

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday December 16, 2020

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

Absent: Nil

Staff Present: J. Wall, Chief Administrative Officer
S. Russwurm, Corporate Officer
C. Freundlich, Director of Finance (electronically)
M. Kamenz, Director of Development Services (electronically)
G. Schreiner, Fire Chief (electronically)
S. Ashfield, Director of Operations (electronically)

Call to Order:

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

The agenda was Adopted.

There were 0 members of the public in attendance.

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

Mayor Arnott acknowledged that the Town of Comox is on traditional First Nation land.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS:

a. Resolution to Close Meeting to the Public

Late Agenda Items

That the following subsection be added to Council's resolution to exclude the public from the In-Camera Meeting:

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

(2020.414) -- CARRIED UNANIMOUSLY

2. ADOPTION OF AGENDA: NIL

3. DELEGATIONS:

a. Mohammed Janief and Tom Finkelstein (Applicant) - Planning Report PR 20-09: Non-Medical Cannabis Licence Application - Prime Cannabis Corp. (278 Anderton Road)

278 Anderton Road

Mr. Finkelstein advised that the application meets all parameters of the bylaw, all safety concerns have been addressed and that there were no concerns from the RCMP and the Fire Department. He also addressed some of the concerns submitted by members of the public.

- b. Jamie Macleod (Applicant): Rezoning Application RZ 19-4 / Development Variance Permit Application DVP 19-6 (1564 Birch Avenue)**

1564 Birch Avenue

Mr. Macleod advised that he would like Council to approve a subdivision configuration that would result in a smaller north lot and larger south lot, as compared to what the Planning Department is recommending.

4. ADOPTION OF MINUTES:

- a. Regular Council Meeting Minutes**

RCM Minutes

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday November 25, 2020, be Adopted.

(2020.415) -- CARRIED

- b. Strategic Planning Committee Minutes**

SPC Minutes

That the Minutes of the Strategic Planning Committee, held in Council Chambers on Wednesday December 9, 2020, be Received.

(2020.416) -- CARRIED

COMMITTEE RECOMMENDATIONS:

- (1) Sail Buildings Roof

Sail Buildings Roof

That the construction of a roof between the two sail buildings be added to the strategic plan.

(2020.417) -- CARRIED

- (2) Waterfront Walkway

Waterfront Walkway

That the Town explore options for the completion of the walkway from the Marina west to Ellis Street.

(2020.418) -- CARRIED

5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

6. CONSENT AGENDA:

- a. Consent Agenda**

Consent Agenda

1. *That the Consent Agenda items as follows be received:*
 - (a) *Comox Strathcona Regional Hospital District Board meeting minutes held on November 12, 2020 and Comox Valley Regional District Board meeting minutes held on November 24, 2020.*
 - (b) *November 9, 2020 letter from John Case - The new "No Bikes" sign at the entrance of the promenade*
 - (c) *November 17, 2020 email from Steven Faraher-Amidon (Social Justice Team of Comox Valley Unitarian Fellowship) Endorse the United Nations Declaration on the Rights of Indigenous People. (UNDRIP)*
 - (d) *November 20, 2020 email from Shirley Miller - Constant plague of rats*
 - (e) *November 26, 2020 email from Gweneth Sutton - Outstanding property tax*
 - (f) *November 26, 2020 letter from Tom Wright and Katie Oppenheimer - 5G technology*
 - (g) *November 27, 2020 email from Deb and Kerry Scarsbrook - Bann the use of Rodenticide*
 - (h) *November 27, 2020 email from Dr. Teale Phelps Bondaroff - Access to contraception*

- (i) December 2, 2020 email from Heath Israel - Late Tax Payment
- (j) December 4, 2020 email from Peter Dobbs - Buena Vista Avenue concerns
- (k) December 7, 2020 email from Glenn & Denise Wills - Buena Vista Avenue concerns

(2020.419) -- CARRIED

2. That item (c) be removed from the consent agenda for discussion.

(2020.420) -- CARRIED

7. UNFINISHED BUSINESS:

a. Strategic Planning and Action Items Report - December 16, 2020

Strategic Planning and Action Items

That the Strategic Planning and Action Items Report for December 16, 2020 be received and filed for information.

(2020.421) -- CARRIED

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS: NIL

10. NEW BUSINESS:

a. Crown Land Tenure - Lease Agreement for Comox Municipal Marina

Marina Lease Agreement

That a new lease agreement with the Provincial government for the lease of District Lot 380, as included in the December 16, 2020 Regular Council Meeting Agenda, be approved for a period of thirty years effective October 26, 2020; and further, that the Mayor and the Corporate Officer be authorized to execute the agreement.

(2020.422) -- CARRIED

b. GPS Fleet Management Policy

GPS Fleet Policy

That Council Policy No. CCL-061 (GPS Fleet Management Policy), as included in the December 16, 2020 Regular Council Meeting agenda, be adopted.

(2020.423) -- CARRIED

c. Personal Use of Town Assets Policy

Personal Use of Assets Policy

That Council Policy No. CCL-062 (Personal Use of Town Assets Policy), as included in the December 16, 2020 Regular Council Meeting agenda, be adopted.

