

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, April 5, 2004 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester

Councillors: J. L. Harder

L. V. Jangula

D. S. McRae

J. M. Presley

Staff:

S. T. Gray, Administrator

S. Grabowski, Executive Assistant

T. Manthey, Director of Financial Services

D. Slobodan, Director of Development Services

P. Crawford, Senior Planner

K. Lagan, Director of Operational Services

R. Wiwchar, Director of Community Services

J. Nelson, Accounting Supervisor

1.00 MINUTES

.01

Moved by Harder and seconded by Presley that the minutes of the Regular Council meeting held March 15, 2004 and a Special Meeting held March 31, 2004 be adopted.

Carried

3.00 DELEGATIONS

Dale Pateman, 2003 Financial Statements

Dale Pateman presented the Audited Financial Statements for the year ending December 31, 2003. He stated that a surplus was realized and the City is in a good financial position. He thanked Tillie Manthey and the finance staff for assisting with the audit.

Art Finlayson, DVP0405 – Michael Laver

Art Finlayson, Architect outlined the application from Michael Laver for Development Permit No. 0405 to allow the construction of a 1,085m² mixed use commercial/residential building at 255-6th Street.

Richard Dabrus, DVP No. 0404 – Chair Holdings/Driftwood Mall

Richard Dabrus, Project Manager, outlined the application from Chair Holdings Ltd/Driftwood Mall Ltd for Development Permit No. 0404 to allow the construction of a London Drugs at the rear of Driftwood Mall, adjacent to Overwaitea Foods.

Frank Burden, Courtenay Legion, re: Jubilee Square Cairn

Frank Burden, President of the Courtenay Legion was present to voice the Legion's concerns regarding skateboarders damaging the cairn at Jubilee Square. Many attempts have been made in the past to deter the skateboarders. Presentations have been made at the schools and the RCMP have been involved. They are asking the City for assistance in providing some type of barrier to be installed at the base of the cairn.

4.00 COMMITTEE/STAFF REPORTS

.01 Moved by Presley and seconded by McRae that the Police Report for
POLICE REPORT February 2004 be received for information.
7550-02 **Carried**

.02 Moved by Harder and seconded by Presley that the Fire Report for
FIRE REPORT March 2004 be received for information.
650-20 **Carried**

.03 Moved by Harder and seconded by McRae that the Council of the
RDCS BYLAW NO. City of Courtenay hereby consents to the adoption of Bylaw No. 2640 being
2640 "Water Local Service Establishment Bylaw 1995, Amendment Bylaw No.
1, 2004".
Carried

.04 Moved by McRae and seconded by Harder that notice be given to
DVP0408 the adjacent property owners of the proposed development variance outlined
PETER MILCHARD below and that the application be returned to Council at a meeting on April
3090-20-0408 19, 2004;

That subject to public input, Development Variance Permit No. 0408 be issued to Peter Milchard to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required rear yard setback from 9.14 metres to 6.8 metres for the construction of a single residential dwelling as shown on Schedule No. 1 for the property legally described as Lot 54, Block 72, Comox District, Plan VIP61374 at 3241 Majestic Drive.

Carried

.05 Moved by Presley and seconded by Harder that the application from
DVP NO. 0404 Chair Holdings Ltd. and Driftwood Mall Ltd. for Development Permit No.
CHAIR HOLDINGS/ 0404 to allow the construction of a commercial addition at 2701 Cliffe
DRIFTWOOD MALL Avenue, including landscape materials, irrigation and installation valued at
3060-20-0404 \$52,200.00 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

.06

DVP NO. 0405
MICHAEL LAVER
3060-20-0405

Moved by Harder and seconded by Presley that the application from Michael Laver for Development Permit No. 0405 to allow the construction of a 1,085m² mixed use commercial/residential building on Lot 1, Section 61, Comox District, Plan 20159 at 255-6th Street, including landscape materials and installation valued at \$3020.00 be approved as outlined in Schedule Nos. 1, 2 and 3;

That pursuant to s. 7.1.7(2) of the City of Courtenay Zoning Bylaw No. 1427, 1986, the applicant be required to provide cash-in-lieu of parking for one off-street parking spot in the amount of \$6500.00; 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

Moved by McRae and seconded by Harder that staff investigate parking requirement strategies for future downtown development.

Carried

.07

REZONING
SILVERADO LAND
CORP
3360-20-0404

Moved by Presley and seconded by Harder that Council approve the application to amend the City of Courtenay Zoning Bylaw to rezone Lots 1 and 2, Block 72, Comox District, Plan VIP74892 from CD-1D to CD-1B for property at 1200 and 1500 Crown Isle Drive;

That the City of Courtenay Zoning Amendment Bylaw No. 2344, 2004 proceed to 1st and 2nd readings; and

That a Public Hearing be held on May 10, 2004 at 5:00 p.m. in the City Hall Council Chambers in relation to Bylaw No. 2344, 2004.

