

**THESE MINUTES ARE THE DRAFT VERSION ONLY AND HAVE NOT BEEN  
ADOPTED BY COUNCIL**

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, November 6, 2006 at 4:00 p.m.

**Attending:**

**Mayor: S. L. Winchester**

**Councillors: L. V. Jangula  
R-R. Leonard  
D. S. McRae  
G.T. Phelps  
J. M. Presley  
M. Theos**

**Staff:**

**S. Gray, Administrator  
J. Ward, Manager of Corporate Administration  
D. Slobodan, Director of Regulatory and Property Services  
K. Lagan, Director of Operational Services  
T. Manthey, Director of Financial Services  
P. Crawford, Director of Planning Services  
R. Wiwchar, Director of Community Services  
G. Garbutt, Planner**

The meeting was called to order at 4:02 p.m.

**1.00 MINUTES**

**.01** Moved by McRae and seconded by Phelps that the minutes of the regular Council meeting held October 16, 2006 be adopted.  
**Carried**

**2.00 INTRODUCTION OF LATE ITEMS**

Mayor Winchester approved the addition of one late item to the agenda.

**3.00 DELEGATIONS**

**Community Drug Strategy Committee Presentation**

Gus Papgiannis representing the Community Drug Strategy Committee provided an update regarding the Committee's activities and achievements.

**Inner City Ministries-Request for Homeless Shelter Building**

Vicki Bramley of Inner City Ministries reviewed that the ICM is a group of people representing many churches in the valley, and requested the City to provide a building to be used as a shelter for the homeless.

**Paul Berry, 4931 North Island Highway**

Paul Berry outlined water drainage problems on his property located at 4931 North Island Highway, which have become worse since road construction in the area. He requested that the City provide a solution to the problem.

**4.00 COMMITTEE/STAFF REPORTS**

**.01** Moved by McRae and seconded by Leonard that the rental rates proposed for the year 2007 for the Florence Filberg Centre, Native Sons Hall, Lewis Centre, The Linc Youth Centre, Memorial Outdoor Pool, Rotary Centennial pavilion, play fields and play field buildings be approved.  
2007 FACILITY  
RENTAL RATES  
7900-02

**Carried**

**.02** Moved by Presley and seconded by McRae that the report from the Director of Community Services regarding awards received by the City of Courtenay be received for information.  
AWARD WINNING CITY  
OF COURTENAY  
2550-00

**Carried**

**.03** Moved by Theos and seconded by Phelps that Public Works Maintenance Building Loan Authorization Bylaw No. 2458, 2006 proceed to final adoption.  
BYLAW NO. 2458

**Carried**

**.04** Moved by Presley and seconded by McRae that the application from Eau Claire Properties Ltd. for Development Permit No. 0614 to allow the construction of 25 dwelling units in eleven (11) duplexes and one (1) triplex at 2315 Suffolk Crescent, including landscape materials, irrigation, fencing and installation valued at \$201,359.00, be approved as outlined in Schedule Nos. 1-4; and  
DP NO. 0614  
EAU CLAIRE PROP  
3060-20-0614

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**

**.05**

DP NO. 0616  
KCM 2000 DEV  
3060-20-0616

Moved by McRae and seconded by Leonard that notice be given to the adjacent property owners of the proposed Development Permit with Variances outlined below and that the application be returned to Council at a meeting on November 20, 2006;

That subject to public input, Development Permit No. 0616 be issued to KCM 2000 Developments Ltd. to allow the construction of ten (10) residential units in five (5) duplexes in a Bare Land strata development on Part of Lot A, Block 72 Comox District at 3399 Crown Isle Drive, including landscaping valued at \$75,000.00 as outlined in *Schedule Nos. 1-5* including the following variances to City of Courtenay Zoning Bylaw No. 1427, 1987:

*Bare Land Strata Variances*

- *Section 8.32.4(6)* - Reduce Minimum Size for Bare Land Strata Lot from 550 m<sup>2</sup> to 304 m<sup>2</sup> for Strata Lots 1-6 and 246 m<sup>2</sup> for Strata Lots 7-10;
- *Section 8.32.9(1)* - Reduce Interior Side Yard for Bare Land Strata Lot from 4.5 m to 0 m;
- *Section 8.32.9(1)* - Reduce Exterior Side Yard for Bare Land Strata Lot from 4.5 m to 1 m;
- *Section 8.32.9(1)* - Reduce Front Yard for Bare Land Strata Lot from 7.5 m to 1 m;
- *Section 8.32.9(1)* - Reduce Rear Yard for Bare Land Strata Lot from 7.5 m to 1 m;