(2020.424) -- CARRIED

d. Noise Exemption Permit for Dredging of Comox Valley Marina

Noise Exemption Application

That the Noise Exemption Application dated December 7, 2020 from Comox Valley Marina Ltd., 1805 Beaufort Avenue, requesting exemption from Section 16 [Construction Noise] of the Comox Public Nuisance and Property Maintenance Bylaw, 2010, be approved in order to allow the movement of dredged material by tug at night, during the period January 6 to February 18, 2021; and further,

That the applicant be required to place a notice in the Comox Valley Record newspaper as well as provide written notification to residents south of Comox Avenue between Manor Place and Port Augusta Street prior to the work being undertaken.

(2020.425) -- CARRIED

e. Flag Raising & Protocol Policy and Proclamation Policy

**Flag Raising and
Proclamations Policies**

1. *THAT Council approve the proposed Flag Raisings and Flag Protocol Policy CCL-058.*
(2020.426) -- CARRIED
2. *That Council approve the proposed Proclamation Policy CCL-059.*
(2020.427) -- CARRIED

f. Cannabis Licence Review Application 278 Anderton Rd. (Prime Cannabis)

278 Anderton Road

That the Town of Comox Council's comments on the prescribed considerations regarding the request for a Non-Medical Cannabis Retail Sales Licence for Prime Cannabis at 278 Anderton Rd., Comox (Strata Lot 9, Section 53, Comox District, Strata Plan 715) be as follows:

- a) *The location of the proposed store:*
 - i) *The subject property is located outside the Downtown area within a commercial strata building on the northeast corner of the intersection of two arterial roads, Anderton Road and Comox Avenue, and is zoned C3.1 Arterial Commercial. Permitted uses in the C3.1 zone include recreational cannabis retail stores. Surrounding uses include single-family residential uses to the north and south, commercial and multi-family residential uses to the west, and multi-family residential use to the east.*
- b) *The general impact on the community if the application is approved:*
 - i) *If the application is approved, the impact is expected to be generally positive in that it will:*
 1. *diversify services available to Comox residents, particularly as a walkable destination for surrounding residential development; and*
 2. *strengthen Comox's commercial base.*
- c) *The method the Town used to gather the views of the residents:*
 - i) *In advance of the federal legalization of the sale of cannabis, the Town of Comox amended its Zoning and Business Regulation Bylaws to address recreational cannabis retail stores, including permitted locations. This process included the following public consultation:*
 1. *Open House on June 14, 2018 on a draft land use and business licensing regulatory framework in respect of recreational cannabis retail stores;*
 2. *Zoning and Business Regulation Bylaw Amendments were given First & Second reading on September 5, 2018;*
 3. *Public Hearing on the Zoning Bylaw Amendment and notice of the Business Regulation Bylaw Amendment were advertised in the local newspaper;*
 4. *September 19, 2018 a Public Hearing was held and the Zoning Bylaw Amendment was adopted which included the following:*
 - a. *adding recreational cannabis retail stores as a permitted use to specific commercial zones;*
 - b. *minimum 250 m separation between recreational cannabis retail stores; and*
 - c. *limiting the proximity of recreational cannabis retail stores to retail liquor stores or gas stations.*

f. Cannabis Licence Review Application 278 Anderton Rd. (Prime Cannabis)

278 Anderton Road

5. September 19, 2018 a Business Regulation Bylaw Amendment was adopted which includes:

- a. limiting the maximum number of recreational cannabis retail stores to a total of three (two being possible in the Downtown and one being possible outside of the Downtown but still within a commercial area); and
- b. a regulation to keep recreational cannabis retail store frontages clear of cannabis promotion and limit the use of "cannabis" in signage to the company's name;

ii) A notice of Council's consideration of a Non-Medical Cannabis Retail Sales Licence, as contained in Attachment 4 of the December 16, 2020 Staff Report PR 20-9 for 278 Anderton Road was:

1. posted on the Town's website and Town Hall notice board;
2. published in two consecutive editions of the Comox Valley Record newspaper (December 2, 2020 and December 9, 2020); and
3. mailed or otherwise delivered to owners and tenants within 75 metres of the subject property.

iii) Two signs, one at each street corner, advertising the Non-Medical Cannabis Retail Store Licence application were installed at the Anderton Road frontage of the subject property.

iv) Written submissions from the public, have been provided to Council for Council's consideration of this application, copies of which will be forwarded to the General Manager of the Liquor and Cannabis Regulation Branch with this resolution.

d) The Town of Comox Council recommends that a Non-Medical Cannabis Retail Store Licence be issued for Prime Cannabis Corp., located at 278 Anderton Road in Comox, as the proposed retail store is in compliance with the Town's recreational cannabis retail store zoning and business licensing regulation framework, including that the subject property is zoned to permit a recreational cannabis retail store and the proposed store is located outside the Downtown commercial area, and is located at least 250 metres from other existing cannabis retail stores.

(2020.428) -- CARRIED

g. Rezoning Application RZ 19-4 / Development Variance Permit Application DVP 19-6 (1564 Birch Avenue)

1564 Birch Avenue

Mr. Kamenz, Municipal Planner, provided background information on the proposed subdivision, including different options for lot configurations as presented in the staff report.

