due primarily to our relatively low population density, relatively low inflow and outflow of people from major infected areas, and the common sense of many local citizens.

However, the summer is a time when tourists arrivals peak, family reunions crest and people generally tend to socialize the most (think summer BBQ’s, beach parties, river rafting groups, etc). So this year is a time when our Town leaders should take steps to ensure that our "Covid-19 good luck” continues. Unfortunately, as the cliché goes, "common sense isn’t all that common”, and there are now too many incidences of Covid-19 fatigue, and a return to familiar old ways. Comox Town Council needs to lead now. A mask ordinance is essential.

Wearing a mask is not difficult for anyone, and it should be taken as a sign that we care about both ourselves and others. It is unquestionably the best single precaution that all of us can take against Covid-19 spread. Some of us do wear masks, and I’m proud to say I do - everywhere, other than when very well-distanced outside from others. In any public indoor space (which BTW I frequent only when essential and very rarely), I have worn a mask since mid-March.

Is requiring everyone to wear a mask too much of an imposition in return for the potential of saving one life? I think not!

Although not an epidemiologist, I trained as a Chemical Engineer (PhD), and I have had a career in private equity investment in human and animal health, and senior Federal Government service, so I have some understanding of the varied subjects of the physics of aerosols, human health and Government policy.

Aerosols are complex, but there are a few basic facts that should be made clear:-

- The average particle size of human breathe aerosol is about 10x larger than cigarette smoke particle size. Cigarette smoke, as we all know, can remain suspended in the air for many hours, and can be smelled outside when the smoker may be 50 feet away or more, especially if you are standing downwind (obviously!, as any sailor would know). What about coronavirus aerosols?
- I have reviewed many scientific papers on aerosol distribution in human exhaled breathe whether from coughing, sneezing, talking (softly or loudly), and simple breathing. There is too much data to summarize here, but suffice it to say that up to 50% of human breathe aerosol can remain suspended for up to 30 minutes in a “non ventilated” space.
- Wearing a mask would reduce this aerosol load by 90% or more.

Do our Town leaders really need more convincing? A simple and reasonable requirement of everyone in Comox to wear a mask could save the life of a local resident, a tourist (yes, I acknowledge they are important to our economy), or even a member of Town Council!

I would be pleased to provide more detailed information and references if required.

I hope someone from Council would do me the courtesy of a reasoned response.

Yours truly,

Dr. M. Raymont



## Town of Comox – Administration

---

**Subject:** FW: Motion concerning COVID-19

**RECEIVED**

Jul. 21, 2020

**TOWN OF COMOX**

-----Original Message-----

From: Alexander Nataros <natarosa@myumanitoba.ca>

Sent: July 20, 2020 9:58 PM

To: council <council@comox.ca>

Subject: Motion concerning COVID-19

LOG: 20-276	REFER:	AGENDA:  RCM 05AUG20
FILE: 4940-20 C	ACTION: MR	

Dear Comox council,

As a family doctor who lives and works in Comox, with an active full service practice of >1300 patients, I would appreciate your consideration of this motion - wording subject to your own wordsmithing - based on my semi-formal polling of medical doctors in the Comox Valley the past 9 days:

"Whereas the Comox community is multigenerational and draws on the wisdom of elders as we plan a healthy, progressive future..

Whereas the COVID-19 pandemic is a threat to all ages and especially the elderly and those with pre-existing medical conditions..

Whereas Dr. Bonnie Henry has stewarded BC through the first Pandemic wave with grace and maintaining a non-punitive approach to social change/public health, including empowering local communities to strengthen their community response..

Whereas we are entering a second wave of the pandemic as evidenced by disease prevalence rise since early July..

Whereas Dr. Bonnie Henry and public health leaders have declared contact tracing key to managing outbreaks..

Whereas the USA has an unprecedented and thus far out-of-control pandemic.

Whereas a clear scientific consensus has emerged that masks are protective in limiting transmission AND receipt of SARS-CoV-2 viral infection.

