



Council Minutes

Meeting #: R3/2024
Date: February 14, 2024
Time: 4:00 pm
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

Council Present: B. Wells
W. Cole-Hamilton (electronic)
D. Frisch
D. Hillian
E. Jolicoeur
M. McCollum (electronic)
W. Morin

Staff Present: G. Garbutt, City Manager (CAO)
A. Langenmaier, Director of Financial Services
K. Macdonald, Fire Chief
K. O'Connell, Director of Corporate Services
S. Saunders, Director of Recreation, Culture & Community Services
M. Wade, Director of Development Services
A. Proton, Manager of Legislative Services
J. Bagnall, T/Manager of Legislative Services
L. Bourgeois, Deputy Corporate Officer

1. CALL TO ORDER

Mayor Wells called the meeting to order at 4:09 pm and respectfully acknowledged that the land on which the meeting was conducted on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

Councillor Hillian provided a statement on behalf of Council to acknowledge the deaths of 33 Comox Valley community members in the period of January to December 2023 due to the unregulated toxic drug supply crisis, for a total of 175 deaths of Comox Valley Community members since the public health emergency was first declared.

Mayor Wells noted that Council will consider the 2024-2028 Financial Plan, the budget, on February 28, 2024. The February 28th regular Council meeting will start at 12:30 pm, and Council will review the budget starting at 4 pm.

2. INTRODUCTION OF LATE ITEMS

Moved By Jolicoeur

Seconded By Hillian

THAT Council add Dayna Forsgren to the agenda as a delegation under a new item numbered 4.3 Dayna Forsgren - Parks and Open Spaces Bylaw No. 3121.

CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council Minutes - January 24, 2024

Moved By Frisch

Seconded By Morin

THAT Council adopt the January 24, 2024 Regular Council minutes.

CARRIED

4. DELEGATIONS

4.1 Tracey Clarke – Comox Valley Chamber of Commerce (Funding Request)

Delegation by Tracey Clarke, Executive Director of the Comox Valley Chamber of Commerce (CVCC), presented a proposal outlining a four-phased, three-year Business Recruitment and Retention Program. The program's objective is to stimulate economic growth and vitality in the Comox Valley region by engaging with businesses and the public to identify and address economic gaps. The delegate recommended that funding be divided between the Town of Comox (35%) and the City of Courtenay (65%).

4.2 Alicia Fennell – The Brazilian Cultural Foundation (Funding Request)

Alicia Fennell, representing The Brazilian Cultural Foundation (BCF), is seeking financial assistance for an intercultural event between Brazilian and Kamugwe indigenous artists scheduled at the K'ómoks Big House on March 16, 2024. This event is part of the broader celebration of 15 years of Capoeira in the Comox Valley. The delegate requested \$5,000 from the City of Courtenay to cover various event costs, including food and housing for cultural leaders, rental of K'ómoks Big House, accommodations, and transportation.

4.3 Dayna Forsgren – Parks and Open Spaces Bylaw No. 3121

Dayna Forsgren presented a report titled "Working towards System Change: Assessing Courtenay's Approach to End Homelessness," which included an analysis of Bylaw No. 3121. The report focused on Courtenay's marginalized community members, their interactions with Courtenay Bylaw enforcement, their concerns regarding proposed Parks and Open Spaces Bylaw No. 3121, and proposed amendments to the bylaw.

5. PRESENTATIONS

5.1 Comox Valley RCMP – Report for the 2nd & 3rd Quarters of 2023

Staff Sergeants Beauregard and Kilborn reviewed the RCMP reports for the 2nd and 3rd Quarters of 2023, highlighting year-over-year changes in 911 calls, traffic offenses, violent crimes, property crimes, and controlled drug and substances incidents.

They also reviewed the downtown foot patrols program, which ran from May to September 2023, aimed at increasing visibility downtown and in parks.

Moved By Morin

Seconded By Frisch

THAT Council write the RCMP requesting implementation of the downtown foot patrol program on an ongoing basis from April 1 to Labour Day weekend;

AND THAT all costs related to this service be included in the 2024 Financial Plan.

CARRIED

6. STAFF REPORTS

6.1 Corporate Services

6.1.1 Bylaw Dispute Adjudication System

Moved By Frisch

Seconded By Jolicoeur

THAT Council direct staff to proceed with the preparation of all bylaws, policies, procedures, and agreements necessary to create a Bylaw Adjudication Program;

AND THAT staff be authorized to work with the Province of BC as needed to gain provincial approval for the City of Courtenay to use the Bylaw Adjudication System as outlined in the Local Government Bylaw Notice Enforcement Act.

CARRIED

6.2 Development Services

6.2.1 Zero Carbon Step Code

Moved By Hillian

Seconded By Frisch

THAT Council adopt the Provincial Zero Carbon Step Code;

AND THAT Council direct staff to amend "Building Bylaw No. 3114, 2023" to include the Zero Carbon Performance Levels in accordance with the timelines established in the CleanBC Road Map for all applicable Part 3 and Part 9 buildings starting with EL2 in 2024 and EL3 in 2027 and EL 4 in 2030;

AND THAT Council direct staff to engage with the development industry and community to inform on the Zero Carbon Step Code and its mandates.

