

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, January 21, 2013 at 4:00 p.m.

Attending:

Mayor: L. V. Jangula
Councillors: J. K. Ambler
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
K. Lagan, Director of Operational Service
R. Wiwchar, Director of Community Services
P. Crawford, Director of Development Services
I. Buck, Manager of Planning
L. Hatch, Municipal Engineer
E. Ferguson, Planning Technician

1.00 ADOPTION OF MINUTES

.01 Moved by Ambler and seconded by Theos that the January 14,
MINUTES 2013 Council meeting minutes be adopted.
Carried

3.00 DELEGATIONS

1. Roberta Stevenson, Update on the BC Shellfish Industry

Roberta Stevenson reviewed the opposition to the proposed Raven Coal Mine and requested that Council pass a resolution similar to the CVRD and Town of Comox.

2. Jim Stewart, Deputy Assessor, V.I. Region, BC Assessment Authority

Jim Stewart provided Council with a recap of the assessment statistics for 2012 in the Comox Valley.

3. Brock Enderton, Standard Land re: Rogers Cell Phone Tower

Brock Enderton reviewed the proposed telecommunication tower to be located at 2931 Moray Avenue.

4. Dale Roberts re: Old House Variance

Dale Roberts and Martin Hagarty reviewed the application for Development Variance Permit No. 1205 to allow an addition to the Old House Restaurant building.

The meeting recessed at 4:57 p.m. to conduct the Public Hearing in relation to Bylaw No. 2731.

The meeting reconvened at 5:15 p.m.

5. Tom Moore re: OCP/Rezoning, 2525 Mission Road

Tom Moore and Tim O'Brian reviewed the application for an Official Community Plan amendment and Zoning Amendment to allow the construction of a mixed commercial project on the property located at 2525 Mission Road.

4.00 COMMITTEE/STAFF REPORTS

.01
ARTIFICIAL TURF
FIELD
1971-20

Moved by Theos and seconded by Winchester that the City of Courtenay contribute approximately \$860,000 from the sale of City property to Vancouver Island Health Authority (VIHA) for use for a hospital site, to a regional play field project, which is now identified as a singular artificial turf field at Vanier Secondary School;

That the City endorse the single field project conditional on the following:

- Budget approval at the Comox Valley Regional District;
 - All subjects from the VIHA sale agreement are satisfied;
 - A user agreement between School District 71, Comox Valley Regional District, and Comox Valley United Soccer being formalized;
 - A maintenance agreement and capital replacement agreement between all jurisdictions and respective parties being formalized;
- and

That a project committee with representatives from each jurisdiction and Comox Valley United Soccer be established to oversee the project development and to coordinate the implementation of the use and maintenance agreements.

Carried

.02
RGS FUNDING/
IMPLEMENTATION/
MONITORING

Moved by Ambler and seconded by Theos that Council receive the attached report for information and request a more defined financial plan and work program from the Regional District to reflect implementation activities identified in this report.

Carried

The meeting recessed at 6:13 p.m. and reconvened at 6:19 p.m.

.03
DVP NO. 1205
1760 RIVERSIDE
LANE
3090-20-1205

Moved by Ambler and seconded by Theos that Development Variance Permit No. 1205 to vary section 8.14.5(3) of Zoning Bylaw 2500, 2007 to reduce the side yard setback from 4.5 metres to 3.1 metres be issued for the property legally described as Lot 2, Section 68, Comox District, Plan VIP8228 (1760 Riverside Lane) subject to conformance

with the plans and drawings in Attachment No. 2; and

That in accordance with the provisions of Section 910(5) of the *Local Government Act*, the proposed addition outlined in Attachment No. 2 is exempt for the minimum flood construction level specified in City of Courtenay Floodplain Management Bylaw No. 1743, 1994 subject to the registration of a covenant under section 219 of The Land Title Act to ensure the addition is constructed in accordance with the recommendations outlined in the Lewkowich Engineering Associates Ltd report dated December 13, 2012 and that the application saves harmless the City from any claims for flood damage or injury.