Be it resolved that the town of Comox adopt a voluntary motion strongly encouraging private businesses to requires masks in indoor spaces and maximize ventilation, as well as maintain a voluntary customer registry at the entrance establishment"

Sincerely,

Dr. Alex Nataros

BSc MD CCFP

Port Augusta Family Practice

## Town of Comox – Administration

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**Subject:**

FW: proposed mandatory masking in Comox

LOG: 20283	REFER:	AGENDA: RCM 05Aug20
FILE: 4940-20/21	ACTION: MR	

**RECEIVED**

Jul. 29, 2020

**TOWN OF COMOX**

**From:** Mizuna2020 <[mizuna2020@protonmail.com](mailto:mizuna2020@protonmail.com)>

**Sent:** Wednesday, July 29, 2020, 14:26

**To:** [rarnott@comox.ca](mailto:rarnott@comox.ca); [abissinger@comox.ca](mailto:abissinger@comox.ca); [kgrant@comox.ca](mailto:kgrant@comox.ca); [smcgowan@comox.ca](mailto:smcgowan@comox.ca); [pmckenna@comox.ca](mailto:pmckenna@comox.ca); [nminions@comox.ca](mailto:nminions@comox.ca); [mswift@comox.ca](mailto:mswift@comox.ca)

**Subject:** re: proposed mandatory masking in Comox

July 29, 2020

Dear Mayor and Council members,

I'm writing to you in response to an article in today's Comox Valley Record titled "Comox doctor pens mask motion for council's consideration" (*Comox Valley Record*, July 29, 2020).

I would like to pen a motion to consider NO MANDATORY MASKING in the Comox Valley. I cannot believe that 6 months into this situation, doctors and municipal governments are now pushing for mandatory masking. If one makes an effort, one can find a plethora of scientific studies that show that masking does not prevent viral transmission. Not only that: there are also numerous studies that show how harmful it is to wear any type of facial mask for any length of time. Apart from that, it is unconstitutional to demand that everyone wear a facial mask, no matter what their health or mental/emotional status is.

You may not be aware of this, but on July 06, 2020, a lawyer named Rocco Galati launched a legal challenge against the Canadian government, the Ontario government, the City of Toronto and the CBC (for spreading misinformation about Covid-19).

<https://vaccinechoiccanada.com/media/press-release-legal-challenge-to-covid-19-measures-filed-in-ontario-superior-court/>

You can peruse the entire statement of claim here:

<https://vaccinechoiccanada.com/wp-content/uploads/vcc-statement-of-claim-2020-redacted.pdf>

This legal challenge will also address the matter of mandatory masking, which is a human rights violation, as well as a violation of the Canadian Charter of Rights and Freedoms.

Here is an open letter written by **Chris Schaefer**, Director, *SafeCom Training Services Inc.* :

[https://d3n8a8pro7vhmx.cloudfront.net/vccta/mailings/12/attachments/original/Open\\_Letter\\_from\\_Chris\\_Schaefer.pdf?1595638011](https://d3n8a8pro7vhmx.cloudfront.net/vccta/mailings/12/attachments/original/Open_Letter_from_Chris_Schaefer.pdf?1595638011)

Here is some information that will help you in making an informed choice about considering to implement mandatory masking:

<http://ocla.ca/wp-content/uploads/2020/04/Rancourt-Masks-dont-work-review-science-re-COVID19-policy.pdf>

<https://vaccinechoiccanada.com/wp-content/uploads/vcc-masking-make-an-informed-decision-flyer-2020.jpg>

<https://vaccinechoiccanada.com/wp-content/uploads/vcc-masking-does-not-prevent-viral-transmission-may-2020.pdf>

[WHO declares “Lockdown, Social Distancing and Face Masks” UNNECESSARY... – BolenReport](#)

[OCLA Asks WHO to Retract Recommendation Advising Use of Face Masks in General Population | OCLA](#)

[Mandatory masking requirements represent an interference with personal autonomy | Justice Centre for Constitutional Freedoms](#)

