

R31/2006 – December 18, 2006

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, December 18, 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
K. Lagan, Director of Operational Services
D. Slobodan, Director of Regulatory and Property Services
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
G. Garbutt, Planner

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

1.00 MINUTES

.01 Moved by McRae and seconded by Jangula that the minutes of the regular Council meeting held December 4, 2006 be adopted.
Carried

2.00 INTRODUCTION OF LATE ITEMS

Mayor Winchester approved the addition of 2 late items to the agenda.

3.00 DELEGATIONS

Courtenay and District Museum

John Wilson and Deborah Griffiths from the Courtenay and District Museum and Palaeontology Centre reviewed the Museum operations and achievements, as well as the request for an increase in the Management Fee and the City's contribution to utilities for the building.

Hal Martyn, P.Eng, re: Westerly Pylon Sign

Hal Martyn representing C & H Properties, expressed his client's opinion regarding the Westerly Hotel pylon sign, as outlined in the correspondence included in the staff report requesting the Westerly Hotel to remove the sign. He requested clarification of the City's proposed actions should the hotel not remove the sign as requested.

Greg Constable of Island West Coast Developments reviewed the application for Development Permit No. 0622 for Courtenay Mazda and Development Permit No. 0623 for Brian Rice Toyota.

4.00 COMMITTEE/STAFF REPORTS

.01
FLORENCE FILBERG
CENTRE EXPANSION
PROJECT
0750-20

Moved by McRae and seconded by Leonard that Council support the proposed expansion to the Florence Filberg Centre at a cost of \$2,776,000 based on 2008 construction costs;

That Council approve inclusion of borrowing of up to 1.7 million dollars in year 2008 of the 2007-2011 Financial Plan Bylaw to fund the City's contribution to the project;

That proceeding with the project be contingent on securing approval of budgeted supplementary funding from other sources such as grants, foundations and community fundraising;

That funds for design be included in the 2007 Capital Budget;

That the City make application to the Municipal Rural Infrastructure Fund;

That the City make application to the Vancouver Foundation;

That the City work with the Evergreen Seniors Club to develop a community fundraising campaign, and that the Seniors Executive and Courtenay Recreational Association be involved with staff in the design and implementation of the project; and

That the target for project completion be October 31, 2008.

Carried

.02
CYCLING TASK FORCE
COMMITTEE
6940-01

Moved by Presley and seconded by McRae that Councillor Leonard be appointed to sit on the Comox Valley Cycling Task Force Committee;

That the committee develop a Terms of Reference and update the respective Councils on a periodic basis as to its progress; and

That staff from the respective jurisdictions work with the committee as required.

Carried

Councillor McRae declared a potential conflict of interest regarding the next item due to the fact he is a School District 71 employee, and vacated Council Chambers at 4:45 p.m.

.03

OCP AND ZONING
AMEND VANIER DRIVE
3360-20-0604

Moved by Presley seconded by Phelps that Council give second reading to Official Community Plan Amendment Bylaw No. 2487 and Zoning Amendment Bylaw No. 2488 to allow the construction of a 27 lot suburban residential subdivision by Comox Land Corporation on the property legally described as Part of Parcel H (DD24282N) of Sections 18 and 45, Comox District; and

That a public hearing be held on January 22, 2007 at 6:00 p.m. in the Conference Hall, Filberg Centre, 411 Anderton Avenue, Courtenay, BC .
Carried

Councillor McRae returned to Council Chambers and took his seat at 4:46 p.m.

