

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, May 7, 2012 at 4:00 p.m.

Attending:

Mayor: Mayor L. V. Jangula

Councillors: J. K. Ambler

B. F. Anglin

D. A. Hillian

R-R. Leonard

M. Theos

S. L. Winchester

Staff:

S. Gray, CAO

J. Ward, Director of Legislative Services

T. Manthey, Director of Financial Services/Deputy CAO

P. Crawford, Director of Planning Services

K. Lagan, Director of Operational Services

R. Wiwchar, Director of Community Services

I. Buck, Senior Planner

A. Gornall, Sustainability Planner

1.00 ADOPTION OF MINUTES

.01

MINUTES

Moved by Winchester and seconded by Hillian that the April 16, 2012 Council meeting minutes and April 30, 2012 Committee of the Whole minutes be adopted.

Carried

3.00 DELEGATIONS

1. Concerned Residents regarding 1791 McPhee Avenue

Hans Petersen, Bev Petersen, Ronald Hudson, Margaret Downey and Brigitte Will expressed concerns regarding the condition of the property located at 1791 McPhee Avenue.

2. Pam Munroe, Creekside Commons Cohousing and Angela Konkin, Lake Trail Neighbourhood Connections re: Local Area Plan for the Arden corridor

Pam Munroe and Angela Konkin expressed their support for a Local Area Plan for the Arden Road Corridor and Lake Trail neighbourhood.

3. Bev Agur re: BroomBusters Volunteers

Bev Agur reviewed the efforts of Broombusters to control the spread of Scotch broom and requested assistance from Council.

.01 Moved by Winchester and seconded by Theos that staff provide a
BROOMBUSTERS report to Council regarding the requests made by Broombusters.
Carried

The meeting recessed at 4:56 p.m. to conduct the Public Hearing in relation to Bylaw No. 2693 and reconvened at 5:04 p.m.

4.00 COMMITTEE/STAFF REPORTS

.01 Moved by Hillian and seconded by Ambler that Council rise and
NEW HOSPITAL SITE report on previous in-camera topics regarding the proposed Comox
Valley Hospital project with the exception of matters required to remain
confidential.
Carried

Moved by Ambler and seconded by Theos that Council write a
letter of thanks to Honourable Don McRae for his efforts regarding the
Comox Valley Hospital.
Carried

Grant Hollett, Interim Project Director, North Island Hospitals Project
Vancouver Island Health Authority provided Council with an update
regarding the project.

Peter Crawford and Kevin Lagan provided a detailed update regarding
the project.

The meeting recessed at 6:02 p.m. and reconvened at 6:10 p.m.

.02 Moved by Ambler and seconded by Winchester that Council
CODE OF CONDUCT receive the draft Code of Conduct attached to the report from the Director
530-20 of Legislative Services for consideration.
Carried

.03 Moved by Hillian and seconded by Winchester that
REMEDIAL ACTION
1094 MCKENZIE AVE
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
a 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 a nuisance;

AND WHEREAS Just N’ Tyme Greenhouse and Hydroponic Supply
Ltd. Inc. No. BC0643944 is the registered owner (the “Owner”) of P.I.D.
005-007-151, Lot 2, Section 69, Comox District Plan 11365 located at
1094 McKenzie Avenue, Courtenay (the “Property”);

AND WHEREAS as the property contains a commercial building (the “Building”);

AND WHEREAS the building was severely damaged by fire on September 27th, 2011;

AND WHEREAS the building remains partially collapsed, heavily fire damaged and unsightly;

NOW THEREFORE Council in open meeting assembled resolves as follows:

1. That Council hereby considers that the commercial building on the property 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 building and contents in their entirety located on the property by June 30, 2012; and
 - b) Remediate the entire excavated site with clean fill material, level the entire site and plant it with a variety of perennial plant material.
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

.04

DVP NO. 1201
1743 A&B ENGLAND
3090-20-1201

Moved by Anglin and seconded by Theos that notice be given to the adjacent property owners of property Development Variance Permit No. 1201 as outlined below, and that the application be returned to Council on May 22, 2012; and

That subject to public input, Development Variance Permit No. 1201, to vary Section 8.2.7 (1) and (2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 to vary the minimum front yard setback from 7.5 metres to 4.6 metres and the minimum rear yard setback from 9.0 metres to 5.5 metres, be issued to Mathot Homes Ltd., No. BC0654135, for Strata Lots A & B, Both of Section 68, Comox District, Strata Plan EPS449, subject

to the following conditions:

- a. The variance is to accommodate entryway staircases of a front-to-back duplex as shown in Attachment No. 3;
- b. Planting of a low level hedge between the fence and the sidewalk to the front, and planting of a low level hedge or shrubs between the fence and the lane to the rear.

Carried

.05
STRATA CONVERSION
274-5TH STREET
3300-20-1201

Moved by Theos and seconded by Winchester that Council approve Application for Strata Conversion No. 1201 for an existing commercial building; and

That Council authorize the Mayor and Manager of Corporate Administration to sign the Strata Conversion Plan.