Carried

Moved by Harder and seconded by McRae that since the Crown Isle concept plan is outdated and with the updating of the OCP and future work of the zoning bylaw, that staff be directed to review the development permit guidelines and re-examine the lot sizes for the Crown Isle Development.

Carried

.08

TEXT AMENDMENTS
ZONING BYLAW
3360-20-0405

Moved by McRae and seconded by Harder that Council approve the amendments to the City of Courtenay Zoning Bylaw outlined in the report the Director of Development Services dated March 25, 2004;

That the City of Courtenay Zoning Amendment Bylaw No. 2343, 2004 proceed to 1st and 2nd readings; and

That pursuant to Section 893 of the Local Government Act, the public

hearing be waived.

Carried

.09

ANIMAL CONTROL
FOR VILLAGE OF
CUMBERLAND
2320-20

Moved by Jangula and seconded by Presley that Council enter into an agreement with the Village of Cumberland for a three month trial period to provide animal control services as outlined in a letter from the Village of Cumberland dated March 30, 2004.

Moved by Harder and seconded Jangula that the proposed agreement with Village of Cumberland for the City to provide animal control services for a three month trial period be postponed to the next Council meeting pending more detailed information from staff.

Carried

.10

AMEND SEWER AND
FEES & CHARGES
BYLAW
5340-01

Moved by Presley and seconded by Jangula that City of Courtenay Fees and Charges Amendment Bylaw No. 2329, 2004” and “Sanitary Sewer Use, Extension and Connection Amendment Bylaw No. 2342, 2004” proceed to 1st, 2nd and 3rd reading.

Carried

.11

OPER SERVICES
REPORT
650-20

Moved by McRae and seconded by Harder that the Operational Services Month End Report for February 2004 be received for information.

Carried

.12

TEMP ROAD CLOSURE
MARCH/RALLY
5460-08

Moved by Harder and seconded by Jangula that Council approve the temporary partial closure of 5th St. west bound to Fitzgerald, south bound on Fitzgerald to 8th Street, then east bound on 8th Street to Cliffe, then north bound on Cliffe back to the Sid Williams fountain, on May 1st, 2004 between 2:00 p.m. to 4:00 p.m., to hold a march/rally and to assemble prior to and after the parade at the Sid Williams fountain area;

That the necessary insurance is in place and that emergency services are advised of the event at least five working days in advance and;

That the necessary parade marshals are in place at the front, rear and centre of the parade and wear reflective traffic vests.

Moved by Harder and seconded by Presley that the request for a march/rally on May 1, 2004 in the downtown core be referred back to staff for input from the DCBIA for Council’s consideration at the next Council meeting.

Carried

.13

ROAD CLOSURE AND
EXCHANGE 29TH

Moved by McRae and seconded by Harder that Council receive the report from the Director of Operational Services regarding the proposed closure of 29th Street east of Hwy19A in exchange for a new road area and

R5/2004 – April 5, 2004

STREET
950-20 authorizes the proposed Road Exchange and Road Closure Bylaw.
Carried

.14
2004/05 RCMP
POLICING CONTRACT
1660-20 Moved by Harder and seconded by Jangula that Council grant final approval to the 2004/05 Municipal Contract Policing Resource request in the amount of \$2,688,060 representing 90% of the contract cost of \$2,986,733.
Carried

.15
DCBIA AUDITED
FIN STMENTS
1971-20 Moved by Harder and seconded by McRae that Council accept the audited financial statements for the Downtown Courtenay Business Improvement Area (DCBIA) for the Year Ended December 31, 2003; and
That Council approve the DCBIA 2004 proposed budget and the requested BIA 2003 tax levy in the amount of \$60,000.00.
Carried

.16
COUNCIL
REMUNERATION,
EXPENSES &
CONTRACTS
1870-03 Moved by Jangula and seconded by Presley that Council receive the 2003 Annual Reports on Council remuneration, expenses, benefits and contracts for the year ended December 31, 2003.
Carried

.17
FINANCE REPORT
650-20 Moved by Harder and seconded by Presley that the Finance Activity Report for March 2004 be received for information.
Carried

.18
AUDITED FINANCIAL
STATEMENTS Moved by Harder and seconded by Presley that the 2003 Audited Financial Statements for the City of Courtenay be received for information.
Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01
CRA STAFF
APPRECIATION
LETTER
2600-20 Moved by Harder and seconded by Presley that the letter from Tom Grant complimenting Jim Stevenson be received for information.
Carried

6.00 RESOLUTIONS OF COUNCIL

.01
INCAMERA MEETING

Moved by Harder and seconded by Presley that under the provisions of Section 90(k) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held April 5, 2004 at the conclusion of the Regular Council meeting.