[MASK TEST PROVES TOXIC FOR CHILDREN - YouTube](#)

<https://thefederalistpapers.org/us/w-h-o-recommends-masks-healthy-people-taking-care-sick-people>

<https://www.foxnews.com/world/who-guidance-healthy-people-wear-masks-around-coronavirus-patients>

I could go on and on with resources that show that masking DOES NOT prevent viral transmission. Before you decide to bring down the force of the law on the citizens that voted for you, I suggest you prove to them that mask DO work in the prevention of a viral infection. I would be happy to see any scientific studies that prove that wearing a facial mask prevents the spread of viral illnesses.

Sincerely,

Marion Hoerberg

Sent with [ProtonMail](#) Secure Email.

## Town of Comox – Administration

**From:** Lia Pesklevits  
**Sent:** July 30, 2020 7:17 AM  
**To:** Shelly Russwurm: Town of Comox; Town of Comox – Administration  
**Subject:** FW: motion to mask

**RECEIVED**

Jul. 30, 2020

**TOWN OF COMOX**

**From:** lom wright <alohatomw@gmail.com>  
**Date:** Wednesday, July 29, 2020 at 11:01 PM  
**To:** council <council@comox.ca>  
**Subject:** motion to mask

<b>LOG:</b> 20-285	<b>REFER:</b>	<b>AGENDA:</b>  RCM 05Aug20
<b>FILE:</b> 4940-20/21	<b>ACTION:</b> MR	

July 29, 2020

Dear Mayor and Council members,

I'm writing to you in response to an article in today's Comox Valley Record titled "Comox doctor pens mask motion for council's consideration" (Comox Valley Record, July 29, 2020).

I would like to pen a motion to consider NO MANDATORY MASKING in the Comox Valley. I cannot believe that 6 months into this situation, doctors and municipal governments are now pushing for mandatory masking. If one makes an effort, one can find a plethora of scientific studies that show that masking does not prevent viral transmission. Not only that: there are also numerous studies that show how harmful it is to wear any type of facial mask for any length of time. Apart from that, it is unconstitutional to demand that everyone wear a facial mask, no matter what their health or mental/emotional status is.

You may not be aware of this, but on July 06, 2020, a lawyer named Rocco Galati launched a legal challenge against the Canadian government, the Ontario government, the City of Toronto and the CBC (for spreading misinformation about Covid-19).

<https://vaccinechoicecanada.com/media/press-release-legal-challenge-to-covid-19-measures-filed-in-ontario-superior-court/>

You can peruse the entire statement of claim here:

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This legal challenge will also address the matter of mandatory masking, which is a human rights violation, as well as a violation of the Canadian Charter of Rights and Freedoms.

Here is an open letter written by Chris Schaefer, Director, SafeCom Training Services Inc. :

[https://d3n8a8pro7vhmx.cloudfront.net/vccta/mailings/12/attachments/original/Open\\_Letter\\_from\\_Chris\\_Schaefer.pdf?1595638011](https://d3n8a8pro7vhmx.cloudfront.net/vccta/mailings/12/attachments/original/Open_Letter_from_Chris_Schaefer.pdf?1595638011)

Here is some information that will help you in making an informed choice about considering to implement mandatory masking:

<http://ocla.ca/wp-content/uploads/2020/04/Rancourt-Masks-dont-work-review-science-re-COVID19-policy.pdf>

<https://vaccinechoicecanada.com/wp-content/uploads/vcc-masking-make-an-informed-decision-flyer-2020.jpg>

<https://vaccinechoicecanada.com/wp-content/uploads/vcc-masking-does-not-prevent-viral-transmission-may-2020.pdf>

WHO declares "Lockdown, Social Distancing and Face Masks" UNNECESSARY... - BolenReport

OCLA Asks WHO to Retract Recommendation Advising Use of Face Masks in General Population | OCLA  
Mandatory masking requirements represent an interference with personal autonomy | Justice Centre for Constitutional Freedoms

MASK TEST PROVES TOXIC FOR CHILDREN - YouTube

<https://thefederalistpapers.org/us/w-h-o-recommends-masks-healthy-people-taking-care-sick-people>

<https://www.foxnews.com/world/who-guidance-healthy-people-wear-masks-around-coronavirus-patients>

I could go on and on with resources that show that masking DOES NOT prevent viral transmission. Before you decide to bring down the force of the law on the citizens that voted for you, I suggest you prove to them that mask DO work in the prevention of a viral infection. I would be happy to see any scientific studies that prove that wearing a facial mask prevents the spread of viral illnesses.

