

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

**Attending:**

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

**Staff:**

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

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

**1.00 MINUTES**

**.01** Moved by Phelps and seconded by McRae that the minutes of the regular Council meeting held November 20, 2006 be adopted.  
**Carried**

**2.00 INTRODUCTION OF LATE ITEMS**

Mayor Winchester approved the addition of two late items and one late delegation to the agenda.

**3.00 DELEGATIONS**

**Patti Wheeldon, 425 Back Road, Re: Bylaw No. 2486**

Patti Wheeldon, 425 Back Road stated her opposition to Hunt Place Road Closure Bylaw No. 2486, 2006 and expressed concerns regarding road safety, air quality and noise pollution, creek degradation, traffic volumes, and property values in the area of her home due the proposed road construction.

**Derek Crawford Architect & Forth Land Planning re: Development Permit No. 0618**

Derek Crawford and Brad Forth reviewed the application from Retirement Concepts for Development Permit No. 0618 to allow the construction of a 232 unit seniors care complex located at 4640 Headquarters Road.

Jonathan Cross of the Westerly Hotel expressed his objection to the staff report recommending revoking of the sign permit issued in 1981 to allow the pylon sign located in front of 1604 Cliffe Avenue, which advertises the Best Western Westerly Hotel. Mr. Cross stated that he was not aware that the staff report was coming to Council, and that the Westerly Hotel has an agreement with the City regarding the sign. He requested that this issue be revisited.

**4.00 COMMITTEE/STAFF REPORTS**

- .01** Moved by Leonard and seconded by Phelps that the report from the  
WILDFIRE Community Services – Fire Department regarding a Community Wildfire  
PROTECTION PLAN Protection Plan be received for information.  
7200-01 **Carried**
- .02** Moved by McRae and seconded by Phelps that the Committee of the  
DEC & JAN MEETING Whole meeting schedule for December 27, 2006 and the Council meeting  
SCHEDULE scheduled for January 3, 2007 be cancelled.  
570-01 **Carried**
- .03** Moved by Theos seconded by Phelps that Council renew the  
LIBRARY BOARD appointment of Councillor Leonard to the Vancouver Island Regional  
APPOINTMENT Library Board for 2007, with Councillor Jangula as alternate.  
7960-02 **Carried**
- .04** Moved by Phelps and seconded by Jangula that Council authorize  
APPROVING OFFICER Kevin Lagan, Director of Operational Services to be appointed as the  
VILLAGE OF Village of Cumberland Approving Officer pursuant to section 77 of the  
CUMERLAND *Land Title Act*; and  
2320-20  
That Council authorize Sandy T. Gray, Administrator to be appointed as  
Village of Cumberland Deputy Approving Officer pursuant to section 77 of  
the *Land Title Act*.  
**Carried**
- .05** Moved by Phelps and seconded by McRae that the Best Western  
BEST WESTERN PYLON pylon sign permit issue be referred to the December 11, 2006 regular  
SIGN, REVOKE SIGN Council meeting.  
PERMIT **Carried**  
3360-20-0615

**.06**

DVP NO. 0626  
GRUBB  
3090-20-0626

Moved by McRae and seconded by Leonard 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 December 18, 2006; and

That subject to public input, Development Variance Permit No. 0626 be issued to David and Norma Grubb to provide relief from the City of Courtenay Sign Bylaw No. 2042, 1998 to permit more than one freestanding sign and to permit a freestanding sign on a parcel with a lot frontage of less than 30m, at locations shown on Schedule Nos. 1-5 for the property legally described as Lot 3, Section 68, Comox District, Plan 50245 except part in Plan VIP79700 at 1810 Riverside Lane.

**Carried**

**.07**

DVP NO. 0630  
669535 BC LTD  
3090-20-0630

Moved by Jangula and seconded by Theos 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 December 18, 2006; and

That subject to public input, Development Variance Permit No. 0630 be issued to 669535 BC Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the frontage of proposed Lot 18, from 19.5m to 18.35m as detailed in Schedule No. 1, for the property legally described as Lot B, District Lot 236, Comox District, Plan 43411 at 2800 Mission Road.

