

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, December 6, 2004 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester, Mayor

**Councillors: N. A. Ahmed
J. L. Harder
L. V. Jangula
D. S. McRae
G. T. Phelps**

Staff:

**S. T. Gray, Administrator
J. Ward, Manager of Corporate Administration
T. Manthey, Director of Financial Services
D. Slobodan, Director of Regulatory and Property Services
K. Lagan, Director of Operational Services
R. Wiwchar, Director of Community Services
P. Crawford, Director of Planning 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 Harder that the minutes of the Regular Council meeting held November 15, 2004 be adopted.
Carried

3.00 DELEGATIONS

RCMP Inspector Tom Gray

Inspector Gray provided an update of the Comox Valley RCMP for the year. He stated that the detachment has responded to 21,000 incidents year to date, and there has been an upswing in property crime as well as travelling criminals with stolen vehicles. Inspector Gray also urged homeowners to be aware of daytime residential break-ins, and to report suspicious activity to the police.

Wally Ewert, Chandler Associates re: DVP No. 0436

Wally Ewert, representing Westfair Properties, reviewed the application for Development Variance Permit No. 0436 for the Real Canadian Superstore. He reviewed the proposed project including the addition of 30,000 square feet, changes to the parking lot, new pedestrian walkway, landscaping, and changes to the exterior appearance of the building. Mr. Ewert also reviewed the measures being taken regarding storm water management on the site.

4.00 COMMITTEE/STAFF REPORTS

.01
NEW FIRE BYLAW
7200-01

Moved by McRae and seconded by Phelps that the report regarding the new Fire Bylaw be received for information; and

That “Fire Protective Services Bylaw No. 2290, 2004” proceed to first, second and third reading.

Carried

.02
DEC & JAN COUNCIL
MEETINGS
570-01

Moved by Harder and seconded by McRae that the Committee of the Whole meeting scheduled for December 29, 2004 and the Council meeting scheduled for January 3, 2005 be cancelled.

Carried

.03
OPERATING HOURS
MEX PUB
4320-20

Moved by Jangula and seconded by Phelps that the following resolution be adopted by Council regarding the Mex Pub application for an extension of operating hours to remain open until 2:00 a.m. Monday through Saturday:

“Be it resolved that the Council of the City of Courtenay recommends the amendment of the Mex Pub Liquor Licence for a 12 month trial period for the following reason:

- (a) The amendment of hours of the Mex Pub on a trial basis would allow sufficient time to assess the impact on the community and policing services.

Council’s comments on the prescribed considerations are as follows:

- (a) If the Mex Pub application were approved, it could result in a slight increase of noise in the area;
- (b) The amendment of hours of the Mex Pub on a trial basis would allow sufficient time to assess the impact on the community and policing services; and
- (c) In order to gather the views of residents, the City of Courtenay published a notice in 2 consecutive issues of a local newspaper outlined the Mex Pub application and accepting written submissions concerning the application up to September 17, 2004. One submission opposed to the application was received.

Carried with Councillors Ahmed and Harder opposed

.04

DVP NO. 0437
SILVERADO LAND
CORP
3090-20-0437

Moved by Ahmed 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 December 20, 2004; and

That subject to public input, Development Variance Permit No. 0437 be issued to Silverado Land Corp. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required:

- Rear yard setback from 14m to 10m for proposed Building 3;
- Rear yard setback from 14m to 9, for existing Building 2; and
- Lot frontage from 10% to 0%

as outlined in Schedule No. 1 attached, for the property described as remainder Block 72, Comox District, Plan VIP---- on Royal Vista Way.

Carried

.05

DVP NO. 0438
CADMAR
CONSTRUCTION
3090-20-0438

Moved by McRae 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 December 20, 2004; and

That subject to public input, Development Variance Permit No. 0438 be issued to Cadmar Construction Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow the construction of a two storey duplex with a maximum height of 6.1m for the property legally described as Lot 1, District Lot 230, Comox District, Plan 30020 at 1988 Cousins Avenue as shown on Schedule No. 1.

Carried

Councillor Ahmed declared a potential conflict of interest regarding the next item due to a professional relationship and vacated Council Chambers at 5:02 p.m.

.06

STORAGE OF BOEING
737-1970 CLIFFE
AVE
6480-20-0409

Moved by Phelps and seconded by Harder that pursuant to s. 921 of the Local Government Act, notice of the proposed Temporary Commercial Permit outlined below be placed in a local newspaper and that the application be returned to Council at a meeting on December 20, 2004;

That subject to public input, Temporary Commercial Permit No. 0402 be issued to the Artificial Reef Society to allow for the outdoor storage of an airframe of a Boeing 737 aircraft until May 31, 2005 at the property legally described as Lot 1, District Lot 230, Comox District, Plan 30020 at 1970 Cliffe Avenue; and further that Council waive the application fee of \$1,200.00 + GST.

Carried

Councillor Ahmed returned to Chambers and took his seat at 5:04 p.m.

.07

DVP NO. 0436
CHANDLER ASSOC/
WESTFAIR PROP
3090-20-0436

Moved by McRae 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 December 20, 2004; and

That subject to public input, Development Variance Permit No. 0436 be issued to Chandler and Associates Architecture Inc. to provide relief from City of Courtenay Zoning Bylaw No. 1427, 1986, reducing the required off-site loading spaces from seven to two, as outlined in Schedule Nos. 1 and 2 for the property legally described as Lots 1 and 2, Section 14, Comox District, Plan 27905 except parts in Plans 38112 and VIP53727 at 757 and 801 Ryan Road.

