



The Corporation of the City of Courtenay

Council Minutes

Meeting #: R13/2024
Date: July 31, 2024
Time: 4:00 pm
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

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

Staff Present: G. Garbutt, City Manager (CAO)
C. Davidson, Director of Engineering Services
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
J. Chan, Manager of Business Administration
E. Chow, Manager of Legislative Services
S. Hainsworth, Manager of Procurement & Risk (electronic)
A. Pitcher, Manager of Engineering Capital Projects
C. Thompson, Manager of Operational Services
M. Wright, Manager of Asset Management
J. Bays, Community Development Coordinator
J. Cramer, Planner 1
L. Bourgeois, Deputy Corporate Officer

1. CALL TO ORDER

Mayor Wells called the meeting to order at 4:00 pm and respectfully acknowledged that the meeting was conducted on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

Councillor Morin, on behalf of the Council, highlighted that August 1 is Emancipation Day. This day prompts reflection on the history of slavery within the British Empire, including the former colonies of Upper and Lower Canada.

Councillor Frisch joined the meeting at 4:01 pm.

2. INTRODUCTION OF LATE ITEMS

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council add the resolution regarding “Winter Shelter Strategy – Request to Comox Valley Regional District” as approved at the in camera meeting on July 17, 2024 and the correspondence from Comox Valley Regional District under section 9 Council Resolutions, as item 9.1. to the agenda.

CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council Minutes - July 17, 2024

Moved By Cole-Hamilton

Seconded By Morin

THAT Council adopt the July 17, 2024 Regular Council minutes.

CARRIED

4. STAFF REPORTS

4.1 City Manager (CAO)

4.1.1 2024-2034 Community Works Fund Agreement

Moved By Frisch

Seconded By McCollum

THAT Council, on behalf of the City of Courtenay, agree to enter into the 2024-2034 Community Works Fund Agreement with Union of BC Municipalities; and

THAT the Mayor and Corporate Officer be directed to sign the 2024-2034 Community Fund Agreement on behalf of the City of Courtenay.

CARRIED

4.2 Corporate Services

4.2.1 Special Events Permitting Review

Moved By Hillian

Seconded By Frisch

THAT Council direct staff to review event-related bylaws and permitting requirements as part of the development of the Special Events and Hosting Policy anticipated to be undertaken in 2025/2026, identifying options and opportunities to improve risk management related to health, safety, business and community impacts.

CARRIED

4.3 Development Services

4.3.1 Development Variance Permit No. 2304 - 1640 12th Street East

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council vary *Zoning Bylaw No. 2500, 2007*, Section 6.5.3 (ii) as follows: from “15 m” to “10.5 m” from the natural boundary of Morrison Creek, Piercy Creek, Millard Creek, and any other watercourse to permit the construction of a deck; and

THAT Council approve “Development Variance Permit No. 2304 (1640 12th Street East)”; and

THAT Council direct the Director of Development Services to issue “Development Variance Permit No. 2304 (1640 12th Street East)”.

CARRIED

4.3.2 11th Street Zoning Bylaw Amendment No. 3059 – Application Introduction

The applicants Ryan Cohen (Co-founder & CEO) and Rick Browning (Co-founder) of Pacific Swell (developer) were present to answer Council's questions pertaining to the proposed development.

Moved By Jolicoeur

Seconded By Frisch

THAT Council direct staff to bring forward the application for consideration of 1st, 2nd and 3rd reading at a regularly scheduled Council Meeting.

CARRIED

4.3.3 Report Back on Temporary Shelter, Washrooms and Storage

Councillor Jolicoeur moved the following motion:

Moved By Frisch

Seconded By Cole-Hamilton

Section 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

Council moved in camera at 5:25 pm, reconvening at 5:35pm.

Moved By Jolicoeur

Seconded By Frisch

THAT Council move agenda item 4.3.3 "Report Back on Temporary Shelter, Washrooms and Storage" to the end of the agenda.

