

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, June 21, 2004 at 4:00 p.m.**

**Attending:**

**Mayor: S. L. Winchester**  
**Councillors: J. L. Harder**  
**L. V. Jangula**  
**D. S. McRae**  
**G.T. Phelps**

**Staff:**

**K. Lagan, A/Administrator**  
**S. Karvalics, Executive Assistant**  
**D. Slobodan, Director of Development Services**  
**R. Wiwchar, Director of Community Services**  
**T. Manthey, Director of Financial Services**  
**P. Crawford, Senior Planner**  
**G. Garbutt, Planner**

The meeting was called to order at 4:00 p.m.

**1.00 MINUTES**

**.01** Moved by Harder and seconded by Jangula that the minutes of the Regular Council meeting held June 7, 2004.  
**Carried**

**2.00 INTRODUCTION OF LATE ITEMS**

Councillor Phelps will be presenting two items under new business concerning backyard pools and a hazard in the Puntledge River.

**3.00 DELEGATIONS**

**Susan Kelsey, 2010 Community Committee**

Susan Kelsey, Marty Douglas and Don Sharpe were present to give Council an overview on the 2010 Olympics. They updated Council on the committee structure, budgets and job creation.

**Peter Gerritsen, Quest Homes**

Peter Gerritsen of Quest Homes reiterated to Council that the best use for the property is for future development of a hotel similar to a hotel built in Fernie. Mr. Gerritsen again confirmed that they will give proper notification and compensation to the existing mobile home residents in relocating them. Mr. Gerritsen committed to a \$10,000.00 contribution to be held as a relocation fund.

**Fairview Mobile Home Park Residents Association**

Hazel Neilsen representing the Fairview Mobile Home Park residents advised Council that the fight is not over regarding the development of Fairview Mobile Home Park.

**4.00 COMMITTEE/STAFF REPORTS**

**.01**  
ROWING/CANOE  
CLUB FACILITY  
6140-200-01

Moved by McRae and seconded by Harder that the concept site plan for a future rowing/canoe storage facility and clubhouse on City property on 20<sup>th</sup> Street be approved and that staff develop and implement the plan with the Rowing Club.

**Carried**

**.02**  
STRUCTURAL  
CHANGE ARBUTUS  
HOTEL  
4320-20

Moved by Jangula and seconded by McRae that Council request the Arbutus Hotel to post a public notice at their place of business outlined in their application for a structural change to their licenced area;

That the City publish a notice in 2 consecutive issues of a local newspaper outlining the Arbutus Hotel application;

That written submissions concerning the application be received by Council up to July 14, 2004; and

That any submissions from the public within the specified time frame be presented to Council prior to commenting on the application.

**Carried**

**.03**  
ART GALLERY  
RENOVATION LOAN  
BYLAW  
6120-01

Moved by Harder and seconded by McRae that Council seek the approval of the electors for “Art Gallery Renovation Loan Authorization Bylaw No. 2349, 2004” through the alternative approval process;

That Council establish elector response forms as attached to this report;

That Council determine 12,860 as the total number of electors to which the approval process applies;  
and

That Council establish the deadline for receiving responses for this alternative approval process as July 30, 2004 at 4:30 p.m.

**Carried**

**.04**  
DVP NO. 0421  
RETROCOM/QUEENS  
WAY (LONDON  
DRUGS)  
3090-20-0421

Moved by McRae and seconded by Harder that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on July 5, 2004; and

That subject to public input, Development Variance Permit No.0421 be

issued to Retrocom and the Queensway Group to provide relief from the City of Courtenay Sign Bylaw No. 2042, 1998 to allow the increase in fascia sign area from 9m<sup>2</sup> to 29.6m<sup>2</sup> as outlined in Schedules No. 1, 2 and 3 for the property legally described as Lot A, Section 66, Comox District, Plan 44811 except part in Plans 49234, VIP66865 and VIP68598 at 2701 Cliffe Avenue. **Carried**

**.05**

REZONING 692273  
BC LTD-LERWICK RD  
3360-20-0406

Moved by Harder and seconded by Phelps that Council approve Zoning Bylaw Amendment Application No. 0406 to rezone part of Lot 15, Plan 1911 and Lots A and B, Plan 39690 on Lerwick Road from Residential One B Zone (R-1B) to Residential One Zone (R-1),

That “City of Courtenay Zoning Amendment Bylaw No. 2360” proceed to first and second reading,

That a Public Hearing be held on July 5, 2004 at 5:00 p.m. in Council Chambers in relation to Bylaw No. 2360.

**Carried**

**.06**

S. LERWICK AREA  
PLAN UPDATE  
TREE BYLAW  
6480-20

Moved by McRae and seconded by Phelps that Council approve the amendments to the South Lerwick Local Area Plan and the Tree Management and Protection Bylaw as outlined in this report;

That the City of Courtenay Official Community Plan Amendment Bylaw No. 2361, 2004 proceed to first and second readings;

That City of Courtenay Tree Management and Protection Amendment Bylaw No. 2362, 2004 proceed to first, second and third readings; and

That a Public Hearing be held on July 5, 2004 at 5:00 p.m. in Council Chambers in relation to Bylaw No. 2361, 2004.

