



TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday December 7, 2022

Present: Mayor N. Minions
Councillors S. Blacklock, K. Grant, C. Haslett,
J. Kerr, J. Meilleur, M. Swift

Absent: Nil

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

Call to Order:

The meeting was called to order at 5:00 p.m. with 23 members of the public in attendance.

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

1. INTRODUCTION AND APPROVAL OF LATE ITEMS:

a. Amendment of Agenda

Amendment of Agenda

That the Agenda be Amended to include a delegation by Barb Hanson from the Black Fin Marina.

(2022.332) -- CARRIED UNANIMOUSLY

2. ADOPTION OF AGENDA:

a. Adoption of the Agenda

Adoption of Agenda

That the December 7, 2022 Regular Council Meeting agenda be adopted as amended.

(2022.333) -- CARRIED

3. DELEGATIONS:

a. Barb Hanson: Change to Liquor Primary License – Black Fin Pub (132 Port Augusta St.)

132 Port Augusta Street

Barb Hanson provided Council with a history of the application, and advised which step the process it at currently. She gave an overview of the structure of their liquor licence if the application is approved. She advised that she is asking Council to not go back to Public Hearing, which is what is recommended in the Planning Report.

b. Peter Williams (Dragon Riders Youth Dragon Boat Team): Moorage space for dragon boat

**Dragon Riders Moorage
Space**

Mr. Williams provided an overview of his organization and advised that they are looking to secure moorage space for their dragon boat in the Municipal Marina.

- c. Holly Brotherston and Cleo Tetrault (Love Local Food Co.): Partnership and financial support**

Love Local Food

Cleo Tetrault and Holly Brotherston advised that they are hoping to establish a summer market in Marina Park, starting summer 2023. They provided a history of their business and advised that they envision a weekly, Thursday evening market of artisans, small business and food growers. They also identified the in-kind and financial assistance they are hoping to receive from Council.

- d. Russell Tibbles and Shawn Vincent (Simba Investments Ltd.): 1000 Pritchard Road Subdivision Application**

1000 Pritchard Road

Russell Tibbles and Shawn Vincent summarized their proposed development and advised that they are seeking subdivision approval for single family lots. They reviewed some of the challenges in dealing with the Town and advised that they are now at an unfortunate point to be sending an application to court.

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 16, 2022, be Adopted.

(2022.334) -- 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 for information:*

- .01 Linda Ford, Help Ukraine, November 2, 2022, looking for donations to welcome baskets.*
- .02 Gayle Cousins, November 15, 2022, concerned with information about "tree bylaw policy".*
- .03 Majorie Moore, November 15, 2022, regarding destroying trees in the valley.*
- .04 Len Landry, November 16, 2022, concerned with the construction parking situation at Providence Living and if it will be ongoing once the facility is open.*
- .05 Amber Quigley, November 17, 2022, does not want the disc golf course replaced with a skate park.*
- .06 Jonathon Menz, November 17, 2022, suggests another location other than the disc golf course for the skate park.*

a. Consent Agenda

Consent Agenda

4. *That Item .04 (concerns regarding construction parking at Providence Living) be removed from the Consent Agenda for discussion.*
(2022.338) -- CARRIED
5. *That Item .14 (requesting an opportunity to discuss stormwater management options) be removed from the Consent Agenda for discussion.*
(2022.339) -- CARRIED
6. *That Item .16 (turf field development) be removed from the Consent Agenda for discussion.*
(2022.340) -- CARRIED
7. *That Item .13 (Kye Bay Road edge) be removed from the Consent Agenda for discussion.*
(2022.341) -- CARRIED
8. *That Item .18 (bike safety awareness campaign) be removed from the Consent Agenda for discussion.*
(2022.342) -- CARRIED

REGULARLY MOVED AND SECONDED THAT THE MEETING RECESS AT 5:54 P.M. UNTIL AFTER THE PUBLIC HEARING ON OCP AMENDMENT APPLICATION OCP 22-1

CARRIED

THE MEETING WAS CALLED BACK TO ORDER AT 6:59 P.M.

7. UNFINISHED BUSINESS:

a. Strategic Priorities and Action Items Report - December 7, 2022

**Strategic Priorities and
Action Items**

That the Strategic Priorities and Action Items Report for December 7, 2022 be received and filed for information.

(2022.343) -- CARRIED

AT 7:00 P.M., COUNCILLOR KERR LEFT THE MEETING, DECLARING A CONFLICT OF INTEREST WITH THE NEXT ITEM ON THE AGENDA AS HE IS AN ADJACENT BUSINESS OWNER.

b. Change to Liquor Primary License – Black Fin Pub (132 Port Augusta St.)

132 Port Augusta Street

That, based on the public comments received during the recent rezoning application RZ 21-6 to increase the seating capacity of the Black Fin Pub (the Pub) located at 132 Port Augusta Street (Lot 2, Section 56, Comox District, Plan VIP69621), the Town of Comox Council's comments to the Liquor and Cannabis Regulation Branch (LCRB) on the prescribed considerations regarding the proposed increase to the Pub's existing Liquor Primary licenced capacity from 175 persons to 310 persons are as follows:

b. Change to Liquor Primary License – Black Fin Pub (132 Port Augusta St.)

132 Port Augusta Street

- a) *The location of the establishment:*
 - i) *The subject property is located at the intersection of Port Augusta Street and Beaufort Avenue in Downtown Comox. Surrounding uses include abutting commercial uses to the east, Comox Harbour, wharf and Marina Park to the south, multi-family development to the west and commercial uses to the north.*
- b) *The person capacity and hours of liquor service of the establishment:*
 - i) *The subject property is zoned C4.1 Core Commercial.*
The proposed amendment of the existing Liquor Primary liquor licence with an existing total capacity of 175 persons (80 upper level indoor, 30 outdoor deck and 65 lower level patio) is to permit an additional 135 person capacity for the indoor lower level of the building for a new total Liquor Primary licensed capacity of 310 persons permitted under the C4.1 zone of Comox Zoning Bylaw 1850 for the Pub at 132 Port Augusta Street, Comox, BC.
 - ii) *In accordance with the Comox Business Regulation Bylaw No. 1882, 2018, section 8(6) Specific Business Regulations, the Black Fin Pub, being a Liquor Primary Licensed Establishment with a maximum seating capacity greater than 175, pursuant to Comox Zoning Bylaw 1850, is limited to the following hours of operation for liquor service:*
 - *from 9:00 AM to 11:00 PM Sundays to Thursdays and*
 - *from 9:00 AM to 12:00 AM midnight, Fridays and Saturdays.*
- c) *The impact of noise on nearby residents:*
 - i) *The Blackfin Pub occupies a 2 storey, commercial building surrounded by mixed use commercial-residential or marine (water) zoning on three sides and multi-family zoning on the west side. The upper deck and lower patio on the south side of the building are mostly uncovered and, therefore, anticipated to be used seasonally.*
 - ii) *The Pub is separated from the Multi-Family development to the west by Port Augusta Street which is approximately 20 m in width.*
- d) *The 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 support:*
 - a. *growth in tourism and capacity for an existing business;*
 - b. *more space will be available within the building for social distancing, should that be required by public health measures or preferred by the Pub's patrons.*
- e) *The method the Town used to gather the views of the residents:*
 - i) *A notice, as contained in Attachment 4 of the December 7, 2022 Planning Report PR 22-24 Change to Liquor Primary License – Black Fin Pub, 132 Port Augusta St. to Mayor and Council, advertising a Public Hearing on April 6, 2022 regarding rezoning application RZ 21-6 proposing to increase the maximum seating capacity of the subject property's Pub from 175 to 310 persons was:*
 - a. *posted on the Town's website and Town Hall notice board; and*
 - b. *published in two consecutive editions of the Comox Valley Record*

newspaper (Mar 23, 2022 and Mar 30, 2022); and
c. mailed or otherwise delivered to owners and tenants within 75 metres of the subject property.

- ii) A sign advertising the RZ 21-6 rezoning application was installed on the subject property.*
- iii) Written submissions from the public received at the time of the April 6, 2022 Public Hearing in response to rezoning application RZ 21-6 were provided to Council in Attachment 5 of the December 7, 2022 Planning Report PR 22-24 for Council's consideration of this Liquor License review application, copies of which will be forwarded to the General Manager of the Liquor and Cannabis Regulation Branch with this resolution.*
- iv) A Public Hearing for rezoning application RZ 21-6 was held on April 6, 2022 and the Public Hearing Minutes were provided to Council in Attachment 6 of the December 7, 2022 Planning Report PR 22-24 for Council's consideration of this Liquor License review application, copies of which will be forwarded to the General Manager of the Liquor and Cannabis Regulation Branch with this resolution.*

f) The Town of Comox Council recommends:

that the existing Liquor Primary Licence for the Blackfin Pub, located at 132 Port Augusta Street in Comox be increased to permit a 135 person capacity in the indoor lower level of the building for a total maximum Liquor Primary licensed capacity of 310 persons.

(2022.344) -- CARRIED

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS: NIL

10. NEW BUSINESS:

a. Municipal Snow Plowing, Sanding, and De-icing Policy

Snow Plowing Policy

- 1. That the snow clearing policy be amended to include the creation of a municipal/external snow clearing assistance list.*

(2022.345) -- DEFEATED

*[Opposed: Mayor Minions, Councillors SBlacklock CHaslett
KGrant JKerr JMeilleur MSwift]*

- 2. That a staff report be provided on the creation of a sidewalk snow clearing assistance plan taking into account community connections and accessibility issues.*

(2022.346) -- CARRIED

- 3. That routes for sidewalk snow clearing assistance be reprioritized to consider school access.*

(2022.347) -- CARRIED

11. NOTICES OF MOTION:

- a. Notice of Motion from November 16, 2022 RCM: Strategic Planning Process (Councillor Kerr)**

Strategic Planning Process

1. *Whereas the Town of Comox is beginning its strategic planning process;*

And whereas the development of strategic lenses will aid Council by providing structure to how decisions will be made;

Be it resolved that a Strategic Planning session be organized as soon as possible for Council, and that a consultant be found to aid Council in this session.