Sincerely,

love & gratitude

tom wright

**tyg&a**

***follow yer heart, it's better than runnin' from yer fears...anon.***

## Town of Comox – Administration

---

**From:** Lindsay Alexander <lindsayforth@hotmail.com>  
**Sent:** July 30, 2020 11:38 AM  
**To:** Town of Comox – Administration  
**Subject:** Mask motion

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

LOG: 20-292	REFER:	AGENDA: RCM 05Aug20
FILE: 4940-20/20	ACTION: MR	

**RECEIVED**

Jul. 30, 2020

**TOWN OF COMOX**

Dear Mayor and Council,

I was concerned to read the "Comox doctor pens mask motion for council's consideration" article in the July 29th edition of the Comox Valley Record.

Growing up in Comox, I have always loved its downtown and marina area.

As noted in the article, these businesses are struggling to get back on their feet after the imposed lockdown. Let the public decide if they want to wear a mask or not, not a business.

People have many shopping options and may simply take their business else where if they do not wear a mask.

I urge you not to base public policy on the opinion of one private citizen. There are many, many doctors and scientists who hold a different opinion than Dr. Nataros regarding the safety and efficacy of mask wearing by healthy people.

Respectfully,

Lindsay Alexander  
Get [Outlook for Android](#)



O-File 4940-20/20-01  
Copies - Council  
JN/Lia

7/30/2020

RECEIVED

JUL 31 2020

LOG: 20-296	REFER:	AGENDA: RCM
FILE: 4940-20/20-01	ACTION: MR	05AUG20

Regarding Mask Policies:

Dear Mayor and Council,

TOWN OF COMOX

I am not an "expert". I am a conscious, living, breathing, thinking human being, and these are some concerns I have regarding proposed mask-wearing requirements and the larger ramifications of such policies.

Here are some questions and considerations that I hope will influence a humane approach in your decision-making:

I will begin by stating that there is no solid evidence to support the claim that masks effectively prevent the transmission of viruses, therefore any mask requirements are based on pseudoscience, conjecture and speculation.

We are living in an era in which science, medicine, politics, and powerful corporate interests have become inextricably entangled, and the proclamations of "experts" can no longer be taken at face value. It is with this in mind that I withhold my trust until it is earned. I give my trust to those who display moral integrity and scientific competence, qualities which are severely lacking in the medical industry.

Around the world, municipalities, leaders, and public health officials are facing legal challenges for enacting frivolous, coercive, and unconstitutional orders. Are you prepared to be held legally accountable for any physical, psychological, or financial harm resulting from your decisions?

Are you aware of the lawsuit in Ontario, and that public health officials and certain media outlets have been legally challenged in federal court to provide specific data supporting public health policies and messaging related to COVID-19, and that they have thus far failed to provide any? Why have these questions been tacitly ignored by the media? Why the lack of transparency? Accurate, consistent, and unbiased information regarding public health policy is becoming increasingly difficult to access.

Though most doctors act with integrity, it is increasingly difficult to discern when doctors are acting as marketing agents for certain products, treatments, and policies.

It must be asked, with all due respect: Are the doctors promoting these recommendations being incentivized or groomed by corporate interests?

Why is it that every single policy related to COVID-19 is in some way destructive, demoralizing and devitalizing?