**Carried**

**.07**

CUMBERLAND DRAFT  
OCP AMEND  
470-20

Moved by Harder and seconded by Jangula that Council write to the Village of Cumberland expressing opposition to the commercial and industrial designations proposed in the Official Community Plan outside the Village Core Area and write to the parties who participated in and signed the Memorandum of Understanding regarding the Access and Land Use Management along the Vancouver Island Highway Corridor to oppose the approval of this Plan.

**Carried with Councillor Phelps voting in the negative**

**.08**

TENDER BID FOR ART  
GALLERY  
750-20

Moved by Harder and seconded by McRae that Council receive the tenders for the construction of the new Art Gallery located at 580 Duncan Avenue; and

That in the event the Comox Valley Committee at their regular meeting of July 8, 2004 approves additional funding of \$450,000.00 to assist in the construction of this building, Council consider awarding the tender at the next Council meeting to Kinetic Construction, the low bidder for this project at \$1,364,000.00.

**Carried**

**.09**

FILL PLACEMENT &  
SOIL REMOVAL  
BYLAW  
3900-20

Moved by Jangula and seconded by Phelps that the report from the Director of Operational Services regarding the proposed fill placement and soil removal bylaw be received; and

That “Fill Placement and Soil Removal Bylaw No. 2359, 2004” proceed to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

**Carried**

**.10**

ROAD EXCHANGE  
BYLAW 29<sup>TH</sup> STREET  
950-20

Moved by Harder and seconded by Jangula that the report from the Director of Operational Services regarding the draft Highway Encroachment Agreement between the City and Quest Homes Inc. be received for information.

**Carried**

Moved by Harder and seconded Jangula that Quest Homes Inc. draw up an agreement whereby they make an additional \$10,000.00 contribution to be used in relocating the residents from Fairview Mobile Home Park.

**Carried**

**.11**

STMNT OF FIN  
INFORMATION  
1870-06

Moved by McRae and seconded by Harder that Council approve the 2003 Statement of Financial Information.

**Carried**

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01** Moved by Jangula and seconded by Phelps that the Police Report for  
POLICE REPORT April 2004 be received for information.  
7550-01 **Carried**

**.02** Moved by Harder and seconded by McRae that the Community  
COMMUNITY Services Update Report be received for information.  
SERVICES UPDATE **Carried**  
650-20

**.03** Moved by Jangula and seconded by Harder that the June 3, 2004  
CRA MINUTES CRA Board Minutes be received for information.  
250-20 **Carried**

**.04** Moved by Harder and seconded by Jangula that the Regional District  
RD CONFIMED SPACE Confined Space Rescue Resolution be received for information.  
RESOLUTION **Carried**  
470-20

**.05** Moved by McRae and seconded by Phelps that the Regional District  
REG DIST MINUTES of Comox-Strathcona Hospital and Board meeting minutes of May 31, 2004  
be received for information.  
**Carried**

**6.00 RESOLUTIONS OF COUNCIL**

**.01** Moved by Harder and seconded by McRae that under the provisions  
INCAMERA MTG of Section 90(b) & (c) of the Community Charter, notice is hereby given  
that a Special In-Camera meeting closed to the public, will be held June 21,  
2004 at the conclusion of the Regular Council meeting.  
**Carried**

**.02** Moved by McRae and seconded by Jangula that a Special Council  
SPECIAL COUNCIL meeting be held on June 29, 2004 at 4:00 p.m. in the Council Chambers.  
MEETING **Carried**

**7.00 UNFINISHED BUSINESS**

**.01**

DVP NO. 0415  
SILVERADO LAND  
CORP  
3090-20-0415

**Mayor Winchester inquired whether there were any members of the public wishing to make submissions regarding the following Development Variance Permits; there were none.**

Moved by Harder and seconded by McRae that Development Variance Permit No. 0415 be issued to Silverado Land Corp. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to allow the subdivision of the Remainder of Block 72 to create proposed Lot 1 with 0% lot frontage.

**Carried**

**.02**

DVP NO. 0416  
KABUSH  
3090-20-0416

Moved by Harder and seconded by Phelps that Development Variance Permit No. 0416 be issued to Dennis and Margaret Kabush to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to permit a reduction in the lot frontage from 19.5m to 18.4m and 18.1m and to permit a reduction in the side yard setback from 4.5m to 3.6m and 3.2m for Lots 1 and 22 respectively as outlined in Schedule No. 1 attached, for the property legally described as Lot 3, District Lot 158, Comox District, Plan 1911.

**Carried**

**.03**

DVP NO. 0418  
3L DEVELOPMENTS  
3090-20-0418

**Mr. Dishlevoy, Architect for the proposed project clarified for Council the site lines and overall components of the development.**

Moved by McRae and seconded by Jangula that Council defer the construction of the application for a Development Variance Permit for 3L Developments on Anderton Avenue to increase the height of a 4 storey multi-unit residential project consisting of 3 buildings to July 5, 2004 in order to give adjoining landowners additional time to review the application and for the applicant to provide more details on building elevations, sign lines and shadowing effect of this proposal.

