

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, September 19, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: J. K. Ambler
D. A Hillian
R-R. Leonard
J. M Presley
M. Theos

Staff: R. Wiwchar, Acting Administrator
J. Ward, Manager of Corporate Administration
K. Lagan, Director of Operational Services
T. Manthey, Director of Financial Services
P. Crawford, Director of Planning Services

1.00 ADOPTION OF MINUTES

.01 Mined by Theos and seconded by Hillian that the September 12,
MINUTES 2011 Council minutes be adopted.
Carried

3.00 DELEGATIONS

1. Heritage Advisory Commission Members re: Annual Report

Lawrence Burns, Chairman of the Heritage Advisory Commission presented the first annual report from the Commission.

2. Graham Hill, Northwest Hydraulic Consultants re: Tsolum River Flood Hydrology Report

Dave McLean made a presentation to Council regarding the Tsolum River Flood Hydrology Investigation.

3. Information Update – Comox Valley Citizen Project Society

Susan MacVittie and Dan Vie made a presentation to Council regarding the Comox Valley Citizen Voice Project.

4.00 COMMITTEE/STAFF REPORTS

.01
REMEDIAL ACTION
1850 CLIFFE AVE
4020-20

Moved by Ambler and seconded by Theos that WHEREAS Division 12 of Part 3 of the *Community Charter* (the “*Charter*”) authorizes Council for the City of Courtenay (“*Council*”) to impose a Remedial Action Requirement on the owner or owners of a building or other structure including a requirement to remove or demolish the building, where Council declares the building creates an unsafe condition;

AND WHEREAS Courtenay Ventures #1850 Ltd. Inc. No. 768227 is the registered owner (the “*Owner*”) of P.I.D. 006-573-461, those parts of Lot A, Section 68, Comox District, Plan 2447, lying to the south east of Plan 9545 and to the north east of Cliffe Avenue Except Part in Plan VIP74224 and VIP87811 located at 1850 Cliffe Avenue, Courtenay (the “*Property*”);

AND WHEREAS as the property contains an unoccupied residential building (the “*Building*”);

AND WHEREAS the building was severely damaged by fire on June 15, 2011;

AND WHEREAS the building presents an unsafe condition;

NOW THEREFORE Council in open meeting assembled resolves as follows:

1. That Council hereby considers that the residential building on the property creates an unsafe condition within the meaning of section 73 (2) (a) of the *Charter*;
2. That Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the *Charter* that the Owners:
 - a) Demolish and remove the building in its entirety located on the property no later than thirty (30) days after the notice of this Remedial Action Requirement section 77 of the *Charter* has been sent by the City to the Owners.
3. That the City advise the Owners that they may request that Council reconsider the Remedial Action Requirement by providing the City written notice within fourteen (14) days of the date on which notice under section 77 of the *Charter* was sent and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the City may take action in accordance with section 17 of the *Charter* and undertake any or all of the actions required by the Remedial Action Requirement without further notice to and at the expense of the Owners.

Carried

.02

RAIL WITH TRAIL
PROJECT
LICENSE OF
OCCUPATION
6140-221

Moved by Presley and seconded by Hillian that the Draft License of Occupation Agreement with the Island Corridor Foundation be approved; and

That the Mayor and Manager of Corporate Administration be authorized to execute the agreement.

Carried

.03

DVP NO. 1112
2368 ARDEN RD
3090-20-1112

Moved by Hillian and seconded by Theos that notice be given to the adjacent property owners of proposed Development Variance Permit No. 1112 as outlined below, and that the application be returned to Council on October 3, 2011; and

That subject to public input, Development Variance Permit No. 1112, which will vary Sections 8.1.6 (2) and (3) of the Zoning Bylaw No. 2500, 2007 by decreasing the rear yard setback from 9 metres to 6.5 metres, and decreasing the side yard setback (abutting a street) from 4.5 metres to 2 metres for proposed Lot 1, of Lot A, District Lot 230, Comox District, Plan 48707 as shown on Attachment No. 2 be issued.

Carried

.04

DVP NO. 1113
2140 LAKE TRAIL RD
3090-20-1113

Moved by Presley and seconded by Theos that notice be given to the adjacent property owners of proposed Development Variance Permit No. 1113 as outlined below, and that the application be returned to Council on October 3, 2011; and

That subject to public input, Development Variance Permit NO. 1113, which will vary Section 8.3.5(2) rear yard setback and Section 8.3.6 height of a principle building of the Zoning Bylaw No. 2500, 2007 by decreasing the rear yard setback for the third storey of a building from 10 metres to 9 metres, and allowing for an increase in the height of buildings from 10 metres to the 10.5 metres for Lot 3, District Lot 96, Comox District, Plan 2153, Except Parcel A (DD52974N) and Except Part in Plan VIP75376 as shown on Attachment No. 2 be issued.

Carried

.05

DVP NO. 1111
2050 & 2094 ARDEN
3090-20-1111

Moved by Hillian and seconded by Presley that notice be given to the adjacent property owners of proposed Development Variance Permit No. 1111 as outlined below, and that the application be returned to Council on October 3, 2011; and

That subject to public input, Development Variance Permit No. 1111, which will vary sections of the Zoning Bylaw 2500, 2007 as outlined in Table 1 for the Remainder of Lot A, Plan VIP63753 and the Remainder of Lot 1, Plan VIP87969, both of District Lot 230, Comox District and proposed Lots 13 and 14 as further illustrated and included in Attachment No. 2, which forms an integral part of this permit, be issued.

<i>Bylaw & Section</i>	<i>Applicable Lot(s)</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Difference</i>
2500 Section 8.1.4 <i>R-1 zone</i> (depth of lot)	Lot 13	30 metres	23 metres	-7.0 metres
2500 Section 8.1.6 (2) <i>R-1 zone</i> (rear yard setback)	Remainder of Lot A and Lot 13	9 metres	5 metres	-4.0 metres
2500 Section 8.1.40 <i>R-ID zone</i> (depth of a lot)	Lot 14	30 metres	19 metres	-11.0 metres
2500 Section 8.1.40 <i>R-1 D Zone</i> (depth of a lot)	Remainder of Lot 1	30 metres	23 metres	-7 metres
2500 Section 8.1.42 (2) <i>R-ID zone</i> (rear yard setback)	Lot 14 and Remainder of Lot 1	9 metres	5 metres	-4.0 metres

Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR
LEONARD

Councillor Leonard reviewed her attendance at the following meetings:
➤ Housing Task Force
➤ Regional District

COUNCILLOR THEOS

Councillor Theos reviewed his attendance at the following meetings:
➤ Regional District

7.00 RESOLUTIONS OF COUNCIL

.01

INCAMERA MTG

Moved by Presley 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 September 19, 2011 at the conclusion of the Regular Council Meeting.

Carried

8.00 UNFINISHED BUSINESS

.01 Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 1109 and there were none.
DVP NO. 1109
117-2787-1ST ST
3090-20-1109

Moved by Ambler and seconded by Leonard that Development Variance Permit No. 1109, to vary Section 8.3.25(2) of the City of Courtenay Zoning Bylaw No. 2500, 2007 reducing the minimum rear yard setback from 7.5 metres to 5.5 metres, be issued for Strata Lot 2, District Lot 155, Comox District, Strata Plan VIS5532 (#117-27878 1ST Street), subject to the following conditions:

- a. The variance is to accommodate the encroachment of a deck into the rear yard;
- b. Development must be in conformance with the plan contained in Attachment No. 2.

Carried

9.00 NOTICE OF MOTION

.01 Councillor Presley gave notice of a motion to be included on the October 3, 2011 regular Council meeting agenda.
COUNCILLOR
PRESLEY – HOMELESS
SHELTER

10.00 NEW BUSINESS

.01 Moved by Leonard and seconded by Hillian that Council support the Island Corridor Foundation in their quest to secure federal funding to maintain and enhance the Island rail service.
ISL. CORRIDOR
FOUNDATION
LTR OF SUPPORT
400-02

Carried

11.00 BYLAWS

.01 Moved by Presley and seconded by Ambler that “Tax Exemption 2012 Bylaw No. 2687, 2011” pass first, second and third reading.
BYLAW NO. 2687
TAX EXEMPTION

Carried

.02 Moved by Presley and seconded by Leonard that “Churches Tax Exemption 2012 Bylaw No. 2688, 2011” pass first, second and third reading.
BYLAW NO. 2688
CHURCHES TAX
EXEMPTION

Carried

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.03

BYLAW NO. 2689
2012-2021 TAX
EXEMPTION

Moved by Leonard and seconded by Presley that “2012-2021 Tax Exemption Bylaw No. 2689, 2011” pass first, second and third reading.
Carried

.04

BYLAW NO. 2690
2012-2016 TAX
EXEMPTION

Moved by Theos and seconded by Leonard that “2012-2016 Tax Exemption Bylaw No. 2690, 2011” pass first, second and third reading.
Carried

.05

BYLAW NO. 2684
ZONING AMEND

Moved by Leonard and seconded by Hillian that “Zoning Amendment Bylaw No. 2684, 2011” pass third reading.
Carried

12.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR
AMBLER

Councillor Ambler reviewed his attendance at the 71st anniversary of the Battle of Britain.

MAYOR PHELPS

Mayor Phelps reviewed his attendance at the International Student Celebration.

13.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Ambler that the meeting now adjourn at 6:16 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 3rd day of October, 2011

Mayor