Is there any serious inquiry being made regarding the harmful effects of prolonged mask-wearing? Hypoxia, hypercapnia, dizziness, headaches, fatigue, disorientation, impaired cognitive function, and lung infection have all been associated with prolonged mask-wearing. Are these harmful effects being made known to the public in a clear and transparent manner?

Who will be held liable for employees or students whose health is damaged by prolonged mask-wearing?

The employers? The schools? Public officials?

Are considerations made for those who genuinely cannot wear masks for health reasons? If masks are required in public, along with "social pressure" being widely encouraged, how will these people be protected from public discrimination, harassment and abuse? Will they be forced to disclose their private medical conditions in order to participate in public life? Private medical information must remain legally protected.

Children made to wear masks are being subjected to oxygen depletion, impaired cognitive function, and psychological stress. It is severely damaging to their social and emotional well-being and development.

Around 75% of all human interaction occurs nonverbally, and the development of empathy and compassion are largely dependent on building sensitivity to nuanced social cues. Creating barriers to natural human expression and connection is desensitizing and will have a devastating impact on future generations. Mask requirements are degrading, dehumanizing, and abusive, especially for children.

I've observed discarded masks strewn everywhere: In parking lots, on sidewalks, in public parks, etc.

This is yet another insult to our environment and another example of the hypocrisy and absurdity of this ongoing drama.

Is it possible that the physical harm caused by mask-wearing, excessive use of toxic sanitizers, and the prolonged anxiety caused by relentless fear-messaging could in fact be key factors in exacerbating the anticipated "second wave"?

I am aware that psychological factors are generally dismissed as valid considerations in discussions of public health. This is grossly negligent. To live in a perpetual state of fear does not promote "health" in any sense of the word. Perhaps another approach could be to promote life-affirming, immunity-boosting, and self-empowering practices and *attitudes*. "*Medica curat, Natura sanat.*" Medicine treats, Nature heals.

Is there a specific demarcation, an end point, when public policy will no longer be

based on the perceived threat of contagion? Or is the COVID-19 brand to be the central reference point for all aspects of life? Is this how we are expected to show care and serve The Greater Good, by living as paranoid, obsessive-compulsive germaphobes? Are we expected to live this way indefinitely? *Perpetually*? If that's the "New Normal" then I reject it.

Sincerely,  
Marcel Longpré

A handwritten signature in dark ink, appearing to be 'ML', with a horizontal line extending to the left.

## Town of Comox – Administration

---

**Subject:** FW: Mental Health Outreach needed for the Comox Valley

**From:** Amanda Howe <[amandahowe@shaw.ca](mailto:amandahowe@shaw.ca)>

**Sent:** July 23, 2020 12:12 PM

**To:** council <[council@comox.ca](mailto:council@comox.ca)>; Russ Arnott <[Rarnott@comox.ca](mailto:Rarnott@comox.ca)>; Alex Bissinger <[abissinger@comox.ca](mailto:abissinger@comox.ca)>; K Grant <[kgrant@comox.ca](mailto:kgrant@comox.ca)>; Stephanie McGowan <[smcgowan@comox.ca](mailto:smcgowan@comox.ca)>; Pat Mckenna <[pmckenna@comox.ca](mailto:pmckenna@comox.ca)>; Nicole Minions <[NMinions@comox.ca](mailto:NMinions@comox.ca)>; m swift <[mswift@comox.ca](mailto:mswift@comox.ca)>

**Cc:** [info@courtenay.ca](mailto:info@courtenay.ca); [info@cumberland.ca](mailto:info@cumberland.ca)

**Subject:** Mental Health Outreach needed for the Comox Valley

LOG: 20-278	REFER:	AGENDA:  RCM 05Aug20
FILE: 4940-20 A	ACTION: MR	

Dear Mayor and members of Council,

I am writing to ask the Town of Comox to make a request to the provincial government for an Assertive Community Treatment (ACT) team in the Comox Valley.

