

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, July 18, 2011 at 4:00 p.m. and August 2, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: J.K. Ambler (August 2nd portion only)
D. A. Hillian
L. V. Jangula
R.R. Leonard
J. M. Presley
M. Theos

Staff: S. T. Gray, Administrator
S. Karvalics, Executive Assistant
K. Lagan, Director of Operational Services
T. Manthey, Director of Financial Services (August 2nd portion only)
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
G. MacKay, Senior Planner (August 2nd portion only)
E. Ferguson, Planning Technician

MINUTES Moved by Presley and seconded by Hillian that the minutes of the Regular Council meeting held July 4, 2011 be adopted.
Carried

2.00 INTRODUCTION OF LATE ITEMS

Mayor Phelps approved the addition of one late item to be considered under new business.

3.00 DELEGATIONS

Roger Kishi, re: Housing and Homelessness

Roger Kishi, Anne Davis and Brent Hobden addressed the issue(s) of housing and homelessness in the community. They further advised that the members of the former CVRD Housing & Homelessness Standing Committee endorsed the Board's decision to purchase the Cliffe Avenue site for an emergency shelter/supportive housing facility.

Marty Barbaro and Vashti Lehrle re: Present Petition on Homeless Shelter

Marty Barbaro and Vashti Lehrle were present to formally deliver a petition with approximately 1100 signatures opposing the Cliffe Avenue site for a proposed homeless shelter. They also read from a letter from the DCBIA membership advising that they do not support the site as it will negatively affect the businesses and employees. They urged Council to find an alternate site and requested that Councillor Presley's motion be postponed until all of Council is present.

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Matthew Blecha re: Turf Project Update

Matthew Blecha, President of the C.V. United Soccer Club gave Council an update on the development of artificial sport turf fields. He went over some of the challenges they face throughout the year with the current non artificial turf fields. He provided an overview of the rationale for building two artificial turf fields at Valley View Park.

Andrew Gower, P. Eng., “Car Free Sunday”

Andrew Gower, P. Eng., presented his concept for an idea he came up with to make communities more liveable. He is proposing that certain road networks be closed to vehicular traffic in each community on Sunday, September 25, 2011 between 1:00 – 5:00 p.m. He explained that the concept would work with the help of volunteers and the municipalities.

Bill Derby & Marty Dohm re: Development Permit No. 1114

Bill Derby and Marty Dohm gave a brief description of the facade improvements to Glacier View Plaza and invited any questions Council may have pertaining to their Development Permit Application.

Moved by Hillian and seconded by Jangula that the order of business be amended to consider Councillor Presley’s resolution on the proposed homeless shelter from July 4th, 2011.

Carried

Resolution postponed from the July 4th, 2011 regular Council meeting:

Moved by Presley and seconded by Jangula that

WHEREAS the Comox Valley Regional District has acquired a site at 865 Cliffe Avenue, Courtenay to build a homeless shelter;

AND WHEREAS there have been significant concerns about that site as a suitable location;

AND WHEREAS the immediate neighbours have not been contacted as to their concerns about the site;

AND WHEREAS the site is a high profile site and one of the entrances to the downtown core and such a site should enhance the entrance way, not possibly detract from the downtown core;

AND WHEREAS the surrounding business community will pay more than its fair share of property taxes towards the site but was not consulted on that site;

AND WHEREAS the site location process was restrictive and virtually unknown and only three possible sites were chosen and only two recommended. The limited number of sites should have required a more open and inclusive invitation from the public;

THEREFORE BE IT RESOLVED that the City of Courtenay ask the Comox Valley Regional District to re-open the search for a more suitable site for the homeless shelter. The City of Courtenay however, does reconfirm that it fully supports assistance for the homeless but questions the location of this site.

Moved by Presley and seconded by Theos that the proposed resolution concerning the proposed homeless shelter be postponed a second time to a meeting where the whole Council is present.

Defeated

In favour: Councillor Presley, Jangula and Theos

Opposed: Councillors Hillian and Leonard and Mayor Phelps

Councillors Presley, Jangula and Theos left the meeting at 5:08 p.m.

There being no quorum, the Deputy Manager of Corporate Administration declared the meeting adjourned at 5:10 p.m.

The meeting reconvened on August 2nd, 2011 at 4:00 p.m. with the above main motion, postponed from the July 4th, 2011 regular Council meeting, on the floor for debate.

The main motion was carried.