Carried

Moved by Ahmed and seconded by McRae 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 20, 2004; and

That subject to public input, Development Variance Permit NO. 0436 be issued to Chandler and Associates Architecture Inc. to provide relief from City of Courtenay Sign Bylaw No. 2042, 1998 to allow the increase in fascia sign area from 9m² to a maximum of 54.2m² for the North Elevation and 27.5m² for the South, West and East Elevations.

Defeated with Mayor Winchester, Councillor Phelps and Councillor Ahmed in favour

.08 Moved by Jangula and seconded by Phelps that Council approve the attached lease with the Courtenay Flight Centre for Lot 4 at the Courtenay Air Park;
COURTENAY FLIGHT CENTRE LEASE
2380-20

That statutory public notice of the proposed lease be published; and

That subsequent to publication of notice, the City enter into the lease with Courtenay Flight Centre Inc., with the Mayor and Manager of Corporate Administration authorized to execute the lease on behalf of the City.

Carried

.09 Moved by Phelps and seconded by Harder that Council receive the 2005 budget information on projected 1% utility tax revenue.
1% UTILITY REVENUE TAX
1890-01

Carried

.10 Moved by Ahmed and seconded by Harder that the final Report in the East Courtenay Neighbourhood for Traffic Calming be received;
EAST COURTENAY TRAFFIC CALMING PROGRAM
360-20

That the Implementation Strategy for Traffic Calming be approved; and

That a letter of thanks be sent to the residents involved in the Group.

Carried

.11 Moved by Ahmed and seconded by Harder that the City of Courtenay agree to provide access to the habitat compensation area to be developed as part of the Lerwick Road project with physical access to the area being from Muir Road;
LERWICK RD EXTENSION HABITAT COMPENSATION PLAN
5400-20

That a management plan be developed for the operation and maintenance of the area as presented by the conservation covenant agreed to by the City and Sandwick Waterworks District; and

That the City revisit the June 30, 1984 agreement concerning sprinkling at the Courtenay cemetery to come to a fair and equitable payment for water use.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Harder and seconded by Phelps that the Police Report for August and September 2004 be received for information.
POLICE REPORT
7550-01

Carried

.02 Moved by McRae and seconded by Ahmed that the Fire Report for November 2004 be received for information.
FIRE REPORT
650-20

Carried

.03 Moved by Jangula and seconded by Ahmed that the Heritage
HERITAGE MINUTES Advisory Commission meeting minutes of November 24, 2004 be received
for information; and

That letters of appreciation be sent to Gordon Blackhall and Mary Mobley.
Carried

6.00 RESOLUTIONS OF COUNCIL

.01 Moved by Harder and seconded by Phelps that under the provisions
INCAMERA MTG of Section 90(a) & (c) of the Community Charter, notice is hereby given that
a Special In-Camera meeting closed to the public, will be held December 6,
2004 at the conclusion of the Regular Council Meeting.
Carried

10.00 BYLAWS

.01 Moved by Harder and seconded by Ahmed that “Fire Protective
BYLAW NO. 2290 Services Bylaw No. 2290, 2004” pass first, second and third reading.
Carried

.02 Moved by Ahmed and seconded by Harder that “Temporary
BYLAW NO. 2384 Borrowing Bylaw No. 2384, 2004” pass first, second and third reading.
Carried

11.00 COUNCIL MEMBER ROUND TABLE

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

- Comox Valley Drinking Water Supply Public meeting
- Santa Claus Parade
- CV Crime Stoppers Breakfast with Santa
- Hospice Society Auction
- London Drugs Opening
- Youth Meeting with Keith Pattinson

COUNCILLOR AHMED Councillor Ahmed outlined his attendance at the following events:

- Public Forum on Fetal Alcohol Syndrome
- Trade deliberations
- Habitat for Humanity House Blessing
- Gingerbread House Contest as a judge

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- COUNCILLOR JANGULA Councillor Jangula outline his attendance at the following events:
- Santa Claus Parade
 - Community Justice Centre AGM
 - Habitat for Humanity Board Meeting
 - Habitat for Humanity House Blessing
 - People’s Law Court on Organized Crime
- COUNCILLOR PHELPS Councillor Phelps outlined his attendance at the following events:
- CV Crime Stoppers Breakfast with Santa
 - Comox Downtown Revitalization Opening Ceremony
- COUNCILLOR HARDER Councillor Harder reviewed that Richard Mulcaster is retiring from the Vancouver Foundation.
- MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:
- London Drugs Opening
 - Lunch with Colonel Ambler
 - 5th Street Christmas Tree Lighting
 - Kiwanis Banquet for Norm Leung
 - Comox Valley Drinking Water Supply Public meeting
 - Santa Claus Parade
 - Comox Downtown Revitalization Opening Ceremony
 - Regional District Board meetings
 - Sports Commission and CV Committee Meetings
 - Town of Comox Christmas Party

12.00 ADJOURNMENT

- .01** Moved by Ahmed and seconded by Phelps that the meeting now adjourn at 5:50 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 13th day of December, 2004

Mayor