

R11/2011 – April 11, 2011

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, April 11, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: J. K. Ambler
D. A. Hillian
L. V. Jangula at 4:15 p.m.
J. M. Presley
M. Theos

Staff:

S. Gray, Administrator
J. Ward, Manager of Corporate Administration
K. Lagan, Director of Operational Services
P. Crawford, Director of Planning Services
T. Manthey, Director of Financial Services
R. Wiwchar, Director of Community Services
A. Hampshire, Deputy Municipal Engineer
C. Hilton, A/Manager of Finance

MINUTES

Moved by Presley and seconded by Hillian that the minutes of the Regular Council meeting held April 4, 2011 and a Special Council meeting held April 6, 2011 be adopted.
Carried

2.00 INTRODUCTION OF LATE ITEMS

Mayor Phelps introduced one late item to the agenda (Island Corridor Foundation).

3.00 DELEGATIONS

1. Meyers Norris Penny – Audited Financial Statements

The firm of Meyers Norris Penny presented Council with the City’s Audited Financial Statements and invited any questions from Council.

2. Eric Ching, Urban Design Group Architects re: Development Permit No. 1102

Eric Ching reviewed the application for Development Permit with Variances No. 1102 to allow the construction of a commercial building (Great Canadian Oil Change) located at 468 29th Street.

4.00 COMMITTEE/STAFF REPORTS

.01

Moved by Presley and seconded by Ambler that

REMEDIAL ACTION
290 NIM NIM PLACE
4020-20

WHEREAS Division 12 of Part 3 of the *Community Charter* (the “*Charter*”) authorizes Council for the City of Courtenay (“*Council*”) to impose a Remedial Action Requirement on the owner or owners of a building or other structure including a requirement to remove or demolish the building, or bring it up to a standard specified by bylaw,

or otherwise deal with it in accordance with the directions of Council where Council declares the building is a nuisance;

AND WHEREAS Karl-Otto Ludwig Langenmaier and Karen Yumiko Langenmaier are the registered owners (the “Owners”) of P.I.D. 000-132-209, Lot 20, Section 16, Comox District Plan 40324 located 290 Nim Nim Place, Courtenay (the “Property”);

AND WHEREAS a Building Permit was issued to the Owners on June 9, 1999 to construct an addition (the “Addition”) to the dwelling on the Property;

AND WHEREAS the Building Permit expired on April 18, 2000 and was renewed in March 2010, but the Addition remains unfinished;

NOW THEREFORE Council in open meeting assembled resolves as follows:

1. That Council hereby considers that the Addition is a nuisance within the meaning of section 74 (1) (a) of the *Charter*;
2. That Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the *Charter* that the Owners:
 - a) Demolish and remove the unfinished Addition; or
 - b) Complete the construction of the Addition to the stage required to receive an occupancy permit from the City of Courtenay (the “City”) no later than sixty (60) days after the notice of this Remedial Action Requirement section 77 of the *Charter* has been sent by the City to the Owners; and
3. That the City advise the Owners that they may request that Council reconsider the Remedial Action Requirement by providing the City written notice within fourteen (14) days of the date on which notice under section 77 of the *Charter* was sent and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the City may take action in accordance with section 17 of the *Charter* and undertake any or all of the actions required by the Remedial Action Requirement without further notice to and at the expense of the Owners.

Carried

.02
CANCEL MEETINGS
0570-01

Moved by Presley and seconded by Ambler that the following 2011 meetings be cancelled:

- June 6th Council (FCM)
- July 11th Council
- July 25th Strategic Planning
- August 8th Council
- August 29th Strategic Planning
- September 26th Strategic Planning (UBCM)

Carried

Ray Vatcher, 2847 Caledon Crescent expressed concerns regarding the proposed notice on title, and requested that Council reconsider the notice.

.03

NOTICE ON TITLE
2847 CALEDON
1851 TEAL PLACE
3800-20

Moved by Ambler and seconded by Presley that pursuant to section 57(3) of the Community Charter Council direct the Corporate Officer to file a notice in the Land Title Office against the properties located at 2847 Caledon Crescent and 1851 Teal Place which states:

(a) a resolution relating to the lands has been made under section 57 of the Community Charter, and

(b) further information about it may be inspected at the municipal hall

Amending Motion

Moved by Hillian and seconded by that the notice on title for 2847 Caledon Crescent be postponed for 30 days to allow a review by staff with the property owners.

Carried

The main motion was carried as amended

.04

DP NO. 1102
468-29TH ST
3060-20-1102

Moved by Hillian and seconded by Ambler that notice be given to the adjacent property owners of proposed Development Permit with Variances No. 1102 as outlined below, and that the application be returned to Council on May 2, 2011; and

That subject to public input, Development Permit with Variances No. 1102 to allow construction of an approximately 214m² commercial building (Great Canadian Oil Change) and to reduce the minimum setback provisions of the Commercial Two Zone (C-2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 for a service station from 12.0 metres to 7.5 metres for the property legally described as Lot B, Section 67, Comox District, Plan 33851 (468 29th Street) be issued subject to the following conditions:

- a. Development in conformance with the plans and elevations contained in Attachment No. 2;
- b. Submission of landscape security in the amount of (125% x \$51,687.50) \$64,609.38;
- c. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- d. Submission of a stormwater management plan to the satisfaction of the City prior to issuance of building permit;
- e. All proposed signage must be in conformance with the Sign Bylaw and Development Permit Guidelines applicable at the time of application for any sign and signage must not be internally illuminated;
- f. All exterior building lighting to be Full Cut Off/Flat Lens luminaries consistent with City policy #5240.00.01 and all lighting must be approved by the City prior to installation;

g. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces;

h. That if the permit holder has not substantially commenced any construction to which the permit was issued within (12) months after the date it was issued, the permit lapses.

Carried

RECESS

The meeting recessed at 4:59 p.m. to conduct the Public Hearing in relation to Bylaw No. 2659.

The meeting reconvened at 5:10 p.m.

.05
2010 AUDITED
FIN STMENTS
1870-02

Moved by Presley and seconded by Ambler that Council approve the audited financial statements for the year ended December 31, 2010.

Carried

.06
GRANT REQUEST
LK TRAIL NEIGHB
CONNECTION
1895-20

Moved by Hillian and seconded by Jangula that one time grant funding of \$9,000.00 be approved for the Lake Trail Neighbourhood Connection program.

Carried

.07
FLOODPLAIN
INFRASTRUCTURE
LAND USE PLANNING
5225-20

Moved by Ambler and seconded by Presley that Council approve Overland Flood Routes along the Old Island Highway, Puntledge Road and Tsolum Road;

That Council approve the establishment of interim changes to the Floodplain Mapping for the Courtenay, Puntledge and Tsolum Rivers as they relate to flood elevations for building permits; and

That the land use provisions in the flood plains be amended to account for the efforts of rising river levels by increasing the flood levels for construction by 0.8 metres for the area within the tidal influence.

Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR
LEONARD

Moved by Presley and seconded by Theos that the correspondence from the Vancouver Island Regional Library Board be received for information.

Carried

MAYOR PHELPS

Mayor Phelps reviewed the emergency resolution from the AVICC regarding the Island Corridor Foundation funding.

Moved by Hillian and seconded by Theos that Council support the AVICC resolution.

Carried

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COUNCILLOR THEOS Councillor Theos reviewed the emergency AVICC resolution regarding the strike at Vancouver Island University.

COUNCILLOR HILLIAN Councillor Hillian reviewed the AVICC convention and resolutions relating to municipal funding inequities, and reported that Councillor Leonard has stepped down from the position of Director at Large.

7.00 RESOLUTIONS OF COUNCIL

.01 Moved by Presley and seconded by Hillian that under the provisions of Section 90(1)(b)(c)(e) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held April 11, 2011 at the conclusion of the Regular Council meeting.
IN CAMERA **Carried**
MEETING

11.00 BYLAWS

.01 Moved by Theos and seconded by Presley that “Zoning Amendment Bylaw No. 2659, 2011” pass third reading.
BYLAW NO. 2659 **Carried**
ZONING AMEND

13.00 ADJOURNMENT

.01 Moved by Hillian and seconded by Presley that the meeting now adjourn at 5:59 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 18th day of April, 2011

Mayor