Carried

7.00 UNFINISHED BUSINESS

.01
DVP0405
SILVERADO LAND
CORP
3090-20-0405

Mayor Winchester asked the audience if there were any submissions regarding the issuance of Development Variance Permit No. 0405, and there were none.

Moved by Harder and seconded by Presley that Development Variance Permit No. 0405 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 front yard setback from 7.5m to 6m and to reduce the rear yard setback from 9.14m to 7.5m for single residential dwellings on lots greater than or equal to 550m²; and

Provide relief from the City of Courtenay Subdivision Control Bylaw No. 1401, 1986 and amendments thereto, to allow construction of Idiens Way as a dead-end roadway that is longer than 152.4 metres in length and not having a direct sightline

for proposed lots 1-22, Block 72, Comox District Plan VIP----as outlined in Schedule No. 1 attached.

Carried

.02
DVP0407
PARHAR PROPERTY
3090-20-0407

Mayor Winchester asked the audience if there were any submissions regarding the issuance of Development Variance Permit No. 0407, and there were none.

Moved by McRae and seconded by Jangula that Development Variance Permit No. 0407 be issued to Parhar Property Management Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to permit the location of a commercial use on the second floor of a mixed use building in conjunction with the residential use for the property legally described as Strata Lot 15, Section 67, Comox District, Plan VIS3795 at 202-2760 Cliffe Avenue.

Carried

10.00 BYLAWS

R5/2004 – April 5, 2004

.01 Moved by McRae and seconded by Harder that “City of Courtenay
BYLAW NO. 2343 Zoning Amendment Bylaw No. 2343, 2004” pass first and second reading.
Carried

.02 Moved by Presley and seconded by McRae that “City of Courtenay
BYLAW NO. 2344 Zoning Amendment Bylaw No. 2344, 2004” pass first and second reading.
Carried

.03 Moved by Harder and seconded by McRae that “City of Courtenay
BYLAW NO. 2329 Fees and Charges Amendment Bylaw No. 2329, 2004” pass first, second
and third reading.
Carried

.04 Moved by Presley and seconded by Jangula that “Sanitary Sewer Use,
BYLAW NO. 2342 Extension and Connection Amendment Bylaw No. 2342, 2004” pass first,
second and third reading.
Carried

.05 Moved by McRae and seconded by Harder that “Development Cost
BYLAW NO. 2337 Charge Reserve Fund Expenditure Bylaw No. 2337, 2004” pass first,
second and third reading.
Carried

.06 Moved by Harder and seconded by Presley that “Reserve Fund
BYLAW NO. 2338 Expenditure Bylaw No. 2338, 2004” pass first, second and third reading.
Carried

.07 Moved by Presley and seconded by McRae that “City of Courtenay
BYLAW NO. 2340 Sanitary Sewer Frontage Rates Amendment Bylaw No. 2340, 2004” pass
first, second and third reading.
Carried

.08 Moved by McRae and seconded by Presley that “City of Courtenay
BYLAW NO. 2341 Water Frontage Rates Amendment Bylaw No. 2341, 2004” pass first,
second and third reading.
Carried

.09 Moved by Presley and seconded by Harder that “29th Street Road
BYLAW NO. 2339 Closure and Exchange Bylaw No. 2339, 2004” pass first, second and third
reading.
Carried

11.00 COUNCIL MEMBER ROUND TABLE

R5/2004 – April 5, 2004

COUNCILLOR PRESLEY Councillor Presley meet with two Japanese exchange students on March 25, 2004

Councillor Presley reviewed his attendance at the AVICC Convention

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

- ❖ AVICC Convention
- ❖ Puntledge River Restoration Committee meeting
- ❖ United Way Meeting

COUNCILLOR JANGULA Councillor Jangula reviewed his attendance at the following events:

- ❖ AVICC Convention
- ❖ Community Justice Meeting
- ❖ Fire Hall's Annual Banquet

COUNCILLOR HARDER Councillor Harder reviewed her attendance at the following events:

- ❖ Soroptimist's 60th Anniversary
- ❖ FCM Technical Exchange Meeting in Vancouver
- ❖ Sustainability Conference in Vancouver

MAYOR WINCHESTER Mayor Winchester reviewed her attendance at the following events:

- ❖ AVICC Convention
- ❖ Sid Williams Theatre User Group Meeting
- ❖ Youth Committee Meeting

12.00 ADJOURNMENT

01 Moved by McRae and seconded by Harder that the meeting now adjourn at 5:45 p.m.

Carried

CERTIFIED CORRECT

Clerk

Adopted this 13th day of April, 2004

Mayor