In favour: Councillors Ambler, Jangula, Presley and Theos

Opposed: Councillors Hillian and Leonard and Mayor Phelps

The meeting recessed at 4:55 p.m. to conduct the Public Hearing regarding Bylaw No. 2668, and reconvened at 5:27 p.m.

4.00 COMMITTEE/STAFF REPORTS

.01

LIQUOR LICENCE
CHANGE
THE BRIDGE
4320-20

Moved by Ambler and seconded by Presley that

1. “Be it resolved that the Council of the City of Courtenay recommends the amendment of the Bridge Lounge Primary Liquor Licences to allow for a permanent extension of serving hours and a new outdoor patio for the following reasons:
 - (a) The extension of hours and new outdoor patio 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.”
 - (b) Council’s comments on the prescribed considerations are as follows:
 - (a) If the Bridge Lounge 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 metres radius of the subject property outlining the Bridge Lounge application and accepting written submissions concerning the application. No submissions were received.”

Carried with Councillor Jangula opposed

.02

DP NO. 1114
2401 CLIFFE AVE
3060-20-1114

Moved by Jangula and seconded by Presley that Development Permit No. 1114 to allow the exterior renovation of an approximately 2,895 m² commercial building located on the property legally described as Lot A, Section 66, Comox District, Plan 47111 (2401 Cliffe Avenue) be issued subject to the following conditions;

- a. Development in conformance with the plans and elevations contained in *Attachment Nos. 2-3*;
- b. Submission of landscape security in the amount of (125% x \$24,259.20) \$30,324.00;
- c. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- d. Issuance of a sign permit in compliance with the *City of Courtenay Sign Bylaw No. 2042, 1998* and the Commercial Development Permit Guidelines is required for all signage. Signage must not be internally illuminated;
- e. Any new building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy;

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

.03

GRANT REQUEST
OPERATION RED NOSE
1895-20

Moved by Presley and seconded by Ambler that Council approve a 2011 grant of \$3,250 to Operation Red Nose to cover the 2011 costs of coordination and administration expenses; and

That the grant be funded from Gaming Funds under the category of "Council Initiatives and Projects".

Carried

.04

CVRD SPORTS TRACK
& FIELD SERVICE
1971-20

Moved by Presley and seconded by Leonard that the City of Courtenay does *not* support amending Comox Valley Regional District Bylaw No 2353 which would increase the maximum requisition from \$0.04 to \$0.08 per thousand for the Comox Valley Sports Track and Fields Service;

That Council continues to endorse their resolution of October 4, 2010 which generally supports the capital cost for construction of one artificial turf field with lights (\$1.2 to \$1.5 million) to be located at Valley View Park, subject to the funding for the capital cost of the entire project to be provided by other sources, including user groups, grant funding and donations; and

That the CVRD be advised of this resolution.

Defeated unanimously

Moved by Presley and seconded by Ambler that Council support amending Comox Valley Regional District Bylaw No. 2353 to increase the maximum requisition from \$0.04 to \$0.08 per thousand for the Comox Valley Sports Track and Fields Service and borrowing approximately \$3,315,000 for the full artificial turf fields project, subject to obtaining elector assent of the entire service area as one voting unit via a referendum.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

POLICE REPORT
7550-01

Moved by Presley and seconded by Hillian that the Police Report for June 2011 be received for information.

Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR
LEONARD

Councillor Leonard reported on the following events:

- Homeless shelter bus tour
- Meeting with BC Housing

COUNCILLOR
PRESLEY

Councillor Presley reported on his attendance at the Royal Canadian Legion Wall of Recognition dedication ceremony.

7.00 RESOLUTIONS OF COUNCIL

.01

IN CAMERA
MEETING

Moved by Presley and seconded by Hillian that under the provisions of Section 90(1)(c)(g)(k) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held August 2, 2011 at the conclusion of the Regular Council meetings.

Carried

.02

COUNC. LEONARD
PA-1 ZONE CHANGE

Moved by Leonard and seconded by Presley that

WHEREAS in the fall of 2007, the province of British Columbia provided an increase in funds to ensure homeless shelters could provide extended stays and on-going 24 hour, seven days a week service;

AND WHEREAS the Comox Valley cannot not receive the same provincial support as elsewhere in British Columbia to address homelessness as a result of the city's zoning barrier prohibiting 24/7 service and extended stays;

AND WHEREAS it is expected that it will be a number of years before a purpose built 24/7 homeless shelter/supportive housing facility can be completed to provide a robust service;

THEREFORE BE IT RESOLVED that the City consider amending Zoning Bylaw No. 2500, 2077, by deleting Section 8.26 (10) (a) and (c), and that a “Good Neighbour Agreement” be developed as a condition of rezoning.