CARRIED

Opposed: Councillor Cole-Hamilton, Councillor Jolicoeur, Councillor McCollum

Moved By Jolicoeur

Seconded By Frisch

THAT Council vary the agenda to move Item 10.2.1 - Parks and Open Space Bylaw No. 3121 to Item 7.1.1, and re-number the agenda accordingly.

CARRIED

Opposed: Councillor Hillian

Mayor Wells called a recess at 6:52 pm. The Council meeting resumed at 7:16 pm.

7. BYLAWS

7.1 For Third Reading

7.1.1 Parks and Open Spaces Bylaw No. 3121

Moved By Morin

Seconded By McCollum

THAT Council close the meeting to the public pursuant to the following subsection of the Community Charter:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED

The meeting went in camera at 7:47 pm. Following the conclusion of the in camera portion of the meeting, Mayor Wells resumed the open meeting at 7:55 pm.

Moved By Frisch

Seconded By Jolicoeur

THAT Council direct staff to report back on the following requests and amendments, as proposed in the report “Working Toward System Change – Assessing Courtenay’s Approach to Homelessness”:

1. Remove the term “offensive” from section 5.9(b)
2. Strike out “with or without shelter” from section 5.9(d)
3. Strike out 5.9(g) in its entirety
4. Incorporate language from the Bylaw Compliance Policy, which discusses how City employees should behave while enforcing the bylaw

5. Include express language outlining trauma-informed bylaw enforcement
6. Remove reference to “interfering with a bylaw officer in performing their duties” and replace with language that prohibits physical obstruction or interference with City employees while carrying out their duties in parks
 - Strike out Section 5.10(d) and combine it with 5.10 (c)
7. Strike out section 7.2(f)
8. Strike out “and in doing so may be assisted by another such officer or a City personnel” from section 10.2, and consider specifying “emergency personnel”
9. Add language to the bylaw that emphasizes Social Service partnership and support

Amendment:

Moved By Jolicoeur

Seconded By Hillian

THAT the following words be added to the main motion "AND THAT Council direct staff to highlight options to work with Indigenous partners on the proposed bylaw in the report".

CARRIED

Main motion as amended:

THAT Council direct staff to report back on the following requests and amendments, as proposed in the report “Working Toward System Change – Assessing Courtenay’s Approach to Homelessness”:

1. Remove the term “offensive” from section 5.9(b)
2. Strike out “with or without shelter” from section 5.9(d)
3. Strike out 5.9(g) in its entirety
4. Incorporate language from the Bylaw Compliance Policy, which discusses how City employees should behave while enforcing the bylaw

5. Include express language outlining trauma-informed bylaw enforcement
6. Remove reference to “interfering with a bylaw officer in performing their duties” and replace with language that prohibits physical obstruction or interference with City employees while carrying out their duties in parks
 - Strike out Section 5.10(d) and combine it with 5.10 (c)
7. Strike out section 7.2(f)
8. Strike out “and in doing so may be assisted by another such officer or a City personnel” from section 10.2, and consider specifying “emergency personnel”
9. Add language to the bylaw that emphasizes Social Service partnership and support.

AND THAT Council direct staff to highlight options to work with Indigenous partners on the proposed bylaw in the report.

CARRIED

8. INTERNAL REPORTS AND CORRESPONDENCE

8.1 Strategic Plan for Bylaw Compliance - Update

**Councillor Cole-Hamilton and Councillor McCollum left the meeting at 8:33 pm.
Councillor McCollum rejoined at 8:43 pm.**

Moved By Hillian

Seconded By Frisch

THAT Council receive the “Bylaw Strategic Plan Initiatives – Update” briefing note.

CARRIED

Moved By Frisch

Seconded By Hillian

THAT Council extend the meeting beyond 9:00 PM, until 10:00 PM, in accordance with Section 17.2 of the Council Procedure Bylaw No. 2730.

CARRIED

9. UNFINISHED BUSINESS

9.1 Make Back Road Safe delegation

Moved By Frisch

Seconded By Morin

THAT Council direct staff to prepare a report on the requests from the January 24, 2024 Back Road delegation including speed reduction, noise, and safety concerns, and the request to prioritize Back Road in the first phase of reducing the speed limit for all collector roads to 40 km/h.

CARRIED

10. NOTICE OF MOTION

10.1 Collaborate with Youth Climate Corps BC for Climate Action - Councillors Hillian and Cole-Hamilton

WHEREAS youth are particularly impacted by the climate crisis and Youth Climate Corps BC is an organization that has worked successfully with local governments in BC to empower youth, providing paid work and training to young people in climate action projects that foster hope by helping to reduce emissions, build resiliency and adapt communities to the changing climate;

THEREFORE BE IT RESOLVED THAT Council direct staff to explore and report back on the possibility of the City working with the Youth Climate Corps, including potential funding sources and projects related to climate action, to engage the public in promoting climate change mitigation and resilience.

