

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Tuesday, January 4, 2011 at 4:00 p.m.**

**Attending:**

**Mayor:** G. T. Phelps  
**Councillors:** J. K. Ambler  
D. A. Hillian  
L. V. Jangula  
J. M. Presley  
M. Theos

**Staff:**

P. Crawford, Acting Administrator  
J. Ward, Manager of Corporate Administration  
T. Manthey, Director of Financial Services  
K. Lagan, Director of Operational Services  
R. Wiwchar, Director of Community Services  
G. MacKay, Senior Planner

MINUTES

Moved by Jangula and seconded by Theos that the minutes of the Regular Council meeting held December 20, 2010 be adopted.  
**Carried**

**4.00 COMMITTEE/STAFF REPORTS**

**.01**

RD RECREATION/  
CULTURAL  
FACILITIES STUDY  
7701-01

Moved by Presley and seconded by Jangula that the report from the Director of Community Services regarding the Regional Recreation / Cultural Facilities study be received as information.  
**Carried**

Moved by Presley and seconded by Jangula that the following comments on the recommendations enclosed on page 31 of the report be forwarded by Council to the Comox Valley Regional District:

- 1) Agree to the guiding principles for the CVRD investing in regional facilities ( page 26)

*Council can agree to the guiding principles presented. The principles provide a rationale for the CVRD to fund facilities on a regional basis.*

- 2) Agree in principle to the facility definitions as described by the categories of facilities ( page 27) with the provision that the Steering Committee reaffirm the reasonableness of those usage benchmarks (ie. the percentage % draw of users from the region and the magnitude of usage)

*Council can agree to the facility definitions as presented. As well, the Steering Committee needs to reaffirm the usage benchmarks to ensure that the numbers established are both fair and feasible. The facilities that have been listed for the purpose of this study meet the original intent of the study.*

- 3) Agree in principle to the level of investment for each category with the proviso that the Steering Committee further investigates the financial implications of the funding formula.

*Council can agree to the proposed level of funding for the specific categories. The Financial implications of the funding formula need to be identified so that all of the ramifications to each jurisdiction can be identified before any implementation.*

***The City is in favour of any initiative which proposes for more equitable contributions from all jurisdictions in the Comox Valley for recreation and cultural facilities.***

- 4) Agree that those facilities without accurate use age data will not be included in the final framework and to receive consideration for funding will require the submission of accurate usage data on annual basis.

*Accurate usage data is difficult to define and difficult to establish a consistent standard and level of data expected. The facilities that have provided the data should be in the framework. As well, those that haven't produced the data to date perhaps can be placed in the "projected category" and included in the framework for the time being and given a time period to produce some data. If the data cannot be produced within a fair time period, then that facility would be removed from the framework. (ie. rather than eliminate those facilities completely.) The Steering Committee needs to continually monitor and review the standard, type of data and frequency for receiving the data that will be required if this will be a criteria for annual funding.*

- 5) Agree that staff prepare an implementation plan for establishing a regional/cultural service based on the principles and recommendations of the report

*Prior to an implementation plan, the financial information needs to be provided so each jurisdiction can clearly understand the specific costs of entering in such service.*

***The City is in favour of finding a model which provides equitable funding for cultural and recreation facilities. The implementation plan needs to ensure accountability for any funding received by specific jurisdictions and facilities. It is not the intent to have facilities owned by each municipality to be operated by the Comox Valley Regional District. As well it is not the intent to have non profit organizations that currently manage facilities on behalf of jurisdictions, change their mandate or organizational structure or reporting function as a condition of funds being directed towards that facility.***

- 6) Agree that a decision-making framework and process be developed to determine future regional facilities.

*The study deals with recreation and cultural facilities identified in the scope of the project. It does not deal with future facilities which may benefit the region as a whole. Prior to any new facilities being designed/constructed (regardless of their location any jurisdiction,) a plan should be in place to determine whether that facility would be funded regionally or not.*

*As well, parks and play fields have not been included in this study, but may be considered in the future.*

*A long term facilities plan for the entire Comox Valley needs to be done as there are many projects that have been discussed in one form or another (for example: curling rink / new theatre / small auxiliary theatre / artificial turf fields / new arena / exhibition grounds expansion, etc.) However there are no established priorities on a region –wide basis and no funding plan. Each jurisdiction may have identified priorities, but these are not integrated into an overall facilities plan.*

**Carried**

**.02**  
2011/2012 POLICING  
CONTRACT  
1660-20

Moved by Jangula and seconded by Presley that Council grant final approval to the 2011/12 Municipal Contract Policing Resource Request which includes:

1. The addition of two members effective April 1, 2011, which increases the number of members to a total strength of 30.4; and
2. A budget of \$4,893,656 of which the City of Courtenay is responsible for 90% or \$4,404,290.

**Carried**

**.03**  
STORM DRAINAGE  
2860 BRYDEN PLACE  
3360-20-1022

Moved by Ambler and seconded by Theos that the report from the Director of Operational Services regarding storm drainage routing for DVP1022 on Bryden Place be received for information.

**Carried**

**.04**  
GRANT APP  
BC FLOOD PROTECT  
PROGRAM  
5225-20

Moved by Ambler and seconded by Presley that the application for funding be submitted to BC Emergency Management through the BC Flood Protection Program.