Assertive Community Treatment (ACT) is an Island Health mental health program that focuses on individual clients and their recovery. They offer outreach and crisis intervention, among many other services, for those suffering from mental health issues. Here is a link <https://www.islandhealth.ca/our-services/mental-health-substance-use-services/assertive-community-treatment>

The other evening I was looking for help for an individual who was on the main street in Cumberland, who was clearly experiencing a mental health episode, and who was acting erratically and was verbally aggressive.

I did not want to call the police because they do not have mental health workers with the necessary skills.

I reached out to find out what resources are available in the Comox Valley for emergency outreach intervention and found that there is nothing available in the Comox Valley for those who are having a mental health crisis, especially if this is happening out of office hours at night.

ACT has teams offering crisis intervention for people suffering from mental health issues in Campbell River, Nanaimo, Cowichan Valley, and Port Alberni. All the large centres around us - but not here.

This is a glaring hole that we need to fill.

We already know that the effects of COVID are being felt in our communities in many ways, one of which is that many people are struggling with mental health issues. This impact on our communities means there will be even greater need for mental health outreach workers.

I am asking the City of Courtenay to request the province to provide the Comox Valley with an ACT team as soon as possible.

I am also writing to our MLA, our MP, our provincial Minister of Health and the Mayor and Council of the City of Courtenay, and I have already written to Mayor Leslie Baird and Council of the Village of Cumberland.

Please could this be put on your next council meeting agenda.

Sincerely,  
Amanda Howe

2748 Keswick Ave,  
Cumberland, BC  
V0R 1S0  
250 897 2049

## Town of Comox – Administration

**Subject:** FW: Colonial name of our province

**RECEIVED**

Jul. 21, 2020

**TOWN OF COMOX**

**From:** test <[benpires@shaw.ca](mailto:benpires@shaw.ca)>

**Sent:** July 21, 2020 11:29 AM

**To:** Town of Comox – Administration <[town@comox.ca](mailto:town@comox.ca)>

**Subject:** Colonial name of our province

LOG: 20-282	REFER:	AGENDA: RCM 05Aug20
FILE: 0400-03	ACTION: File	

Dear Mayor and Council:

I would like to request council to urge the provincial government, through a council resolution, to proclaim a new INCLUSIVE name for our province and adopt a new flag and coat-of-arms on the 150<sup>th</sup> anniversary of the province's entry into the Canadian confederation on July 20, 2021.

The intent is not to revise our history but to greatly expand its limited focus under the province's current name and symbols. It will create new economic activity, post COVID-19, and will generate world-wide attention [new world maps, atlases] and recognition that our province is inclusive of all its peoples. It will be a boon to tourism, particularly in an interest in our indigenous cultures.

The government should consult with our indigenous communities on a new name that will reflect the province's more than 10,000 years of indigenous history, its awesome grandeur, diverse bio-geoclimatic zones and mosaic of multi cultures.

The new name should be short and easily pronounceable and spelled.

Today, it has become a practice, before a public event, to have an indigenous land acknowledgement. Is this mere tokenism, under the guise of Truth and Reconciliation, even when our province continues to have a COLONIAL name, flag and coat-of-arms?

Queen Victoria, a monarch who never set foot in these parts, chose the name "British Columbia" on July 24, 1858, by. Her decision, though said to be hesitant, was unilateral. She did not consult with the mostly indigenous people who lived here.

Vancouver Island was a British colony for just 22 years. The mainland was a colony for 13 years. British rule ended in 1871. Yet we cling to the "British" moniker while ignoring [a] the more than 10,000 years that indigenous communities inhabited these lands, and [b] our 149 years in the Canadian confederation.

Some will argue that a name change will dishonour British roots and heritage, and, oh yes, tradition. They conveniently forget the roots, heritage and traditions of our indigenous communities, who have lived here for more than 10,000 years, and those of us who are not of British [today a minority] ancestry.

We are not British. And Columbus never came here. It is meaningless name, particularly when abbreviated to BC, and confusing [there is a Colombia country and BC is mostly commonly interpreted as 'Before Christ' or, tongue in cheek, "British Colonists"]. We have laboured under this colonial pretension for too long.