10.2 Active Transportation on Ryan Road - Councillor Frisch

WHEREAS the Province and the City of Courtenay are both committed to Greenhouse Gas reduction, poverty reduction, and positive health care outcomes;

WHEREAS safe cycling infrastructure and active transportation in general is an important part of achieving those goals;

WHEREAS the City has endorsed a cycling infrastructure plan and begun the investment to provide cycling and active transportation infrastructure on the portions of Ryan Rd that fall within its control;

THEREFORE BE IT RESOLVED THAT Council direct staff to draft and send a letter on behalf of City Council, to the Minister's office to formally request:

- A meeting with the Minister of Transportation;
- Inclusion of active transportation infrastructure within Ministry of Transportation corridors, and;
- That the local Courtenay office be directed to work with City of Courtenay staff to develop actionable plans for the inclusion of active transportation infrastructure on Ryan Road.

11. BYLAWS

11.1 For First, Second, and Third Readings

11.1.1 Zoning Amendment Bylaw No. 3120 (2923 Lupton Rd)

Moved By Hillian
Seconded By Jolicoeur

THAT Council give first, second and third readings to “Zoning Amendment Bylaw No. 3120” (2923 Lupton Road) subject to the following conditions prior to adoption:

- A Section 219 no build covenant be placed on title requiring a works and services agreement be executed prior to construction; and
- A Preliminary Layout Review (PLR) be issued.

CARRIED

11.2 For Adoption

11.2.1 Sewer Service Frontage Tax Amendment Bylaw No. 3124, 2024

Moved By Frisch
Seconded By Morin

THAT Council adopt "Sewer Service Frontage Tax Amendment Bylaw No. 3124, 2024".

CARRIED

11.2.2 Fees and Charges Amendment Bylaw No. 3122, 2024 (sewer)

Moved By Frisch

Seconded By Hillian

THAT Council adopt "Fees and Charges Amendment Bylaw No. 3122, 2024 (sewer)".

CARRIED

11.2.3 Water Service Frontage Tax Amendment Bylaw No. 3125, 2024

Moved By Frisch

Seconded By Jolicoeur

THAT Council adopt "Water Service Frontage Tax Amendment Bylaw No. 3125, 2024".

CARRIED

11.2.4 Fees and Charges Amendment Bylaw No. 3123, 2024 (water)

Moved By Frisch

Seconded By Hillian

THAT Council adopt "Fees and Charges Amendment Bylaw No. 3123, 2024 (water)".

CARRIED

11.2.5 Fees and Charges Amendment Bylaw No. 3126, 2024 (solid waste)

Moved By Frisch

Seconded By Morin

THAT Council adopt "Fees and Charges Amendment Bylaw No. 3126, 2024 (solid waste)".

CARRIED

12. COUNCIL REPORTS

12.1 Councillor Cole-Hamilton

As Councillor Cole-Hamilton left the meeting at 8:33 pm. he did not provide a report.

12.2 Councillor Frisch

No report provided.

12.3 Councillor Hillian

Councillor Hillian submitted a report of activities, see agenda.

12.4 Councillor Jolicoeur

Councillor Jolicoeur reviewed his attendance at the following events and submitted a report of activities:

- Comox Valley Coalition to End Homelessness
- Physician Recruitment Committee Meeting (with Councillor Hillian)
 - Update: The list of Comox Valley residents needing primary care physicians is about 2000, whereas a few years ago it was 7-8000.
- Fundraiser for Dawn to Dawn is scheduled for Saturday, Feb 24, 2024 "Coldest Night of the Year".

12.5 Councillor McCollum

Councillor McCollum submitted a report of activities, see agenda.

12.6 Councillor Morin

Councillor Morin spent most of today with JD, also known as the Flower Man, aboard a decorated Transit bus that visited schools, hospitals, and businesses in celebration of St. Valentine's Day.

12.7 Mayor Wells

Mayor Wells reviewed his attendance at the following events and submitted a report of activities:

- Climate Change and Health Community conference in Nanaimo hosted by Island Health and Snuneymuxw First Nation.
- The 2023 Comox Valley Chamber Awards Gala 'Go For the Gold!' recognized the achievements of businesses, organizations, and individuals in the community.
- The Chamber of Commerce held an "Economic Outlook Breakfast."
- Hospital Porters Appreciation Week took place at the Comox Valley Hospital.

13. IN CAMERA RESOLUTION

Moved By Frisch

Seconded By Morin

THAT Council close the meeting to the public pursuant to the following subsection of the *Community Charter*:

90 (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

14. ADJOURNMENT

Mayor Wells terminated the open portion of the meeting at 9:17 pm. Following the conclusion of the in camera portion of the meeting, Mayor Wells terminated the meeting at 10:00 pm.

CERTIFIED CORRECT

Adopted by Council February 28, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer