

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Tuesday, September 6, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: J. K. Ambler
D. A Hillian
L. V. Jangula
R-R. Leonard
J. M. Presley
M. Theos

Staff:

S. T. Gray, Administrator
J. Ward, Manager of Corporate Administration
K. Lagan, Director of Operational Services
R. Wiwchar, Director of Community Services
P. Crawford, Director of Planning Services
G. MacKay, Senior Planner
D. Mirabelli, Chief Building Inspector

Councillor Ambler reviewed his attendance at the official launch of the community bid for National Historic Site Status for the ancient aboriginal fish trap systems in the Courtenay River estuary.

1.00 ADOPTION OF MINUTES

.01 Moved by Presley and seconded by Ambler that the August 15,
MINUTES 2011 Council minutes be adopted.
Carried

3.00 DELEGATIONS

1. Ed Schum, C.V. Cycling Coalition re: Sustainable Transportation

Ed Schum made a presentation to Council regarding cycling, and requested various initiatives including the following:

- Recognition of cycling as a viable, healthy and environmentally friendly mode of transportation;
- Investment in cycling infrastructure for transportation including implementation of plans for improvements as recommended by the Cycling Public Advisory Committee and the CV Cycling Task Force; and
- The construction of a pedestrian/cycling bridge over the Courtenay River.

2. Jeff Marshall and Mudassir Ahmed re: Development Permit No. 1118

Jeff Marshall reviewed the application for Development Permit No. 1118 to allow the renovation and construction of a 2,780 square metre addition to the Wal-Mart store.

4.00 COMMITTEE/STAFF REPORTS

.01

NOTICE ON TITLE
2847 CALEDON CRES
3800-20

Moved by Hillian 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 property located at 2847 Caledon Crescent 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.

Carried

.02

DVP NO. 1109
117-2787 1ST ST
3090-20-1109

Moved by Theos and seconded by Presley that notice be given to the adjacent property owners of proposed Development Variance Permit No. 1109 as outlined below, and that the application be returned to Council on September 19, 2011; and

That subject to public input, Development Variance Permit No. 1109, to vary Section 8.3.25(2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 reducing the minimum rear yard setback from 7.5 metres to 5.5 metres, be issued for Strata Lot 2, District Lot 155, Comox District, Strata Plan VIS5532 (117-2787-1st Street) subject to the following conditions:

- a. The variance is to accommodate the encroachment of a deck into the rear yard;
- b. Development must be in conformance with the plan contained in Attachment No. 2;

Carried

.03

DP NO. 1118
WALMART GROCERY
STORE
3060-20-1118

Moved by Presley and seconded by Ambler that Development Permit No. 1118, to allow the renovation and 2,780m² expansion of an existing commercial building on the property legally described as Lot A, Section 67, Comox District, Plan VIP71925 (3199 Cliffe Avenue) 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 \$1,000 for the replacement of existing trees and landscaping as indicated in Attachment No. 2;
- c. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- d. Contribution of \$8,000.00 towards the installation of street trees and landscaping along 29th Street;
- e. Contribution of \$11,000.00 towards a new bus shelter to be installed and maintained by the City of Courtenay;
- f. Signage is to be in general accordance with the elevations in Attachment No. 2. Issuance of a sign permit is required for all signage prior to installation;
- g. All new and replacement exterior building and site lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy and all lighting must be approved by the City prior to installation; and
- h. That if the permit holder has not substantially commenced any construction to which the permit was issued within twelve (12) months after the date it was issued, the permit lapses.

Carried

.04
BYLAW NO. 2668
BUCKSTONE
TEXT AMEND
3360-20-1018

Moved by Ambler and seconded by Presley that proposed Zoning Amendment Bylaw No. 2668, 2011 as at third reading be amended by changing the legal descriptions in Section 2. a. Of the subject bylaw and in Section 8.47.1 of the proposed Comprehensive Development Twenty-One Zone (CD-21) established by the subject bylaw to read as follows:

“Lots 1, 2 and 3 of District Lot 153, Comox District, Plan 1887; Lots 4, 5 and 7 of District Lot 153, Comox District, Plan 1887 Except that Part in Plan VIP79934, and Lot 5, District Lot 153, Comox District, Plan 79934.”

Carried

.05
BUS SHELTERS
BC TRANSIT
PROGRAM
8500-04

Moved by Ambler and seconded by Hillian that the report from the Manager of Engineering and Director of Planning regarding bus shelters be received for information.

Carried

RECESS
Moved by Hillian and seconded by Presley that the meeting now recess at 4:55 p.m. to conduct the Public Hearing in relation to bylaws 2682, 2683 and 2684.

The meeting reconvened at 5:40 p.m.

.06
PARCEL TAX
2770 LERWICK RD
1970-12
Moved by Presley and seconded by Ambler that Council endorse the 2770 Lerwick Road Service Connection Parcel Bylaw No. 2678, 2011; and

That Bylaw 2678 proceed to 1st, 2nd, and 3rd reading.

Carried

.07
NATIVE SONS LOAN
REDUCTION
1760-02

Moved by Leonard and seconded by Presley that:

Whereas the Native Sons Hall Renovation project is complete; and

Whereas the Native Sons Hall Renovation Loan Authorization Bylaw No. 2538 authorized borrowing up to an amount of \$1,500,000; and

Whereas the final loan funds borrowed for the project are \$600,000;

Now therefore, Council approves a no further borrowing limit for the Native Sons Hall Loan Authorization Bylaw No. 2538; and

That a copy of this resolution be forwarded to the Comox Valley Regional District, the Municipal Finance Authority, and the Provincial Ministry of Community, Sport and Cultural Development.

Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR
JANGULA
Councillor Jangula reported on the following meetings:
➤ Regional District meetings
➤ Meeting with Taiwanese Trade Ambassador

COUNCILLOR
PRESLEY
Councillor Presley reported on the following meetings:
➤ Meeting with Taiwanese Trade Ambassador
➤ Meeting with John Les, Parliamentary Secretary at the new Visitor Information Centre

COUNCILLOR
AMBLER
Councillor Ambler reported on the following meetings:
➤ Regional District meetings
➤ Royal Canadian Air Force ceremony
➤ Memorial service for Duke Warren

COUNCILLOR
LEONARD

Councillor Leonard reviewed the upcoming Tele-forum on September 14th, 2011 with representatives from City Spaces regarding the Housing First model for homelessness.

7.00 RESOLUTIONS OF COUNCIL

.01
INCAMERA MTG

Moved by Presley and seconded by Jangula that under the provisions of Section 90(1)(g) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held September 6, 2011 at the conclusion of the Regular Council Meeting.

Carried

10.00 NEW BUSINESS

.01
CANCER SOCIETY
LTR OF SUPPORT
400-02

Moved by Leonard and seconded by Hillian that Council support the Canadian Cancer Society in their quest to ban the sale and use of cosmetic chemical pesticides on lawns, gardens and non-agricultural landscaping in the Province of BC.

Carried

.02
CAR FREE SUNDAY

Moved by Hillian and seconded by Ambler that the verbal report from the Director of Operational Services regarding Car Free Sunday be received for information.

Carried

11.00 BYLAWS

.01
BYLAW NO. 2678
LERWICK PARCEL
TAX

Moved by Presley and seconded by Jangula that “2770 Lerwick Road Service Connection Parcel Tax Bylaw No. 2678, 2011” pass first, second and third reading.

Carried

.02
BYLAW NO. 2685
ZONING AMEND

Moved by Theos and seconded by Jangula that “Zoning Amendment Bylaw No. 2685, 2011” pass third reading.

Carried

Moved by Theos and seconded by Jangula that “Zoning Amendment Bylaw No. 2685, 2011” be finally passed and adopted.

Carried

.03
BYLAW NO. 2668

Moved by Presley and seconded by Hillian that “Zoning Amendment Bylaw No. 2668, 2011” be finally passed and adopted.

Carried

Councillor Presley declared a potential conflict of interest regarding the next two bylaws due to a client relationship with the applicant and vacated Council Chambers at 6:02 p.m.

.04
BYLAW NO. 2682
OCP AMEND

Moved by Jangula and seconded by Ambler that “Official Community Plan Amendment Bylaw No. 2682, 2011” pass third reading.

Carried with Councillor Leonard opposed

.05
BYLAW NO. 2683
ZONING AMEND

Moved by Jangula and seconded by Ambler that “Zoning Amendment Bylaw No. 2683, 2011” pass third reading.

Carried with Councillor Leonard opposed

Councillor Presley returned to Council Chambers and took his seat at 6:16 p.m.

.06
BYLAW NO. 2684
ZONING AMEND

Moved by Leonard and seconded by Hillian that “Zoning Amendment Bylaw No. 2684, 2011” pass third reading.

Moved by Hillian and seconded by Presley that third reading of Bylaw No. 2684 be postponed to the regular Council meeting to be held September 19th, 2011.

Carried with Councillor Jangula opposed

.07
BYLAW NO. 2668

Moved by Presley and seconded by Ambler that final adoption of “Zoning Amendment Bylaw No. 2668, 2011” be reconsidered.

Carried

Moved by Theos and seconded by Presley that final adoption of “Zoning Amendment Bylaw No. 2668, 2011” be rescinded.

Carried

Moved by Theos and seconded by Presley that third reading of “Zoning Amendment Bylaw No. 2668, 2011” be reconsidered.

Carried

Moved by Presley and seconded by Theos that “Zoning Amendment Bylaw No. 2668, 2011” be amended by changing the legal descriptions in Section 2. a. of the subject bylaw and in Section 8.47.1 of the proposed Comprehensive Development Twenty-One Zone (CD-21) established by the subject bylaw to read as follows:

“Lots 1, 2 and 3 of District Lot 153, Comox District, Plan 1887; Lots 4, 5 and 7 of District Lot 153, Comox District, Plan 1887 Except that Part in Plan VIP79934, and Lot 5, District Lot 153, Comox District, Plan 79934.”

Carried

Moved by Presley and seconded by Theos that “Zoning Amendment Bylaw No. 2668, 2011” pass third reading as amended.

Carried

Moved by Theos and seconded by Presley that “Zoning Amendment Bylaw No. 2668, 2011” be finally passed and adopted.

Carried

12.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR
LEONARD

Councillor Leonard thanked the community for its support of the memorial service held for Jack Layton.

13.00 ADJOURNMENT

.01

Moved by Jangula and seconded by Presley that the meeting now adjourn at 6:55 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 12th day of September, 2011

Mayor