CARRIED

4.4 Infrastructure and Environmental Engineering

4.4.1 2024 Union of BC Municipalities (UBCM) Asset Management Planning Grant Program Application

Moved By Cole-Hamilton

Seconded By Frisch

THAT Council approve submission of an application to the Union of BC Municipalities (UBCM) Asset Management Planning Grant Program in the amount of \$25,000 for the development of a performance-based asset management renewal framework for capital assets in the right of way; and

THAT Council support the provision of in-house contributions of \$35,000 of funds sourced from the Asset Management business area including in kind contributions of staff time to match the grant application amount, this 31st day of July, 2024.

CARRIED

Councillor Jolicoeur was absent for the vote.

4.4.2 2024 Ministry of Municipal Affairs (MMA) Infrastructure Planning Grant Program Application

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council approve submission of an application to the Local Government Infrastructure Planning Grant program for \$10,000 for the documentation of an enterprise-wide technology blueprint for asset management applications and data.

CARRIED

4.4.3 McPhee Meadows Update

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council direct staff to proceed with detailed design of Option 2, request a change in use for the park from Environment Canada, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible.

Amendment:

Moved By Jolicoeur

Seconded By Cole-Hamilton

THAT the motion be amended to add:

“THAT in the event the required approval from Environment Canada and other related regulatory bodies is denied, staff be authorized to proceed with detailed design of Option 1, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible.”

CARRIED

Opposed by Councillor Morin and Frisch.

Council returned to the motion as amended:

THAT Council direct staff to proceed with detailed design of Option 2, request a change in use for the park from Environment Canada, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible; and

THAT in the event the required approval from Environment Canada and other related regulatory bodies is denied, staff be authorized to proceed with detailed design of Option 1, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible.

CARRIED

Opposed by Councillors Frisch, McCollum and Morin.

Without objection, Mayor Wells called a recess at 6:40 pm. The Council meeting resumed at 6:57 pm.

4.5 Recreation, Culture and Community Services

4.5.1 Community and Social Development Framework and Action Plan

Presentation by Joanne Bays, Community Development Coordinator at the City of Courtenay on the proposed Community and Social Development Framework.

Moved By Jolicoeur

Seconded By Morin

THAT Council endorse the proposed scope, work, and subsequent steps detailed in the staff report concerning the establishment of a Community and Social Development (CSD) Framework and Action Plan; and

THAT Council direct staff to execute the 'Better Together' and 'Neighborhood Network' strategies outlined in the staff report, which are designed to enhance community capacity, resilience, and social well-being.

CARRIED

4.5.2 Memorial Bench Program Options

Moved By Hillian

Seconded By McCollum

THAT Council direct staff to develop a new memorial bench donation program and return to Council with a staff report on the memorial program that includes a Memorial Bench Donation Policy; and

THAT the memorial bench donation program establish its fees at 100% cost recovery.

CARRIED

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council direct staff to proceed with the decommissioning of existing memorial benches as outlined in the "Memorial Bench Program Options" report.

CARRIED

5. INTERNAL REPORTS AND CORRESPONDENCE

5.1 Courtenay Fire Department 2024 Semi-annual Activity Report

Without objection, council received the "Courtenay Fire Department 2024 Semi-annual Activity Report" briefing note for information.

5.2 Indigenous Procurement Update

Without objection, Council received the "Indigenous Procurement Update" briefing note for information.

5.3 Battery Powered Landscape Equipment Conversion

Without objection, Council received the "Battery Powered Landscape Equipment Conversion" briefing note for information.

5.4 Solid Waste Automated Curbside Collection Update

Without objection, Council received the "Solid Waste Automated Curbside Update" briefing note for information.

6. UNFINISHED BUSINESS

6.1 Delegation - 925 Braidwood Neighbours

Moved By Jolicoeur

Seconded By McCollum

THAT Council refer the Good Neighbor Agreement to staff for consideration in discussions with BC Housing.