Carried

8.00 UNFINISHED BUSINESS

.01

DVP NO. 1108
2155 ARLINGTON PL
3090-20-1108

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1108 and there were none.

Moved by Hillian and seconded by Presley that Development Variance Permit No. 1108, to vary Section 8.1.6(2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 reducing the minimum rear yard setback from 9.0 metres to 7.5 metres, be issued to Adrian Lucieer for Lot 31, District Lot 118, Comox District, Plan VIP60808 (2155 Arlington Place), subject to the following conditions:

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

Carried

.03

DVP NO. 1007
780 NIKOLAISEN
3090-20-1007

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1007 and there were none.

Moved by Hillian and seconded by Ambler that Development Variance Permit No. 1007, to vary the required road frontage as outlined in Section 8.2.3 of the City of Courtenay Zoning Bylaw No. 2500, 2007, from 20 metres to 13.25 metres, for the property legally described as Lot A, Section 15, Comox District, Plan VIP53700, be issued to Brad and Margo Hornstein; and

That development must be in conformance with the plan contained in Attachment No. 2.

Carried

.04

DP NO. 1013
TESSITURA FLATS
3060-20-1013

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 1013 and there were none. The correspondence from Momentum Therapeutic Massage in opposition to DP 1013 was acknowledged.

Moved by Presley and seconded by Hillian that Development Permit with Variances No. 1013, to allow construction of a mixed commercial and residential use building located at 574 Cumberland Road and 908 Grieve Avenue (**Lots 8 & 9, both of Block B, Section 61, Comox District, Plan 3939**)

and to vary the following sections of *Zoning Bylaw No. 2500, 2007*:

Section 6.7.1- sight triangle requirements for a corner lot

Section 7.1.5 – the minimum vertical clearance to a parking area from 2.25 metres to 2.13 metres;

Section 8.18.6(1) – the minimum front yard setback from 2.0 metres to 0.0 metres;

Section 8.18.7 – the maximum height from 13.5 metres to 17.5 metres;

Section 8.18.9 – the off-street parking requirements for the performance studio from 43 stalls to 0 stalls;

Section 8.18.10(1) – the landscaping requirement adjacent to a residential use from 3.0 m to 0.0 m;

Section 8.18.10(2) – vary the width of landscaping along Cumberland Road from 4.5 m to 0.0 m;

Section 8.18.10(3) – the screening requirements for loading areas from 2.0 m to 0.0 m;

be issued subject to resolution of the following **Outstanding Condition** in advance of issuance of Development Permit with Variances No. 1013:

a. Submission of a stormwater management plan to the City's satisfaction;

That conditions of Development Permit with Variances No. 1013 be as follows:

a. Development in conformance with the plans and elevations contained in **Attachment Nos. 2-5**;

b. Consolidation of Lots 8 & 9, both of Block B, Section 61, Comox District, Plan 3939 in advance of building permit issuance;

c. Submission of security for the installation of a solar hot water system prior to issuance of building permit;

d. Submission of landscape security in the amount of (125% x \$97,700) \$122,125;

e. Submission of an irrigation plan in advance of issuance of a building permit;

f. All landscaping in the City boulevards, including the rain gardens shown on **Attachment No. 4**, must be maintained by the applicant or future property owner(s);

g. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;

h. Issuance of a sign permit in compliance with the *City of Courtenay Sign Bylaw No. 2042, 1998* and the Downtown Development Permit Guidelines is required for all signage;

i. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. All proposed lighting must be approved by the City prior to installation;

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- j. Submission of \$26,000.00 in lieu of providing four onsite parking stalls;
- k. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces. Small car parking spaces must be clearly marked;
- l. 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

11.00 BYLAWS

.01
BYLAW NO. 2664
ZONING AMEND

Moved by Hillian and seconded by Presley that “Zoning Amendment Bylaw No. 2664, 2011” be finally passed and adopted.

Carried

.02
BYLAW NO. 2676
DELEGATION OF
AUTHORITY

Moved by Presley and seconded by Hillian that “Delegation of Authority Bylaw No. 2676, 2011” be finally passed and adopted.

Carried

13.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Theos that the meeting now adjourn at 6:04 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 15th day of August, 2011

Mayor