**Carried**

**.08**

OCP ROAD NETWORK  
MAP  
3360-20-0615

Moved by McRae and seconded by Jangula that Council approve amending the Road Network Map being a part of the Official Community Plan to include the recommendations contained within the City of Courtenay Transportation Study 2005;

That the City of Courtenay Official Community Plan Amendment Bylaw No. 2490 proceed to 1<sup>st</sup> and 2<sup>nd</sup> readings; and

That a Public Hearing be held on January 8, 2007 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw No. 2490.

**Carried**

**.09**

DP NO. 0604  
PLAYTIME  
COURTENAY  
ENTERPRISES  
3060-20-0604

Moved by McRae and seconded by Leonard that the application from Playtime Courtenay Enterprises Ltd. for Development Permit No. 0604 to allow the construction of a 1605m<sup>2</sup> Community Gaming Facility and parking lot on the properties legally described as Lot 6, Section 14, Comox District, Plan VIP61917 and Lot A, Section 14, Comox District, Plan 37706, on Hunt Place including soft landscape materials, irrigation and installation valued at \$138,032.00, and hard landscaping valued at \$6,000.00 be approved as outlined in Schedule Nos. 1-5; 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 with Councillor Jangula opposed**

**.10**

DP NO. 0618  
RETIREMENT  
CONCEPTS  
3060-20-0618

Moved by Theos and seconded by Jangula 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 December 18, 2006;

That subject to public input, Development Permit No. 0618 be issued to Retirement Concepts to allow the construction of a 232 unit seniors care complex on the Remainder of Lot 9, Section 17, Comox District, Plan 3015 at 4640 Headquarters Road, including soft landscape materials and installation, and irrigation, valued at \$199,105.00 and hard landscaping valued at \$210,874.00 as outlined in Schedule Nos. 1-4 including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986;

- To reduce the front yard setback from 7.5m to 4.8m to allow a portion of the building within the front yard setback.

That prior to the issuance of the Development Permit, the applicant dedicate 2.5m of land adjacent to Headquarters Road and 5m of land adjacent to Old Island Highway (Hwy 19A) as a condition of the permit as outlined in Schedule No. 5.

That as a condition of Development Permit No. 0618 the tree protection and maintenance measures for Heritage Trees and Garry Oaks outlined in Schedule No. 5 be implemented.

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**

.11

DVP NO. 0631  
0692273 BC LTD  
3090-20-0631

Moved by Phelps and seconded by Jangula that notice be given to the adjacent property owners of the proposed Development Variance Permit and that the application be returned to Council at a meeting on December 18, 2006;

That subject to public input, Development Variance Permit No. 0631 be issued to 0692273 BC Ltd. to allow the phased strata subdivision of 30 duplex style patio homes (60 units) on Lot P, District Lot 158, Comox District, Plan VIP79430 at 2001 Blue Jay Place, as outlined on *Schedule No. 1*, including the following variances to the Residential Three Zone (R-3) in the City of Courtenay Zoning Bylaw No. 1427, 1986;

- Frontage - Frontage in all phases relaxed from 30 m to 0.0 m
- Strata Phase 2: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Rear Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 4.0 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 3: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 5.5 m;  
- Rear Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 3.0 m
- Strata Phase 4: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.25 m;  
- Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m;
- Strata Phase 5: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Rear Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 4.5 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 2.0 m
- Strata Phase 6: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.4 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 7: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Rear Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 8: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 7.0 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 9: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 5.1 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 10: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 5.8 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m
- Strata Phase 11: - Front Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.0 m;  
- Rear Yard Setback to Strata Phase Boundary be relaxed from 7.5 m to 6.25 m;  
- Side Yard Setback to Strata Phase Boundary be relaxed From 4.5 m to 1.5 m; 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**

**R30/2006 – December 4, 2006**

**.12** Moved by Jangula and seconded by Theos that Council approve the proposed business licence fee amendments to include a fee structure for intermunicipal business licences;  
BUS LICENCE FEE  
REVISIONS  
4320-01

That the “Business Licence Amendment Bylaw No. 2491, 2006” proceed to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**Carried**

**.13** Moved by Theos and seconded by Jangula that the Headquarters Road Trunk Sanitary Sewer project from the Old Island Highway to Vanier Drive, with an estimated cost of \$900,000 be the City’s first priority under the Municipal Rural Infrastructure Fund; and  
GRANT APP  
HEADQUARTERS ROAD  
TRUNK SEWER  
1845-20

That an application be made under this program for the Headquarters Road Trunk Sanitary Sewer.