.04

BEST WESTERN PYLON
SIGN
3360-20-0615

Moved by Jangula and seconded by Presley that Council request the Best Western Hotel to remove the pylon sign located in front of 1604 Cliffe Avenue by February 16, 2007.
Carried

.05

DP NO. 0622
COURTENAY MAZDA
3060-20-0622

Moved by McRae and seconded by Theos that the application from Courtenay Mazda for Development Permit No. 0622 to allow the construction of a 975m² automobile dealership and outdoor display for the property legally described as Lot 1, Block 72, Comox District, Plan VIP82077 on Ryan Road, including soft landscape materials, irrigation, and installation valued at \$42,465.00, and hard landscaping valued at \$4,500.00 be approved as outlined in Schedule Nos. 1-7;

That as a condition of Development Permit No. 0622, no vehicle display or outdoor storage is permitted within required yard setbacks and landscape setback areas; 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

DP NO. 0623
BRIAN RICE TOYOTA
3060-20-0623

Moved by Phelps and seconded by Jangula that the application from Brian Rice Toyota for Development Permit No. 0623 to allow the construction of a 2040m² automobile dealership and outdoor display for the property legally described as Lot 1, Block 72, Comox District, Plan VIP80915 at 445 Crown Isle Boulevard, including soft landscape materials, irrigation, and installation valued at \$62,988.50, and hard landscaping valued at \$3,300.00 be approved as outlined in Schedule Nos. 1-6;

That as a condition of Development Permit No. 0623, no vehicle display or outdoor storage is permitted within required yard setbacks and landscape setback areas; 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 declared a potential conflict of interest regarding the next item due to a financial interest in the property and vacated Council Chambers at 5:01 p.m.

.07

NOTICE ON TITLE
RIVERSIDE LANE
3800-20

Moved by Theos and seconded by McRae that pursuant to section 57(3) of the *Community Charter* Council direct the Corporate Officer to file a notice in the Land Title Office against the property legally described as Lot 1, Section 68, Plan VIP82228 (civic address not yet assigned) located on Riverside Lane which states:

- (a) a resolution relating to the lands has been made under section 57 of the *Community Charter*; and
- (b) further information about it may be inspected at the municipal hall

Carried

Councillor Presley returned to Council Chambers and took his seat at 5:05 p.m.

.08

RELEASE OF
COVENANT-
WASHINGTON INN
SUITES
3800-20

Moved by Jangula and seconded by McRae that Council approve the release of covenant EN62295 for the properties located at 1027, 1029 and 1033 Ryan Road.

Carried

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.09
07 MUSEUM
MANAGEMENT FEE
1850-20

Moved by Theos and seconded by McRae that Council approve a management fee of \$115,000 for 2007 to the Courtenay & District Historical Society to be used to manage the museum operations.

Carried

Moved by Presley and seconded by Phelps that staff provide a report to Council regarding the request from the Courtenay & District Historical Society for a change to the building utilities funding formula, versus a fixed increase in the management fee for utilities.

Carried with Councillor Leonard opposed

.10
AUDIT SERVICE PLAN
1680-01

Moved by Phelps and seconded by McRae that Council receive the 2006 Audit Service Plan prepared by the firm of Meyers Norris Penny LLP.

Carried

.11
2007 GRANT
PROVISIONS
1850-20

Moved by Jangula and seconded by Theos that Council approve inclusion of the following grants for in the 2007 Financial Plan:

C.V. Citizens on Patrol-operations	\$15,000
BC SPCA-cat control	\$ 1,500
July 1 st Committee-2007 July 1 st event	\$12,885

Carried

Moved by Presley and seconded by Jangula that staff contact C.V. Citizens on Patrol regarding the possibility of an additional grant of \$5000 to be directed towards the reimbursement of out of pocket expenses for COPS members, with a report to Council at the January 8th, 2007 regular meeting.