*Development Variances*

- *Section 6.6.1* - Increase Roof Overhang Allowance from 0.6 m to 0.9 m for all Strata Units;
- *Section 7.1.6(8)* - Reduce Driveway Length from 6 m to 5.6 m for Strata Unit 1;
- *Section 8.32.9(1)*- Reduce Side Yard Setback from 4.5 m to 3.7 m for Strata Units 3-6 and 4.1 m for Strata Units 9-10;
- *Section 8.32.9(1)*-Reduce Rear Yard Setback from 7.5 m to 2.4 m for Strata Unit 1; and

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**

**.06**

DVP NO. 0629  
SUNSHINE SOLARIUMS  
3090-20-0629

Moved by Jangula and seconded by Phelps 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 November 20, 2006; and

That subject to public input, Development Variance Permit No. 0629 be issued to Sunshine Solariums Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the rear yard setback for a single residential dwelling for the purposes of a solarium from 9.0 metres to 7.25 metres, as detailed in Schedule No. 1, for the property legally described as Lot P, District Lot 159, Comox District, Plan VIP73396 at 1020 Waddington Cres.

**Carried**

**.07**

STREET NAMING  
POLICY  
5450-01

Moved by Presley and seconded by Leonard that the report from the Director of Operational Services regarding naming of City streets be received; and

That Policy #5450.00.01 – Naming of Streets be approved.

Moved by McRae and seconded by Jangula that the Policy be amended to include a provision for street name submissions from the public.

**Carried**

**The main motion was carried**

**Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship, and vacated Council Chambers at 4:42 p.m.**

**.08**

LATECOMER  
AGREEMENT LA001  
3320-30 LA 0001

Moved by Phelps and seconded by McRae that Latecomer Agreement LA0001 be amended to include an area of land described as Part of Lot 1, District Lot 231, Comox District Plan 2152 and Part of the remainder of District Lot 231, which now benefit from the sanitary sewer system; and

That the Mayor and Manager of Corporate Administration be authorized to sign all legal documentation relating to this agreement.

**Carried**

**Councillor Presley returned to Council Chambers and took his seat at 4:43 p.m.**

**.09**

PHASED STRATA  
692293 BC LTD.  
BLUE JAY PLACE  
3300-20-2001

Moved by Theos and seconded by McRae that Council approve the legal documents for the phased strata of Lot P, District Lot 158, Comox District, Plan VIP79430;

That the required documents be provided to the City prior to approval of the first phase of the strata;

That the developer's solicitor or BC Land Surveyor provide a letter of undertaking to register the documents concurrently with the phased strata plan; and

That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.

**Carried**

**.10**

SUBDIVISION  
SERVICIING AGREE  
SILVERADO  
3320-20-05464

Moved by McRae and seconded by Presley that Council approve the Subdivision Servicing Agreement for the subdivision of Part of Lot A, Block 72 Comox District, Plan VIP72239, Except Part in Plans VIP77537, and VIP78754; and Part of Block 72, Comox District, Except Parts Outlined in Red on Plans 1691R and 2117RW, and Except Part in Plans 49168, VIP53544, VIP53936, VIP55887, VIP56345, VIP56997, VIP57216, VIP61372, VIP61373, VIP61374, VIP61375, VIP64932, VIP67278, VIP68539, VIP71399, VIP72239, VIP73546, VIP74891, VIP74892, VIP74893, VIP75389, VIP76675, VIP76772, VIP77537, VIP78213, VIP78293, VIP78614, VIP79916, VIP80521, VIP81206, and VIP81881;

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

That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.

**Carried**

**.11**

SUB. SERVICING  
AGREEMENT  
CREEKSIDE COMMONS  
3320-20-05472

Moved by Leonard and seconded by Theos that Council approve the Subdivision Servicing Agreement for the subdivision of Lots 1 and 2, District Lot 230, Comox District, Plan VIP79120;

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

That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this subdivision.

**Carried**

**.12**  
SOLID WASTE  
CONTRACT – YARD  
WASTE  
5360-02

Moved by Jangula and seconded by Phelps that a weekly Yard Waste Collection Program for all single family and duplex homes which commenced on June 6, 2006 be continued with International Paper Industries for the duration of the garbage contract (until March 31, 2010);

That the rate of \$3.398 per month per household apply until December 31, 2007 and thereafter the price increase as provided in the Solid Waste Contract would apply; and

That an amendment to the Solid Waste Contract to include the Yard Waste Program be approved with the Mayor and Manager of Corporate Administration authorized to sign all documentation relating to this contract.

**Carried**

Moved by McRae and seconded by Phelps that the City publish a weekly public notice outlining the recycling and yard waste programs and track the program tonnage.

**Carried**

## **5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01**  
HERITAGE ADVISORY  
MINUTES

Moved by Presley and seconded by Jangula that the minutes of the Heritage Advisory Committee meeting held October 25, 2006 be received for information.

**Carried**

**.02**  
AGRICULTURAL  
ADVISORY  
COMMITTEE MINUTES

Moved by Phelps and seconded by Presley that the minutes of the Agricultural Advisory Committee meeting held October 17, 2006 be received for information.

