

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, June 13, 2011 at 4:00 p.m.

Attending:

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

Staff:

S. T. Gray, Administrator
J. Ward, Manager of Corporate Administration
K. Lagan, Director of Operational Services
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
T. Manthey, Director of Financial Services
A. Hampshire, Deputy Municipal Engineer
D. Mirabelli, Chief Building Inspector (until 4:25 p.m.)

MINUTES

Moved by Jangula and seconded by Hillian that the minutes of the Regular Council meeting held May 16, 2011, Special Council meeting held May 24, 2011 and Committee of the Whole held May 30, 2011 be adopted.
Carried

3.00 DELEGATIONS

Mark Middleton, DCBIA President

Mark Middleton introduced himself as the new DCBIA president, and provided an update regarding the downtown core.

Nicola Webb – The Bridge – Liquor Licence Change

Nicola Webb reviewed the application by The Bridge for a permanent change to its liquor licence including extended hours of operation and a new outdoor patio.

Tom Tait re: Strata Conversion No. 1101

Tom Tait reviewed the application for strata conversion of a multi residential building located at 2300 Mansfield Drive.

4.00 COMMITTEE/STAFF REPORTS

.01
LIQUOR LICENCE
CHANGE THE BRIDGE
4320-20

Moved by Hillian and seconded by Theos that Council receive the application from The Bridge for a permanent change to its liquor licence and the addition of a new outdoor patio; and

That notices be sent to property owners and businesses within a 100 metre radius of the subject property requesting input on the proposed licence changes for Council consideration at the July 4, 2011 Council meeting.

Carried

.02
LIQUOR LICENCE
AVALANCHE BAR
4320-20

Moved by Theos and seconded by Hillian that

1. “Be it resolved that the Council of the City of Courtenay recommends the amendment of the Avalanche Bar and Grill Liquor Primary Liquor Licences to allow for a permanent extension of serving hours for the following reasons:

(a) The extension of hours would not have a negative impact on the community based on the lack of submissions received from the public as well as the support from the Comox Valley R.C.M.P. regarding the application.”

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

(a) If the Avalanche Bar and Grill application were approved, it would not result in an increase of noise in the area;

(b) If the application were approved, it would not have a negative impact on the community based on the lack of submissions received from the public as well as the support from the Comox Valley R.C.M.P.;

(c) In order to gather the views of residents, the City of Courtenay mailed notices to property owners and businesses within a 100 metre radius of the subject property outlining the Avalanche Bar and Grill application an accepting written submissions concerning the application. No submissions were received.”

Carried with Councillor Jangula opposed

.03
NOTICE ON TITLE
503HOBSON PLACE
3800-20

Mayor Phelps inquired whether the property owner of 503 Hobson Place was in attendance and wished to make a submission to Council. She was not in attendance.

Moved by Hillian and seconded by Theos 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 P.I.D. 017-989-418 Lot 16, Section 15, Comox District, Plan VIP55365 located at 503 Hobson Place stating that:

(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

.04

FITZGERALD BIKE
LANE OPEN HOUSE
5400-15

Moved by Hillian and seconded by Leonard that the report from the Directors of Community, Planning and Operational Services on the public comments from the proposed Fitzgerald bike lane public open house be received;

That the proposed cycling lane concept be subject to further refinement, based upon input received at the public open house and technical recommendations from a cycling consultant; and

That a further public meeting be held to receive feedback on the proposal once it has been further refined.

Carried

.05

STRATA CONVERSION
2300 MANSFIELD DR
3300-20-1101

Moved by Hillian and seconded by Theos that Council approve Application for Strata Conversion No. 1101 for the conversion of a multi-residential building to allow 25 strata titled units subject to the following condition:

a) Submission of security in the amount of \$40,000.00 for construction of a gazebo as shown in Attachment No. 3; and

That Council authorize the Mayor and Manager of Corporate Administration to sign the Strata Conversion Plan and documents.

Carried

.06

PHASED STRATA
4699 MUIR RD
3300-20

Moved by Theos and seconded by Jangula that Council approve the covenant and easement document for the phased strata of Lot A, Section 17, Comox District, Plan VIP83189;

That the required documents be provided to the City prior to approval of the first phase of the strata;

That the developer's solicitor or BC Land Surveyor provide a letter of undertaking to register the easement documents and covenant concurrently with the phased strata plan; and

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

Carried

R16/2011 – June 13, 2011

.07 Moved by Jangula and seconded by Theos that Council approve the closure of Fifth St. on July 1, 2011 between Lake Trail Road And Ryan Road From 9:30 a.m. to 12:30 p.m. and Fifth Street between Cliffe Avenue and Comox Road From 12:30 p.m. to 4:00 p.m.
CANADA DAY
ROAD CLOSURES
5460-08
Carried

.08 Moved by Theos and seconded by Leonard that proposed SRW in favour of Telus Communications Inc. for Lot B, Section 66, Comox District Plan 4711 is approved and;
STAT RIGHT OF WAY
TELUS
5500-04
That the Mayor and Manager of Corporate Administration are authorized to sign all documents relating to this subject.
Carried

.09 Moved by Jangula and seconded by Theos that Council approve the 2010 Statement of Financial Information.
STMNT OF FINANCIAL
INFORMATION
1870-06
Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Jangula and seconded by Hillian that the Heritage Advisory Commission Minutes of April 27, 2011 be received for information.
HERITAGE MINUTES
Carried