1. That Comox Zoning Amendment Bylaw 1939 be given First and Second Reading.

(2020.429) -- CARRIED

g. Rezoning Application RZ 19-4 / Development Variance Permit Application DVP 19-6 (1564 Birch Avenue)

1564 Birch Avenue

2. *That the Proposed Development Variance Permit Conditions on RZ 19-4 / DVP 19-6 (1564 Birch Avenue), as outlined in Schedule 1 of the Dec. 16, 2020 Planning Report to Mayor and Council, be amended to delete Condition 2(a) and add the following text to Condition 2(b) For Proposed Lot A:*

"Schedule A, Section 112.6 Parcel Depth

From: Parcel depth shall not be less than 24.0 metres;

To: Parcel depth shall not be less than 19.0 metres;"

*(2020.430) -- CARRIED
[Opposed: Councillor NMinions]*

3. *That the Proposed Development Variance Permit Conditions on RZ 19-4 / DVP 19-6 (1564 Birch Avenue), as outlined in Schedule 1 of the Dec. 16, 2020 Planning Report to Mayor and Council, be amended to replace Condition 2(c)(iv) with the following text:*

Schedule A, Section 112.9(1), (2) and (3)

From:

(1) Front

(a) For 5.5 metres, as measured parallel to and at the front setback – Front setback shall not be less than 7.5 metres as shown in Figure 112-4.

(b) For any part of a structure used as a garage or carport – Front setback shall not be less than 7.5 metres.

(c) All other situations – Front setback shall not be less than 4.5 metres.

(2) Rear

Rear setback shall not be less than the greater of 7.5 metres or 25% of the parcel depth

(3) Side – interior

Interior side setback shall not be less than 1.8 metres

To:

(1) Front

Front setback shall not be less than 6.95 metres

(2) Rear

(3) Rear setback shall not be less than the greater of 6.15 metres or 25% of the parcel depth

(4) Side – interior

Interior side setback shall not be less than 1.4 metres for the existing deck only.

(2020.431) -- CARRIED

4. *That a Virtual Public Hearing in respect of Bylaw 1939 be scheduled for 6:00 pm, January 20, 2021 via Zoom video conferencing, and the Town publish the requisite notices as required by the Local Government Act.*

(2020.432) -- CARRIED

5. *That the undertaking of a survey of existing infrastructure and tree locations along Balsam, Birch and Cypress Avenues overlaying the draft local road cross section, in order to determine if additional road dedication is required, be referred to the 2021 Budget deliberations.*

(2020.433) -- CARRIED

AT 6:40 P.M., COUNCILLOR MCKENNA LEFT THE MEETING.

AT 6:52 P.M., COUNCILLOR BISSINGER LEFT THE MEETING.

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

- a. Howie Siemens (CVRD Emergency Program Coordinator): Emergency Operations Centre Policy Group**

EOC Policy Group

1. *THAT the Mayor of the Town of Comox be appointed to the Comox Valley's Regional Emergency Operations Centre Policy Group in response to the ongoing COVID-19 pandemic.*

(2020.434) -- CARRIED

2. *THAT the Policy Group be tasked with providing leadership and strategic direction/decision making on Emergency Operations Centre policy matters and act as the key communications liaison point between senior government and health officials and the local emergency operations centre and local jurisdictions.*

(2020.435) -- CARRIED

- b. Joe Schommer (Comox Valley Airport Commission): Reappointment of Director Richard Clarke**

CVAC Reappointment

That the December 3, 2020 letter from Joe Schommer of the Comox Valley Airport Commission, advising that Director Richard Clarke's board term is up for re-appointment, be received and that Council concur with the re-appointment.

(2020.436) -- CARRIED

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

- a. Councillor McGowan**

Councillor McGowan advised that she attended a Community Substance Use Strategy Committee meeting, a housing webinar and a Council to Council meeting.

- b. Councillor Swift**

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

- c. Councillor Grant**

Councillor Grant advised that he attended the Regional District sewer commission, water committee and board meetings.

- d. Councillor Minions**

Councillor Minions advised that she attended the Regional District sewer commission meeting and the board meeting as an alternate.

- e. Mayor Arnott**

Mayor Arnott advised that he attended:

- a couple of meetings with Aurora Coast along with the CAO via Zoom,
- the virtual tree lighting ceremony,
- a Provincial teleconference with new Health Minister Osborne, and
- a Comox Valley Economic Development Society Strategic Planning Meeting.

17. RESOLUTION TO GO IN-CAMERA:

a. Exclude the Public

Exclude the Public

That the Public be Excluded from the In-Camera session of Council on Wednesday December 16, 2020 pursuant to the following sub-sections of section 90 of the Community Charter:

(1)(c) labour relations or other employee relations; and

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

(2020.437) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 7:00 P.M.

THE REGULAR COUNCIL MEETING RECONVENED AT 9:10 P.M.

18. RISE AND REPORT FROM IN-CAMERA: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 9:10 p.m.

CARRIED

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



MAYOR



CORPORATE OFFICER