**Carried**

**.03**  
FIRE REPORT OCTOBER  
650-20

Moved by Jangula and seconded by McRae that the Fire Report for October 2006 be received for information.

**Carried**

## **6.00 RESOLUTIONS OF COUNCIL**

**.01**  
INCAMERA MTG

Moved by Leonard and seconded by Presley that under the provisions of Section 90(1)(c) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held November 6, 2006 at the conclusion of the Regular Council meeting.

**Carried**

The meeting recessed at 4:58 p.m. to conduct the Public Hearing in relation to Bylaws 2479, 2483, 2485, and 2484.

The meeting reconvened at 5:33 p.m.

**7.00 UNFINISHED BUSINESS**

**Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship, and vacated Council Chambers at 5:33 p.m.**

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 0609.

Dr. Stephen Blackburn expressed concerns regarding Development Permit No. 0609 on behalf of Dr. Marlene Smith and himself. These concerns included the following:

- Footprint and height of the building
- Inadequate landscaping space between sidewalk and building
- Traffic and parking
- Building location in relation to Riverside Lane.

A written submission was received from Dr. Marlene Smith.

**.01**

DP NO. 0609  
RIVERHOUSE  
ENTERPRISES  
3060-20-0609

Moved by McRae and seconded by Jangula that Development Permit No. 0609 be issued to Riverhouse Enterprises Ltd. to allow the construction of a 45 unit hotel on Lot A, Section 41 and 68, Comox District, Plan VIP 75820 at 1760 Riverside Lane, including landscape materials and installation, irrigation, and fencing valued at \$76,060.00, as outlined in *Schedule Nos. 1-4* including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986:

- To increase the mean height from 10.0 m to 12.96 m;
- To reduce the front yard setback from 4.5 m to 2.82 m to allow columnades within the front yard setback; and

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**

**Councillor Presley returned to Council Chambers and took his seat at 5:50 p.m.**

**9.00 NEW BUSINESS**

**.01**

INNER CITY  
MINISTRIES –  
REQUEST FOR  
BUILDING

Moved by McRae and seconded by Leonard that staff investigate the availability of City owned and other building suitable for use as a shelter for the homeless; and

That if no buildings are available, investigate options of providing financial assistance for the creation of a homeless shelter.

**Carried**

**.02**  
REGIONAL DISTRICT  
ISSUES

Moved by Jangula and seconded by McRae that a letter be prepared to Minister Chong outlining the City's concerns regarding the Regional District of Comox Strathcona process of applying for infrastructure grants, as well as the Comox Valley Growth Management process; and

That the letter be presented to Council for approval prior to sending.  
**Carried**

## **10.00 BYLAWS**

**.01**  
BYLAW NO. 2458

Moved by McRae and seconded by Presley that Public Works Maintenance Building Loan Authorization Bylaw No. 2458, 2006 be finally passed and adopted.  
**Carried**

**Mayor Winchester declared a potential conflict of interest regarding Bylaws 2481 and 2482 due to the fact that her home is in the area, and vacated Council Chambers at 6:26 p.m. Acting Mayor Phelps took the Chair.**

**.02**  
BYLAW NO. 2481

Moved by Presley and seconded by McRae that Official Community Plan Amendment Bylaw No. 2481, 2006 be finally passed and adopted.  
**Carried with Councillor Theos opposed**

**.03**  
BYLAW NO. 2482

Moved by McRae and seconded by Jangula that City of Courtenay Zoning Amendment Bylaw No. 2482, 2006 be finally passed and adopted.  
**Carried with Councillor Theos opposed**

**Mayor Winchester returned to Council Chambers and took the Chair at 6:29 p.m.**

**.04**  
BYLAW NO. 2479

Moved by McRae and seconded by Jangula that Official Community Plan Bylaw No. 2479, 2006 pass third reading.  
**Carried**

**Councillor Presley declared a potential conflict of interest regarding Bylaw 2483 due to a business relationship and vacated Council Chambers at 6:30 p.m.**

**.05**  
BYLAW NO. 2483

Moved by Jangula and seconded by Leonard that City of Courtenay Zoning Amendment Bylaw No. 2483, 2006 pass third reading.  
**Carried**

**Councillor Presley returned to Council and took his seat at 6:32 p.m.**

**.06** Moved by McRae and seconded by Presley that Official Community  
BYLAW NO. 2485 AND Plan Amendment Bylaw No. 2485 and City of Courtenay Zoning  
NO. 2484 Amendment Bylaw No. 2484, 2006 be referred to staff for a further report to  
Council.  
**Carried**

**13.00 ADJOURNMENT**

**.01** Moved by Presley and seconded by Phelps that the meeting now  
adjourn at 6:44 p.m.  
**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 14<sup>th</sup> day of November, 2006**

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**Mayor**