Carried

.04

OCP/ZONING
AMENDMENT
2525 MISSION RD
6480-20-1204
3360-20-1209

Moved by Leonard and seconded by Theos that Council receive the application to amend City of Courtenay Official Community Plan No. 2387, 2005 and City of Courtenay Zoning Bylaw No. 2550, 2007, for Lot 2, District Lot 236, Comox District, Plan VIP70439 (2525 Mission Road) as shown in bold on Attachment No. 1;

That Bylaw No. 2722, 2013 to amend the Official Community Plan land use designation from Industrial to Commercial and to amend the development permit area designation from Industrial Area to Commercial Area for Lot 2, District Lot 236, Comox District, Plan VIP70439 proceed to First and Second Reading;

That Bylaw No. 2723, 2013 to create a new Comprehensive Development Twenty Four (CD-24) zone and to rezone Lot 2, District Lot 236, Comox District, Plan VIP70439 from Industrial Two (I-2) zone to CD-24 proceed to First and Second Reading;

That Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2722, 2013 and Zoning Amendment Bylaw No. 2723, 2013 on February 4th, 2013 at 5:00 p.m. in City Hall Council Chambers; and

That Council authorize the Mayor and Director of Legislative Services to execute all legal documents necessary to affect the rezoning of the subject lands.

Carried

.05

ROGERS CELL TOWER
3030-01

Moved by Winchester and seconded by Ambler that Rogers Communications Inc. has satisfactorily completed its consultation with the City of Courtenay and its public consultation process and that no further consultation is required;

That City of Courtenay concur with Rogers Communications Inc.'s proposal to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans shown in Attachment No. 2; and

That Council direct staff to develop an Antenna Siting Protocol.

Carried

.06

DCC STATUS REPORT
3150-01

Moved by Leonard and seconded by Winchester that the report from the Director of Operational Services regarding the Development Cost Charges status be received for information.

Carried

.07

SUB SERVICING
AGREE
3320-20-12646

Moved by Theos and seconded by Ambler that Council approve the Subdivision Servicing Agreement for the subdivision of Parts of Lot A, Section 78, Comox District, Plan VIP75241;

That the required security be provided to the City prior to subdivision approval; and

That the Mayor and Director Legislative Services be authorized to sign all documentation relating to this development.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

POLICE REPORT
7550-01

Moved by Leonard and seconded by Ambler that the Police Report for December 2012 be received for information.

Carried

7.00 RESOLUTIONS OF COUNCIL

.01

IN CAMERA
MEETING

Moved by Winchester and seconded by Ambler that under the provisions of Section 90(1)(e) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held January 21, 2013 at the conclusion of the Regular Council meeting.

Carried

10.00 NEW BUSINESS

.01

CVRD WATER
VOTING
470-20

Moved by Ambler and seconded by Theos that the letter from the Comox Valley Regional District regarding weighted water votes be received; and

That the following distribution of weighted votes for City of Courtenay directors on the Comox Valley Water Committee for 2013 be as follows:

Councillor Winchester	2 votes
Councillor Ambler	2 votes

Councillor Theos	2 votes
Councillor Anglin	1 vote

And further that this information be provided to the Comox Valley Regional District.

Carried

.02
RAVEN COAL MINE

Moved by Leonard and seconded by Ambler that Council consider a resolution not included on the Council agenda regarding the Raven Coal Mine.

In Favour – Councillors Ambler, Leonard, Theos and Winchester

Opposed – Mayor Jangula

Motion defeated pursuant to section 21 of Council Procedure Bylaw No. 2492, 2007

11.00 BYLAWS

.01
BYLAW NO. 2722
OCP AMEND

Moved by Winchester and seconded by Theos that “Official Community Plan Amendment Bylaw No. 2722, 2013” pass first and second reading.

Carried

.02
BYLAW NO. 2723
ZONING AMEND

Moved by Winchester and seconded by Ambler that “Zoning Amendment Bylaw No. 2723, 2013” pass first and second reading.

Carried

.03
BYLAW NO. 2703
ZONING AMEND

Moved by Theos and seconded by Winchester that “Zoning Amendment Bylaw No. 2703, 2012” be finally passed and adopted.

Carried

.04
BYLAW NO. 2731
ZONING AMEND

Moved by Winchester and seconded by Theos that “Zoning Amendment Bylaw No. 2731, 2013” pass third reading.

Carried

12.00 COUNCIL MEMBER ROUND TABLE

MAYOR JANGULA

Mayor Jangula reviewed his attendance at the following events:

- Community Foundation awards
- Regional Hospital and Solid Waste meetings

13.00 ADJOURNMENT

.01 Moved by Theos and seconded by Ambler that the meeting adjourn at 6:55 p.m.

Carried

CERTIFIED CORRECT

Director of Legislative Services

Adopted this 4th day of February, 2013

Mayor