**Carried**

**.05**  
TRAFFIC SIGNAL  
POLICY  
5460-03

Moved by Presley and seconded by Jangula that the Draft Policies for Traffic Signals – Uninterrupted Power Supply No. 5460.03.06 and Emergency Vehicle Pre-Emption No. 5460-03-07 be approved.

**Carried**

**6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

**.01** Councillor Hillian reviewed the upcoming meeting with community agencies and government ministries regarding housing needs.  
COUNCILLOR HILLIAN

**8.00 UNFINISHED BUSINESS**

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1020 and there were none.

**.01** Moved by Presley and seconded by Theos that Development Variance Permit No. 1020 to vary section 8.2.17(1) and (2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 to vary the minimum front yard setback from 7.5 metres to 5.5 metres and the minimum rear yard setback from 9 metres to 7 metres be issued to Mathot Homes Ltd., Inc. No. BC0654135 for Lot 16, section 68, Plan 5673, Comox District subject to the following conditions:  
DVP NO. 1020  
1743 ENGLAND AVE  
3090-20-1020

- a. The variance is to accommodate the construction of a duplex; and
- b. Development must be in conformance with the plans and elevations contained in Attachment No. 2.

**Carried**

Councillor Presley declared a potential conflict of interest regarding the next item due to a business relationship with the applicant and vacated Council Chambers at 4:33 p.m.

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1021 and there were none.

**.02** Moved by Jangula and seconded by Theos that Development Variance Permit No. 1021, to vary section 8.7.6 of the City of Courtenay Zoning Bylaw No. 2500, 2007 the minimum side yard setback of the Rural Residential Two Zone (RR-2) from 3.5 metres to 2.8 metres be issued to Robannah Developments Ltd., Inc. No. BC0423537 for the property legally described as Lot A, Section 18, Comox District, Plan 19403 (4715 Cherryridge Drive) subject to the following conditions:  
DVP NO. 1021  
4715 CHERRYRIDGE  
DR  
3320-20-1021

- a. The variance is to accommodate construction of a single family home; and
- b. Development must be in conformance with the plans and elevations contained in Attachment No. 2.

**Carried**

Councillor Presley returned to Council Chambers and took his seat at 4:35 p.m.

**R01/2011 – January 4, 2011**

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1019 and there were none.

**.03**  
DVP NO. 1019  
BLOCK 72  
3320-20-10163

Moved by Presley and seconded by Ambler that Development Variance Permit No. 1019, to vary the following section of the City of Courtenay Subdivision Control Bylaw No. 1416, 1986 and amendments thereto to allow no works and services required under the present Subdivision Application No. 3320-20-10163 as provided for in section 940(2) of the

Local Government Act and for the subdivision of Proposed Subdivision of Part A, Block 72 Comox District Plan 49168 Except Parts in Plans VIP72302, VIP78220, VIP80915, VIP82077, VIP82902, VIP87389 and VIP88342;

That as provided for in section 938(6) of the Local Government Act, Council set aside the requirements of the General Off-site Servicing Requirements Policy No. 3030.00.02 for this subdivision application; and

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

**Carried**

**10.00 NEW BUSINESS**

**.01**  
CV REGIONAL  
DISTRICT REG  
GROWTH STRAT  
BYLAW NO. 120  
470-20

Moved by Jangula and seconded by Ambler that the report from the Comox Valley Regional District regarding the non-binding resolution process be received; and

That Council endorse the amendments to the Comox Valley Regional District Growth Strategy Bylaw No. 120, 2010.

Moved by Ambler and seconded by Theos that the meeting now recess at 4:59 p.m. to conduct the Public Hearing in relation to Bylaws 2645, 2647, and 2640.

**Carried**

The meeting reconvened at 5:19 p.m.

**The main motion was carried with Councillor Presley opposed.**

**11.00 BYLAWS**

**.01**  
BYLAW NO. 2645  
OCP AMEND

Moved by Presley and seconded by Jangula that “Official Community Plan Amendment Bylaw No. 2645, 2010” pass third reading.

**Carried**

**R01/2011 – January 4, 2011**

**.02**  
BYLAW NO. 2647  
ZONING AMEND

Moved by Presley and seconded by Theos that “Zoning Amendment Bylaw No. 2647, 2010” pass third reading.  
**Carried**

**.03**  
BYLAW NO. 2640  
ZONING AMEND

Moved by Presley and seconded by Ambler that “Zoning Amendment Bylaw No. 2640, 2010” pass third reading.  
**Defeated**  
**In Favour – Councillors Ambler and Hillian and Mayor Phelps**  
**Opposed – Councillors Jangula, Presley and Theos**

**.04**  
BYLAW NO. 2629  
OCP AMEND

Moved by Jangula and seconded by Presley that “Official Community Plan Amendment Bylaw No. 2629, 2010” be finally passed and adopted.  
**Carried**

**13.00 ADJOURNMENT**

**.01**

Moved by Presley and seconded by Jangula that the meeting now adjourn at 5:53 p.m.  
**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 10<sup>th</sup> day of January, 2011**

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**Mayor**