There were many Canadians who had their knickers in a knot when Prime Minister Lester B. Pearson proposed a new flag on June 15, 1964, that was inaugurated on February 15, 1965, a mere eight months later. Was this a mistake? Should we have kept the old Canadian Red Ensign with the Union Jack and coat of arms on a red background so that we could continue to show our gratitude to the British?

Today the Maple Leaf is the pride of all Canadians.

When can we take pride in our province's name, flag and coat-of-arms?

A new name, flag and coat of arms would be in accordance with Premier John Horgan's recent challenge of "thinking outside the box" in the "new normal" after the COVID-19 pandemic.

It will demonstrate solid confidence in our selves as a province that is inclusive of all its residents, rather than clinging to coattails of British colonists.

The name, of course, cannot be fully changed overnight because it is a complex matter. However, many countries had the fortitude to make a start and go through a liberating process of choosing a new name [i.e. Ghana, Indonesia, Sri Lanka, Zambia, Mali, etc.] and implementing it fast.

If we keep the status quo, we are only confirming that many in our midst still have the "colonizers' supremacy culture" and all their talk about reconciliation with our indigenous peoples and being a multicultural province is only tokenism and not full and respectful inclusion.

Sincerely

Ben Pires  
804 Mann Avenue  
Victoria, V8Z 3C4  
250-479-8781



My take on our province's flag:

It is a **COLONIAL** flag.

The top depicts the Royal Union Flag  
with a crown in the centre.

This only reflects **22** years of Vancouver  
Island and **13** years of the Mainland  
as British colonies.

It **IGNORES 149** years of the province  
in the Canadian Confederation  
and the more than **10,000** years of  
indigenous communities on these lands.



**Ben Pires, Victoria**

Sent from [Mail](#) for Windows 10

## Town of Comox – Administration

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**Subject:** FW: Noise Days/Time

**RECEIVED**

Jul. 29, 2020

**TOWN OF COMOX**

**From:** Lynn Shaw <[lynn.shaw797@gmail.com](mailto:lynn.shaw797@gmail.com)>

**Sent:** July 29, 2020 2:27 PM

**To:** council <[council@comox.ca](mailto:council@comox.ca)>

**Subject:** Noise Days/Time

LOG: 20-294	REFER:	AGENDA:  RCM 05Aug20
FILE: 4000-01	ACTION: MR	

With so many residents having to stay home and wanting to enjoy their yards, I'm wondering if the council might consider advertising a "suggestion only" timeline for making noise with outside machinery - lawnmowers, weed eaters, power washers, blowers, etc.

Perhaps something like:

M - 9:00-10:00

T - 4:00-8:00

W - 9:00-10:00

Th - 4:00-8:00

F - 9:00-10:00

S - 9:00-10:00

S - 2:00-4:00

I am not suggesting that this would be enforceable in any way. Just a neighbourly way of cooperating with the understanding that some people won't always be able to adhere to the suggested times.

Regards,  
Lynn Shaw  
345 Ensign Street

Mayor and Council,  
Town of Comox  
1890 Beaufort Ave  
Comox, B.C.  
V9M 1R9

o - cfile  
copies - Council?  
- JW/SA  
- Lia

241-1700 Comox Ave,  
Comox

July 28, 2020

RECEIVED

JUL 29 2020

TOWN OF COMOX

July 24, 2020

Dear Mayor and Council,

This is a request that more park benches be added in the shade to the park at Stewart and Balmoral Avenues. At the moment there is only one.

This park is becoming more and more popular now. Since Comox has many seniors living here and especially this one being near both Stephenson Place and Berwick it seems a reasonable request. More and more social gatherings (6 feet apart) can be seen to be taking place and people who are elderly cannot sit on the ground. At the moment we must carry chairs and this is difficult for many seniors.

Thank you for your consideration.

Sincerely,

*Mary Carter*  
Mary Carter

LOG: 20-298	REFER:	AGENDA: RCM
FILE: 6130-20	ACTION: MR	Aug 5