Carried

.06
MARKET DAY
5460-08

Moved by Theos and seconded by Ambler that Council approve the temporary closure of Fifth Street between Cliffe Ave. And Fitzgerald Ave., England Ave. From 5th to 6th St. and Duncan Ave. from the lanes on the north and south sides of Fifth Street from 7:00 a.m. to 9:30 p.m. Saturday July 21, 2012;

That Public Works empty the garbage cans prior to and following the event as well as provide street cleaning after the event is over;

That four parking spaces in the civic parking lot at 4th and Duncan be set aside for portable toilets and;

That the necessary insurance is provided and the emergency services be advised of the event at least five working days in advance.

Carried

.07
CANADA DAY
5460-08

Moved by Anglin and seconded by Ambler that Council receive the report on the closure of Fifth Street on July 1, 2012 between Lake Trail Road and Ryan Rd. From 9:30 a.m. to 12:30 p.m. and Fifth St. between Cliffe Ave. and Comox Rd. From 12:20 p.m. to 4:00 p.m. and

That Council approve the closure of Fifth St. on July 1, 2012 between Lake Trail Road and Ryan Road from 9:30 a.m. to 12:30 p.m. and Fifth Street between Cliffe Avenue and Comox Road from 12:30 p.m. to 4:00 p.m.

Carried

R13/2012 – May 7, 2012

.08 Moved by Hillian and seconded by Theos that Council approves a
C.V. FIRE & RESCUE renewal of one year for the Comox Valley Fire and Rescue Services
SERVICES AGREE Agreement.
2240-20 **Carried**

.09 Moved by Hillian and seconded by Ambler that Council endorse
5 YR FIN PLAN the 2012-2016 Financial Plan Bylaw No. 2708, 2012 and the Tax Rates
2012 TAX RATES Bylaw No. 2709, 2012.
1705-20 **Carried**

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Hillian and seconded by Theos that the Heritage
HERITAGE MINUTES Advisory Commission Minutes be received for information.
Carried

.02 Moved by Leonard and seconded by Ambler that the
VIRL communication update from the Vancouver Island Regional Library
COMMUNICATION Board be received for information.
Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR Councillor Winchester reviewed her attendance at Regional District
WINCHESTER meetings.

COUNCILLOR HILLIAN Councillor Hillian reviewed the CV Social Planning Society AGM being
held on May 8, 2012 and his attendance at the CV Community Justice
Centre Conference.

COUNCILLOR Councillor Leonard reviewed her attendance CV Community Justice
LEONARD Centre Conference.

COUNCILLOR ANGLIN Councillor Anglin reviewed his attendance at the following events:
➤ DCBIA monthly meeting
➤ Regional District meetings

COUNCILLOR THEOS Councillor Theos reviewed his attendance at Regional District meetings.

7.00 RESOLUTIONS OF COUNCIL

.01 Moved by Ambler and seconded by Theos that under the provisions of Section 90(1)(c)(g) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held May 7, 2012 at the conclusion of the Regular Council Meeting.
INCAMERA MTG
Carried

10.00 NEW BUSINESS

.01 Moved by Anglin and seconded by Winchester that staff be directed to prepare a report to Council regarding the C-1 zone including an analysis of the zone, permitted uses and definitions.
MAYOR JANGULA
REZONE RD
PROPERTY ON CLIFFE
AVE
Carried with Councillors Hillian and Leonard opposed

11.00 BYLAWS

.01 Moved by Ambler and seconded by Theos that “2012-2016 Financial Plan Bylaw No. 2708, 2012” pass first, second and third reading.
BYLAW NO. 2708
FINANCIAL PLAN
Carried

.02 Moved by Hillian and seconded by Theos that “Tax Rates Bylaw No. 2709, 2012” pass first, second and third reading.
BYLAW NO. 2709
TAX RATES
Carried

.03 Moved by Winchester and seconded by Hillian that “Zoning Amendment Bylaw No. 2693, 2012” pass third reading.
BYLAW NO. 2693
ZONING AMEND
Carried

12.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR
LEONARD

Councillor Leonard reviewed her attendance at the following events:

- Comox Valley Hospital news conference
- Day of Mourning flag raising
- Discovery Visitors Centre grand opening
- CV Housing Task Force meeting
- Emergency Planning Workshop for elected officials
- VIRL Executive meeting
- Quadra Island Library grand opening
- CV Community Justice Centre Conference

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COUNCILLOR
AMBLER

Councillor Ambler reviewed his attendance at a tour of the Chances gaming facility.

MAYOR JANGULA

Mayor Jangula reviewed his attendance at the following events:

- RCMP OCC conference
- Emergency Planning Workshop for elected officials
- BC Wildlife Federation conference
- Island Corridor Foundation meeting
- Alano Club grand opening
- Policing round table and workshop
- Discovery Visitors Centre grand opening
- Courtenay Lawn Bowling opening event
- Snow to Surf relay race awards
- Mayor's open door sessions
- McHappy Day at McDonalds in Courtenay
- Grand opening of Westview Ford
- Soroptimist Conference
- Funding announcement for Living Rivers Trust Fund
- Royal Purple flag raising
- Battle of the Atlantic commemorative service
- NAOSH week flag raising

13.00 ADJOURNMENT

.01

Moved by Winchester and seconded by Hillian that the meeting now adjourn at 8:04 p.m.

Carried

CERTIFIED CORRECT

Director of Legislative Services

Adopted this 14th day of May, 2012

Mayor