CARRIED

7. BYLAWS

7.1 For First, Second, and Third Readings:

7.1.1 Temporary Borrowing Bylaws 3147, 3148, 3149

7.1.1.1 Temporary Borrowing Bylaw No. 3147, 2024 –Anderton Dike Phase 1

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council give first, second and third readings to "Temporary Borrowing Bylaw No. 3147, 2024 – Anderton Dike Phase 1".

CARRIED

7.1.1.2 Temporary Borrowing Bylaw No. 3148, 2024 – Strategic Land Acquisition 2024

Moved By McCollum

Seconded By Hillian

THAT Council give first, second and third readings to "Temporary Borrowing Bylaw No. 3148, 2024 – Strategic Land Acquisition 2024".

CARRIED

7.1.1.3 Temporary Borrowing Bylaw No. 3149, 2024 – 6thStreet Bridge

Moved By McCollum

Seconded By Cole-Hamilton

THAT Council give first, second and third readings to "Temporary Borrowing Bylaw No. 3149, 2024 – 6th Street Bridge".

CARRIED

7.1.2 2025 Permissive Property Tax Exemptions

7.1.2.1 Tax Exemption 2025, Bylaw 3142, 2024

Moved By Frisch

Seconded By McCollum

THAT Council give first, second and third readings to "Tax Exemption 2025, Bylaw 3142, 2024".

CARRIED

7.1.2.2 Tax Exemption 2025, Bylaw 3143, 2024

Councillor Hillian declared a conflict of interest as he serves on the board at John Howard Society of North Island, and left the meeting at 8:37 pm.

Moved By Frisch
Seconded By Morin

THAT Council give first, second and third readings to “Tax Exemption 2025, Bylaw 3143, 2024”.

CARRIED

Councillor Hillian returned at 8:38 pm.

7.1.2.3 Tax Exemption 2025, Bylaw 3144, 2024

Moved By McCollum
Seconded By Cole-Hamilton

THAT Council give first, second and third readings to “Tax Exemption 2025, Bylaw 3144, 2024”.

CARRIED

7.1.2.4 Tax Exemption 2025, Bylaw 3145, 2024

Councillor Jolicoeur declared a conflict of interest as he serves as an advisor to the board for Dawn to Dawn Action on Homelessness Society and is employed by L'Arche Comox Valley, and left the meeting at 8:41 pm.

Moved By Frisch
Seconded By Cole-Hamilton

THAT Council give first, second and third readings to “Tax Exemption 2025, Bylaw 3145, 2024”.

CARRIED

Councillor Jolicoeur returned at 8:42 pm.

7.1.2.5 Tax Exemption 2025, Bylaw 3146, 2024

Moved By McCollum
Seconded By Frisch

THAT Council give first, second and third readings to “Tax Exemption 2025, Bylaw 3146, 2024”.

CARRIED

**7.1.3 Subdivision and Development Servicing Amendment Bylaw No. 3155-
Road Classification**

Moved By Frisch

Seconded By Jolicoeur

THAT Council give first, second and third readings to "Subdivision and Development Servicing Amendment Bylaw No. 3155 - Road Classification".

CARRIED

7.2 For Adoption:

7.2.1 Council Code of Conduct Bylaw No. 3150, 2024

Moved By Jolicoeur

Seconded By Hillian

THAT Council adopt "Council Code of Conduct Bylaw No. 3150, 2024".

CARRIED

7.2.2 Indemnification Authorization Bylaw No. 3151, 2024

Moved By Hillian

Seconded By McCollum

THAT Council adopt "Indemnification Authorization Bylaw No. 3151, 2024".

CARRIED

8. COUNCIL REPORTS

8.1 Councillor Cole-Hamilton

No report provided.

8.2 Councillor Frisch

No report provided.

8.3 Councillor Hillian

Councillor Hillian reviewed his attendance at the K'ómoks First Nation Treaty initialing ceremony with the governments of Canada and British Columbia on July 22, 2024.

8.4 Councillor Jolicoeur

No report provided.

8.5 Councillor McCollum

No report provided.

8.6 Councillor Morin

No report provided.