.02 Moved by Hillian and seconded by Leonard that the Police Report for May 2011 be received for information.
POLICE REPORT
7550-10
Carried

.03 Moved by Theos and seconded by Leonard that the CVRD report and response regarding the Raven Underground Coal Mine Project be received for information.
CVRD RAVEN
UNDERGROUND COAL
REPORT
Carried

7.00 RESOLUTIONS OF COUNCIL

.01 Moved by Jangula and seconded by Hillian that under the 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 June 13, 2011 at the conclusion of the Regular Council meeting.
IN CAMERA
MEETING
Carried

8.00 UNFINISHED BUSINESS

.01 Postponed motion from the May 16, 2011 regular Council meeting:
REMEDIAL ACTION
290 NIM NIM

Moved by Presley and seconded by Hillian that Council resolution R11/2011 Remedial Action 290 Nim Nim Place section 2(b) be amended to read:

- b) Complete the construction of the Addition to the stage required to receive an occupancy permit from the City of Courtenay (the “City”) no later than July 18th, 2011.

Carried

.02

DP NO. 1113
PIERCY CREEK
ESTATES
3060-20-1113

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 1113 and there were none.

Moved by Jangula and seconded by Theos that Development Permit with Variances No. 1113, which will vary Section 8.3.5 (rear yard setbacks) and Section 7.1.6 (setback from an internal roadway) of the City of Courtenay Zoning Bylaw No. 2500, 2007 be issued to properties located at 2110 and 2290 Cumberland Road (legally described as Lot A, District Lots 96 and 230, Comox District, Plan 42156, and part of Lot 9, District Lot 230, Comox District, Plan 1406);

That Development Permit with Variances No. 1113, which will allow construction of 45 multi-residential units being ‘Strata Development A’ (see Figure A) of an 85 unit multi-residential project at 2110 and 2290 Cumberland Road (Lot A, District Lots 96 and 230, Comox District, Plan 42156, and part of Lot 9, District Lot 230, Comox District, Plan 1406) as shown on the map contained in Attachment No. 1, be issued, and further;

That the conditions of issuance of Development Permit No. 1113 be as follows:

- a. Development must be in conformance with the plans and elevations contained in Attachment No. 2 and further, that all building materials and colours be as specified in Attachment No. 2 and as follows:
- Roof – Asphalt Shingles
 - Siding – Concord Vinyl-beige/natural colour with belly bands
 - Doors – Metal-contrast colour to siding
 - Wood Trim – doors & windows-painted as per colour schemes in Attachment No. 2
 - Gables – Cedar shake with wood trim as per Attachment No. 2
 - Accents-cultured stone & wood posts on front door pillars
- b. Installation of landscaping as shown on the plans in Attachment No. 3 and submission of landscape security in the amount of (125% x \$111,068.00) \$138,835.00;
- c. Minimum depth of topsoil or amended organic soil on all landscaped areas as follows: shrubs – 450mm; groundcover and grass – 300mm; trees – 300mm around and below the root ball;

- d. Development of fencing in conformance with the plans in Attachment No. 3 and submission of security for fencing in the amount of (125% x \$75,826.80) \$94,783.50;
- e. Purchase and installation of playground equipment in conformance with the landscape plans as contained in Attachment No. 3 and submission of security for playground equipment in the amount of (125% x \$33,750.00) \$42,187.50;
- f. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- g. Services must be located outside of landscape beds;
- h. All on site directional signage must be in conformance with the Sign Bylaw and Development Permit Guidelines applicable at the time of this application;
- i. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. 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;
- j. Visitor parking must be clearly identified and these areas must be maintained for visitor parking.

Carried

9.00 NOTICE OF MOTION

.01
COUNCILLOR
HILLIAN

Councillor Hillian provided the following notice of motion for the June 20, 2011 regular Council meeting:

“Whereas the City continues to receive numerous complaints regarding overnight noise from Costco, that a staff report be prepared regarding representation made to Costco to solve the noise problems, in particular from the HVAC system and forklift operation, and enforcement of the relevant bylaws.”

10.00 NEW BUSINESS

.01
PROJECT WATERSHED
CLIMATE CHANGE
PRESENTATION

Moved by Theos and seconded by Hillian that the letter from Project Watershed regarding the City Climate Change Presentation be received for information.

Carried

R16/2011 – June 13, 2011

.02
C.V. HOUSING TASK
FORCE

Moved by Jangula and seconded by Theos that the correspondence from the CVRD regarding the Comox Valley Housing Task Force be postponed to the June 20, 2011 regular Council meeting.

In Favour: Councillors Jangula and Theos
Opposed: Councillors Hillian and Leonard and Mayor Phelps
Motion Defeated

Moved by Leonard that seconded by Hillian that Council support the creation of a Comox Valley Housing Task Force as presented by the CVRD and that a Councillor be appointed to represent the City on that Task Force.

Carried with Councillors Jangula and Theos opposed

Moved by Hillian and seconded by Jangula that Councillor Leonard be appointed as the City of Courtenay representative on the Comox Valley Housing Task Force.

Carried

11.00 BYLAWS

.01
BYLAW NO. 2611
PLAYTIME GAMING
ADDITIONAL SLOT
MACHINES

Moved by Hillian and seconded by Theos that “Zoning Amendment Bylaw No. 2611, 2010” be finally passed and adopted.

Carried with Councillors Jangula and Leonard opposed

13.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Jangula that the meeting now adjourn at 5:05 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 20th day of June, 2011

Mayor