**Carried**

RECESS

Moved by Harder and seconded by Jangula that the meeting now recess at 4:59 p.m. to conduct the Public Hearing scheduled for 5:00 p.m.

**Carried**

The meeting reconvened at 5:04 p.m.

**.04**

DVP NO. 0419  
MITCHELL  
3090-20-0419

Moved by Harder and seconded by Phelps that Development Variance Permit No. 0419 be issued to Glenn and Jenny Mitchell to provide relief from the City of Courtenay Sign Bylaw No. 2042, 1998 and amendments thereto, for an increase in the allowable sign area for projecting signs from 2.5m<sup>2</sup> to 3.26m<sup>2</sup> on Lot 38, Section 61, Comox District, Plan 311 except the southerly 7 feet at 286-5<sup>th</sup> Street as shown on Schedule No. 1.

**Carried**

**9.00 NEW BUSINESS**

**.01** Councillor Phelps raised the concern of a hazardous stump in the Puntledge  
HAZARDOUS STUMP- River. The stump has in the past caused some drownings and over the  
PUNTLEDGE RIVER weekend a couple of near misses.

Staff will investigate the matter with public works and the Department of Fisheries and Oceans.

**.02** Councillor Phelps raised the concern of backyard pools and no requirement  
BACKYARD POOLS for fencing.

Staff advised that there have been some concerns raised by the public in recent weeks and that a report will be presented at the next Council meeting.

**10.00 BYLAWS**

**.01** Moved by McRae and seconded by Harder that “City of Courtenay  
BYLAW NO. 2360 Zoning Amendment Bylaw No. 2360, 2004” pass first and second reading.  
**Carried**

**.02** Moved by Harder and seconded by Phelps that “City of Courtenay  
BYLAW NO. 2361 Official Community Plan Amendment Bylaw No. 2361, 2004” pass first and  
second reading.  
**Carried**

**.03** Moved by McRae and seconded by Harder that “Fill Placement and  
BYLAW NO. 2359 Soil Removal Bylaw No. 2359, 2004” pass first, second and third reading.  
**Carried**

**.04** Moved by Harder and seconded by McRae that “City of Courtenay  
BYLAW NO. 2362 Tree Management and Protection Amendment Bylaw No. 2362, 2004” pass  
first, second and third reading.  
**Carried**

**.05** Moved by Harder and seconded by McRae that “City of Courtenay  
BYLAW NO. 2351 Zoning Amendment Bylaw No. 2351, 2004” as given second reading on  
May 17, 2004 be reconsidered.  
**Carried**

Moved by Harder and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2351, 2004” be amended at second reading by removing Raven Forest Land within Block 71.

**Carried**

Moved by Harder and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2351, 2004” pass second reading as amended.

**Carried**

Moved by Harder and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2351, 2004” pass third reading.

**Carried**

Moved by Harder and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2351, 2004” be finally passed and adopted.

**Carried**

**.07**  
BYLAW NO. 2339

Moved by Harder and seconded by McRae that final adoption of “29<sup>th</sup> Street Road Closure and Exchange Bylaw No. 2339, 2004” be deferred to the next Council meeting or until Quest Homes Inc. presents an acceptable agreement in writing establishing a \$10,000.00 relocation fund to help the residents of Fairview Mobile Home Park move their mobiles to another location.

**Carried**

**.08**  
BYLAW NO. 2358

Moved by McRae and seconded by Phelps that “Subdivision Control Amendment Bylaw No. 2358, 2004” be finally passed and adopted.

**Carried**

**.09**  
BYLAW NO. 2357

Moved by Harder and seconded by Jangula that “City of Courtenay Ticket Information Amendment Bylaw No. 2357, 2004” be finally passed and adopted.

**Carried**

**BYLAWS FOR CONSIDERATION AFTER PUBLIC HEARING**

**.01**  
BYLAW NO. 2350

Moved by Harder and seconded by Jangula that “City of Courtenay Zoning Amendment Bylaw No. 2350, 2004” pass third reading.

**Carried**

**.02**

Moved by Harder and seconded by Jangula that “City of Courtenay Zoning Amendment Bylaw No. 2350, 2004” be finally passed and adopted.

**Carried**

**11.00 COUNCIL MEMBER ROUND TABLE**

**R12/2004 – June 21, 2004**

COUNCILLOR MCRAE Councillor McRae reviewed his attendance at the Vanier Graduation Ceremony

COUNCILLOR PHELPS Councillor Phelps reviewed his attendance at the following events:  
➤ National Aboriginal Day  
➤ Rich Hanson Wheels in Motion

COUNCILLOR JANGULA Councillor Jangula reviewed his participation in the Cancer Relay for Life

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:  
➤ Mile of Flowers  
➤ Shaw Community TV Mayor's Forum  
➤ Airport Commission Meeting  
➤ Puntledge Ecole Grade 2 Class City Hall Tour  
➤ Health Committee Meeting  
➤ Meeting with Minister Coell to present the recently signed MOU  
➤ Film Commission Meeting  
➤ Habitat for Humanity Day at Vanier School  
➤ National Aboriginal Day

