

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, February 14, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: D. A. Hillian
L. V. Jangula
R-R. Leonard
J. M. Presley
M. Theos

Staff:

S. Gray, Administrator
J. Ward, Manager of Corporate Administration
P. Crawford, Director of Planning Services
K. Lagan, Director of Operational Services
R. Wiwchar, Director of Community Services
A. Hampshire, Deputy Municipal Engineer
G. MacKay, Senior Planner

MINUTES

Moved by Jangula and seconded by Presley that the minutes of the Regular Council meeting held February 14, 2011 be adopted.

Carried

3.00 DELEGATIONS

1. Tony James, Architect re: Development Permit, Prime Chop House

Tony James (with the entire project team in attendance) outlined the application for Development Permit No. 1101 to allow the construction of a commercial building (Prime Chop House and Wine Bar) located at 1089 Braidwood Road.

2. George Aldcroft, Richard Hallett, Wayne White re: C.V. Regional District Water Committee Voting Procedures

George Aldcroft, Richard Hallett, and Wayne White made a presentation to Council outlining concerns regarding the voting structure of the Comox Valley Regional District Water Committee.

4.00 COMMITTEE/STAFF REPORTS

Councillor Presley declared a potential conflict of interest regarding Development Permit No. 1029 due to a business relationship and vacated Council Chambers at 4:50 p.m.

.01

DP NO. 1029
535 SILVERDALE
CRES
3060-20-1029

Moved by Hillian and seconded by Theos that notice be given to the adjacent property owners of proposed Development Permit with Variances No. 1029 as outlined below, and that the application be returned to Council on March 7, 2011; and

That subject to public input, Development Permit with Variances No. 1029 to allow the construction of a freestanding sign on the property located at 535 Silverdale Crescent (Lot 1, Block 72, Comox District, Plan VIP87389), and to vary Sections 6.4.1, 6.6.4 and 6.6.1 of the City of Courtenay Sign Bylaw No. 2042, 1998, to allow an increase in maximum sign area from 9m² to 15.3m² for fascia signs, to vary the maximum height for one fascia sign from 1m to 1.78m, and to allow an increase in maximum sign area from 8m² to 10.8m² for a multi-sided freestanding sign, be issued to 860817 BC Ltd. subject to the following conditions:

- a. Signage must be in conformance with the plans and drawings contained in Attachment No. 2;
- b. Signage must not be internally illuminated. Any direct external illumination must be full cut off, flat lens in accordance with the City's Dark Skies Policy. All proposed lighting must be approved in writing by the City prior to installation;
- c. That if the permit holder has not substantially commenced construction within twelve (12) months after the date of issuance, the permit lapses.

Carried

Councillor Presley returned to Council Chambers and took his seat at 4:55 p.m.

RECESS

Moved by Jangula and seconded by Theos that the meeting now adjourn at 4:56 p.m. to conduct the Public Hearing in relation to Bylaw No. 2633 and Bylaw No. 2635.

The meeting reconvened at 5:11 p.m.

.02

DP NO. 1101
1089 BRAIDWOOD
3060-20-1101

Moved by Jangula seconded by Hillian

1. That Development Permit No. 1101, to allow construction of an approximately 2,174 m² commercial building (PRIME Chop House & Wine Bar) on the property located at 1089 Braidwood Road (Lot C, Section 16, Comox District, Plan 18531) as shown on the map contained in *Attachment No. 1*, be issued subject to resolution of the **Outstanding Conditions** listed in Item # 2 of this resolution;
2. That conditions of Development Permit No. 1016 be as follows:
 - a. Development in conformance with the plans and elevations contained in *Attachments No. 2-4*;
 - b. Submission of landscape security in the amount of (125% x \$53,511) \$66,888.75;
 - c. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;