**Carried**

**.14** Moved by McRae and seconded by Jangula that the name Waters be removed from the street name reserve list in the City of Courtenay and become the street name for the dedicated road allowance as detailed on Plan VIP78091.  
STREET NAMES  
WATERS  
5450-01

**Carried**

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01** Moved by Phelps and seconded by Theos that the Comox Valley Environmental Council minutes of September 20, 2006 be received for information.  
ENVIRONMENTAL  
COUNCIL MINUTES

**Carried**

**6.00 RESOLUTIONS OF COUNCIL**

**.01** Moved by Leonard and seconded by McRae that under the provisions of Section 90(1)(c)(k) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held December 4, 2006 at the conclusion of the Regular Council meeting.  
INCAMERA MTG

**Carried**

**9.00 NEW BUSINESS**

Councillor Phelps declared a potential conflict of interest regarding the next item due to the fact he is an employee of Habitat for Humanity, and vacated Council Chambers at 5:50 p.m.

## **R30/2006 – December 4, 2006**

**.01**  
HABITAT FOR  
HUMANITY TIPPING  
FEES

Moved by Jangula and seconded by Theos that a letter be forwarded to the Comox Strathcona Regional District urging the Board to postpone the Habitat for Humanity resolution regarding a garbage collection fee rebate (recommendation #2 on the December 7, 2006 Board Agenda) until Mr. Jon Toogood has an opportunity to address the Board on this issue; and

That the Board request CSRD staff to investigate the potential financial impact of reducing tipping fees for other Comox Valley organizations similar to Habitat for Humanity.

**Carried**

Councillor Phelps returned to Council Chambers and took his seat at 5:55 p.m.

**.02**  
WALK OF FAME

Councillor Jangula reviewed the Red Robinson Walk of Fame event to be held on Friday December 8, 2006.

**.03**  
HERITAGE ADVISORY  
MINUTE

Moved by Leonard and seconded by Theos that the Heritage Advisory Commission minutes of November 22, 2006 be received for information.

**Carried**

Moved by Leonard and seconded by Theos that the City write a letter to Mr. Harry Squire asking whether he would like to be a member on the Heritage Advisory Commission.

**Carried**

**.04**  
MARTIN MARS WATER  
BOMBERS

Moved by McRae and seconded by Phelps that due to the impending sale of the Martin Mars Water Bombers, a letter be sent to Premier Campbell asking the province to invest in the water bombers.

**Carried**

## **10.00 BYLAWS**

**.01**  
BYLAW NO. 2490

Moved by McRae and seconded by Jangula that “Official Community Plan Amendment Bylaw No. 2490, 2006” pass first and second reading.

**Carried**

**.02**  
BYLAW NO. 2491

Moved by Jangula and seconded by McRae that Business Licence Amendment Bylaw No. 2491, 2006 pass first second and third reading.

**Carried**

**.03**  
BYLAW NO. 2486

Moved by McRae and seconded by Jangula that “Hunt Place Road Closure Bylaw No. 2486, 2006” be finally passed and adopted.

**Carried**

## **11.00 COUNCIL MEMBER ROUND TABLE**

**R30/2006 – December 4, 2006**

COUNCILLOR MCRAE Councillor McRae outlined his attendance at the following events:

- Book signing with Boomer Jerritt, Paula Wild and Rick James
- Planning for Plenty meeting
- Regional District meetings.

COUNCILLOR PHELPS Councillor Phelps outlined his attendance at the Grand Opening of Garry Oak Manor on Back Road.

COUNCILLOR JANGULA Councillor Jangula outlined his attendance at the Santa Clause Parade.

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the Santa Clause Parade and Regional District meetings:

**12.00 ADJOURNMENT**

**.01** Moved by Phelps and seconded by McRae that the meeting now adjourn at 6:07 p.m.  
**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 11<sup>th</sup> day of December, 2006**

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**Mayor**