8.7 Mayor Wells

Mayor Wells reviewed his attendance at the K'ómoks First Nation Treaty initialing ceremony with the governments of Canada and British Columbia and acknowledged Councillor Hillian's participation as the Comox Valley Regional District (CVRD) representative.

9. COUNCIL RESOLUTION

9.1 Rise and Report - Winter Shelter Strategy – Request to Comox Valley Regional District

THAT Council direct staff to forward the report “Winter Shelter Strategy – Request to Comox Valley Regional District” to the Comox Valley Regional District Board and request that \$91,000 be transferred from the CVRD’s Homelessness and Supports Services (function 451) to the City of Courtenay towards the development and implementation of a Winter Shelter Strategy for the Comox Valley; and

"THAT Council direct staff to forward the report “Winter Shelter Strategy – Request to Comox Valley Regional District” to the Town of Comox and request funding support for the City of Courtenay to lead the development and implementation of a Winter Shelter Strategy for the Comox Valley; and

THAT upon CVRD approval of the City’s request to develop and implement a Winter Shelter Strategy for the Comox Valley, staff be authorized to release the decision of Council to the public as follows:

By initiating the necessary steps to retain a consultant to undertake the authorized work, and
That this resolution be included on a future open council meeting."

Without objection, Council received the "CVRD Winter Shelter Strategy" letter.

10. IN CAMERA RESOLUTION

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council close the meeting to the public pursuant to the following subsections 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:

(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;

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(g) litigation or potential litigation affecting the municipality; and

(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.

(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:

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

CARRIED

Moved By Frisch

Seconded By Jolicoeur

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

Without objection, the open portion of the meeting recessed at 8:58 pm. and Council entered into the closed portion of the meeting.

Upon the conclusion of the closed portion of the meeting, Council resumed the open portion of the meeting at 10:26 pm.

Moved By Jolicoeur

Seconded By Frisch

THAT Council extend the meeting to 10:45 pm, in accordance with Section 17.2 of the *Council Procedure Bylaw No. 2730*.

CARRIED

11. Report Back on Temporary Shelter, Washrooms and Storage

Moved By Hillian

Seconded By Frisch

THAT Council, in recognition of the 2016 Public Health Emergency as declared in response to the overdose crisis by the Provincial Health Officer, consider the temporary provision and expansion of emergency services; and

THAT Council exercise their authority and make a policy decision to not enforce the City of Courtenay Zoning Bylaw No 2500, 2007 to permit day and overnight services for unhoused and other marginalized community members, including but not limited to: overnight sheltering, washrooms, personal belonging storage, administrative support, health and housing support services, distribution of survival materials/food/supplies, and other related services to the satisfaction of the Building Inspector and Fire Chief; and

THAT Council delegate authority to the Director of Recreation, Culture and Community Services, to negotiate amendments to the lease agreement between the City of Courtenay and the Comox Valley Transition Society, for the property having a legal description of PID: 006-102-930, Lot 3, Section 61 Comox District Plan VIP3817, (685 Cliffe Avenue – Connect Center), including the expansion of the leased area to include the property having the legal description of PID:005-101-018, Lot 1, Plan VIP3817,

Section 661, Comox Land District (665 Cliffe Avenue – adjacent parking lot) for the purposes of permitting the following temporary uses: client belonging storage, additional client washrooms, additional staff washrooms, additional administrative work space; and

THAT Council approve the purchase of a washroom trailer from BC Housing for \$1; and

THAT Council allocate up to \$150,000 from the 2023 surplus towards the installation of the temporary washroom trailer and storage solutions; and

THAT Council direct staff to request operating funding contributions for the temporary washroom and/or storage facility from: BC Housing, Comox Valley Regional District (Function 451), Town of Comox, and other appropriate funders.

CARRIED

12. ADJOURNMENT

Following the conclusion of the in camera portion of the meeting, Mayor Wells terminated the meeting at 10:29 pm.

CERTIFIED CORRECT

Adopted by Council [MONTH] [DAY], 2024

Mayor

Corporate Officer