Carried

.12
SUB SERVICING AGREE
VALLEY VIEW
ESTATES
3320-20-06504

Moved by Jangula and seconded by Presley that Council approve the Subdivision Servicing Agreement for the subdivision of Lot 6, Section 10, Comox District, Plan VIP58350;

That the requires 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

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.13 Moved by Presley and seconded by McRae that Council approve the legal documents for the subdivision of Lot B, Sections 46 and 47, Comox District, Plan 32237;
SUBDIVISION
WHITTHOEFT HOLD
3320-20-06494

That the required documents be provided to the City prior to approval of the subdivision;

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

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

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by McRae and seconded by Presley that the Sandwich Transitional Advisory Committee minutes of November 27, 2006 be received for information.
SANDWICK
COMMITTEE MINUTES

Carried

6.00 RESOLUTIONS OF COUNCIL

.01 Moved by Theos and seconded by Leonard that under the provisions of Section 90(1)(b)(g) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held December 18, 2006 at the conclusion of the Regular Council meeting.
INCAMERA MTG

Carried

7.00 UNFINISHED BUSINESS

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0631, and there were none.

.01 Moved by McRae and seconded by Phelps that 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;
DVP NO. 0631
0692273 BC LTD
3090-20-0631

- 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

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 0618, and there were none.

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.02 Moved by Leonard and seconded by Jangula that 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:

DP NO. 0618
RETIREMENT
CONCEPTS
3060-20-0618

- 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

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0630, and there were none.

.03 Moved by Presley and seconded by McRae that 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.

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

Carried

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0626, and there were none.

.04 Moved by Theos and seconded by Jangula that 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.

DVP NO. 0626
GRUBB
3090-20-0626

Carried

9.00 NEW BUSINESS

.01 Moved by Phelps and seconded by Presley that the RCMP be invited to a future Council meeting to review the decision to relocate the Comox Valley members of the Major Crimes Unit to Victoria.
RCMP STAFF
RELOCATION
Carried

.02 Mayor Winchester reviewed the press release regarding the Comox Valley being named one of the five Cultural Capitals of Canada for 2007.
CULTURAL CAPITALS
OF CANADA

10.00 BYLAWS

Councillor McRae declared a potential conflict of interest regarding the next item due to the fact he is a School District 71 employee, and vacated Council Chambers at 5:56 p.m.

.01 Moved by Presley and seconded by Phelps that “Official Community Plan Amendment Bylaw No. 2487, 2006” pass second reading.
BYLAW NO. 2487
Carried

.02 Moved by Presley and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2488, 2006” pass second reading.
BYLAW NO. 2488
Carried

Councillor McRae returned to Council Chambers and took his seat at 5:57 p.m.

.03 Moved by Theos and seconded by Presley that “Revenue Anticipation Borrowing Bylaw No. 2489, 2006” pass first, second and third reading.
BYLAW NO. 2489
Carried

.04 Moved by Theos and seconded by Presley that “Business Licence Amendment Bylaw No. 2491, 2006” be finally passed and adopted.
BYLAW NO. 2491
Carried

11.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR LEONARD Councillor Leonard outlined her attendance at the following events:
LEONARD

- Football Awards Dinner
- Evergreen Seniors Luncheon
- City Christmas Party and Volunteer Appreciation Night

COUNCILLOR THEOS Councillor Theos outlined his attendance at the Evergreen Seniors Luncheon

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COUNCILLOR PHELPS Councillor Phelps outlined his attendance at the City Christmas Party and Volunteer Appreciation Night

COUNCILLOR JANGULA Councillor Jangula outlined his attendance at the following events:
➤ Evergreen Seniors Luncheon
➤ Red Robinson Walk of Fame Presentation

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:
➤ Red Robinson Walk of Fame Presentation
➤ Meeting with Minister Hagen
➤ Economic Development Society Meeting
➤ Wachiay Friendship Centre Toque Promotion
➤ Pot Luck Lunch at City Hall
➤ Luncheon at North Island College with Minister Coell
➤ Meeting with new owners of Washington Inn
➤ Evergreen Seniors Luncheon
➤ City Christmas Party and Volunteer Appreciation Night

12.00 ADJOURNMENT

.01 Moved by Phelps and seconded by McRae that the meeting now adjourn at 6:06 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 8th day of January, 2007

Mayor