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- d. Services must be located outside of landscape beds unless otherwise agreed to by the applicant and the City of Courtenay engineering staff;
 - e. All proposed signage must be in conformance with the Sign Bylaw and Development Permit Guidelines applicable at the time of application for any sign (unless a variance has been issued by Council); and,
 - f. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces.
3. That the following Conditions be resolved prior to issuance of a building:
- a. Submission of a storm water management plan, satisfactory to the City Engineering Staff, for the proposed development;
 - b. Submission of a site servicing plan, satisfactory to the City Engineering Staff;
 - c. Submission of an irrigation plan satisfactory to the City Engineering Staff; and,
 - d. Submission of a lighting plan which complies with the City's Dark Skies Policy (e.g. full cut off flat lens) satisfactory to the City Planning Department. Lighting levels must not exceed the levels recommended by the Illuminating Engineering Society of North America. All proposed lighting must be approved by the City prior to installation.

Carried

.03

LATECOMER AGREE
HOME DEPOT
HOLDINGS
3320-20-LA303

Moved by Presley and seconded by Jangula that as provided for in Section 939 of the *Local Government Act*, Latecomer Agreement LA0303 with Home Depot Holdings, for a road widening, gravel walkway, curb and gutter works, storm drainage mains, related storm drainage appurtenances, and traffic signal relocation on Ryan Road and Lerwick Road adjacent to Lot 1, Block 72, Comox District, Plan VIP81266 be approved; and

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

Carried

.04

BUS SHELTER
PROGRAM
8500-04

Moved by Hillian and seconded by Leonard that the report from the Manager of Engineering and Director of Operational Services regarding the bus shelter program be received for information.

Carried

Moved by Hillian and seconded by Leonard that staff provide a report to Council regarding the funding of bus stops from Gaming Revenue.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Presley and seconded by Jangula that the response
SOLICITOR GENERAL from the Solicitor General concerning police costs and local
POLICE COSTS accountability be received for information.
Carried

.02 Moved by Presley and seconded by Jangula that the response
MINISTER OF PUBLIC from the Minister of Public Safety concerning police costs and local
SAFETY accountability be received for information.
POLICE COSTS **Carried**

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR Councillor Leonard reported that she has been elected Chair of the
LEONARD Vancouver Island Regional Library Board.

MAYOR PHELPS Mayor Phelps reported on his attendance at the First Nations-Municipal
Community Infrastructure Partnership Program workshop.

7.00 RESOLUTIONS OF COUNCIL

.01 Moved by Presley and seconded by Hillian that under the
INCAMERA MTG provisions of Section 90(1)(g) of the *Community Charter*, notice is
hereby given that a Special In-Camera meeting closed to the public, will
be held February 21, 2011 at the conclusion of the Regular Council
meeting.
Carried

10.00 NEW BUSINESS

.01 Moved by Jangula and seconded by Presley that staff provide a
CVRD VOTING report to Council with a suggested course of action regarding the issue of
STRUCTURE the voting structure of the Comox Valley Regional District Water
Committee.
Carried

11.00 BYLAWS

.01 Moved by Jangula and seconded by Hillian that “Zoning
BYLAW NO. 2633 Amendment Bylaw No. 2633, 2011” pass third reading.
OCP AMEND **Carried with Councillor Leonard opposed**

.02 Moved by Hillian and seconded by Theos that “Driftwood Mall
BYLAW NO. 2635 Phased Development Agreement Bylaw No. 2635, 2010” pass third
DRIFTWOOD MALL reading.
PHASED DEV **Carried**

12.00 COUNCIL MEMBER ROUNDTABLE

COUNCILLOR HILLIAN Councillor Hillian reviewed his attendance at the CV Chamber of Commerce Welcoming and Inclusive Communities Mixer.

MAYOR PHELPS Mayor Phelps reviewed his attendance at a meeting with the CV Economic Development Officer and a meeting with a local developer.

13.00 ADJOURNMENT

.01 Moved by Presley and seconded by Hillian that the meeting now adjourn at 6:00 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 21st day of February, 2011

Mayor