That the main motion be amended to allow for staff to bring a selection of potential candidates to Council for approval.

(2022.348) -- CARRIED

2. **MAIN MOTION AS AMENDED:**

Whereas the Town of Comox is beginning its strategic planning process;

And whereas the development of strategic lenses will aid Council by providing structure to how decisions will be made;

Be it resolved that a Strategic Planning session be organized as soon as possible for Council, and that staff bring a selection of potential consultants to Council for approval to aid Council in this session.

(2022.349) -- CARRIED

12. CORRESPONDENCE:

- a. Donna Wedman (Comox Valley Dragon Boat Society / Hope Afloat Canada): Request for ongoing and affordable moorage at Comox Marina**

Hope Afloat Moorage

That the September 7, 2022 letter from Donna Wedman of the Comox Valley Dragon Boat Society / Hope Afloat Canada be received and that moorage costs at the Municipal Marina be waived for 2023.

(2022.350) -- CARRIED

- b. Janette Martin-Lutzer (Comox Valley Ukrainian Society): Request for an extension of the Sail Building subsidy to June 2023**

Ukrainian Society Request

That the November 19, 2022 email from Janette Martin-Lutzer of the Comox Valley Ukrainian Society be received, and that space be provided free of charge until the end of June 2023 at either the Sail Buildings or Community Centre Room B while the facilities are not otherwise booked.

(2022.351) -- CARRIED

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor Blacklock

Councillor Blacklock advised that he attended:

- two Comox Business in Action meetings,
- the CVRD sewage commission as alternate director,
- the Lidstone legal orientation,
- the Chamber mixer, and
- the Rotary Everyone Eats Dinner event.

b. Councillor Swift

Councillor Swift advised that she attended the CVRD sewage commission meeting.

c. Councillor Haslett

Councillor Haslett advised that he:

- met with residents of Wireless Road,
- xx,
- attended the d'Esterre Seniors Centre meeting
- xx,
- attended the CVRD infrastructure open house,
- attended the Mayor's tree lighting, and
- attended a Nautical Days Committee meeting.

d. Councillor Kerr

Councillor Kerr advised that he:

- attended a Nautical Days Committee meeting,
- attended Coalition to End Homelessness meeting,
- participated in an Equity in Public Policy zoom call,
- attended the Mack Laing Heritage Society's Film night,
- attended the Comox Valley Rotary Club's Everyone Eats fundraiser,
- attended the Remembrance Day Ceremony,
- attended the Christmas market and tree lighting,
- attended the Comox Fire Department awards banquet,
- attended the 19 Wing Commanders holiday open house,
- attended the Comox infrastructure open house,
- participated in a number of doctor recruitment meetings,
- attended the regional solid waste management board,
- attended the regional hospital board,
- attended the CVRD water committee meeting, and
- attended the CVRD recreation commission meeting.

e. Councillor Grant

Councillor Grant advised that he attended:

- the CVRD sewer commission meeting,
- the CVRD water committee meeting,
- the CVRD regional parks and trails committee meeting,
- the CVRD recreation commission meeting,
- the CVRD board meeting,
- the regional hospital board meeting,
- the regional solid waste management board meeting,
- the 911 Corporation meeting, and
- three open houses on the sewer conveyance project.

f. Councillor Meilleur

Councillor Meilleur advised that she:

- met with residents of Wireless Road,
- attended the CVRD regional parks and trails committee meeting,
- attended a food policy council meeting,
- attended the tree lighting, and
- attended the Fire Department awards banquet.

g. Mayor Minions

Mayor Minions advised that she:

- attended a meeting regarding homelessness and the unhoused,
- met with a community member to discuss neighbourhood emergency planning,
- participated in the Courtenay parade on behalf of Comox,
- met with Fire Chief Schreiner,
- participated in the Mayor's tree lighting and Comox market,
- attended a Mayor's leader lunch,
- met with K'omoks First Nation Chief Rempel,
- attended the Comox infrastructure open house,
- attended the Community Justice Centre AGM,
- attended the CVRD sewage conveyance open house,
- met with the Comox Valley Land Trust,
- met with Lee and Rob Everson regarding Rainbow House,
- attended a North Island College open house, and
- attended an Island Coastal Economic Trust meeting.

17. RESOLUTION TO GO IN-CAMERA:

a. Exclude the Public

Exclude the Public

That the Public be Excluded from the Special In-Camera session of Council on Wednesday October 28, 2022 pursuant to the following sub-sections of section 90 of the Community Charter:

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

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

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

(2022.352) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 8:25 p.m.

THE REGULAR COUNCIL MEETING RECONVENED AT 9:15 P.M.

18. RISE AND REPORT FROM IN-CAMERA: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 9:15 p.m.

CARRIED

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



MAYOR



CORPORATE OFFICER