

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, November 7, 2011 at 4:00 p.m.

Attending:

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

Staff:

S. Gray, Administrator
J. Ward, Manager of Corporate Administration
R. Wiwchar, Director of Community Services
T. Manthey, Director of Financial Services
P. Crawford, Director of Planning Services
A. Hampshire, Deputy Approving Officer
A. Gornall, Climate Action Analyst
N. Hofer, Environmental Planner

1.00 ADOPTION OF MINUTES

.01
MINUTES

Moved by Leonard and seconded by Ambler that the October 17, 2011 Council minutes and Committee of the Whole Minutes of October 31, 2011 be adopted.
Carried

3.00 DELEGATIONS

1. C.V. Project Watershed Society re: Courtenay River Estuary

Don Castleden from Project Watershed presented Council with the Courtenay River Estuary - Keeping it Living Award in recognition of the City's efforts regarding the estuary.

2. Bev Skwernuik re: North Island College Trades Building Noise

Bev Skwernuik made a detailed presentation to Council outlining the noise concerns from the North Island College trades building.

3. Christopher Sinclair, Sinclair & Company re: Business Licence Suspension "A Head of the Tymes Novelties"

Christopher Sinclair, representing David Marlin of "A Head of the Tymes Novelties" requested that Council reinstate the business licence suspended by City staff.

4. RCMP Inspector Tom Gray re: Business Licence Suspension “A Head of the Tymes Novelties”

Inspector Gray reviewed the request from the R.C.M.P. to suspend the business licence for “A Head of the Tymes Novelties”.

RECESS

Moved by Theos and seconded by Hillian that the meeting now recess at 4:55 p.m. to conduct the public hearing in relation to Bylaw No. 2694 and Bylaw No. 2686.

Carried

The meeting reconvened at 5:55 p.m.

4.00 COMMITTEE/STAFF REPORTS

.01
BUSINESS LIC
SUSPENSION
A HEAD OF THE
TYMES
3800-20

Moved by Jangula and seconded by Ambler that Council reconsider and uphold the business licence suspension for “A Head of the Tymes Novelties” (Licence #000000071) for a period of six (6) months effective November 7, 2011.

Carried

.02
FISH HABITAT
RESTORATION
PROJECTS
400-02

Moved by Ambler seconded by Hillian that Council receive the update report on Comox Valley Project Watershed Society fish habitat restoration projects along the Courtenay River.

Carried

.03
TEMP USE PERMIT
EXTENSION
1-239 PUNTLEDGE RD
3360-20-1019

Moved by Jangula and seconded by Hillian that pursuant to Section 921(4) of the Local Government Act, Council approves the extension of a Temporary Use Permit #3360-20-1019 for an Antique Furniture Outlet currently located at Unit #1-239 Puntledge Road for a period of two years.

Carried

.04
COSTCO NOISE
LEVELS
4020-20

Moved by Ambler and seconded by Leonard that the report from the Director of Development Services regarding Costco Wholesale noise levels be received for information.

Carried

.05
PHASED STRATA
2112 CUMBERLAND
ROAD
3300-20-2112

Moved by Hillian and seconded by Ambler that Council approve the Covenant and Statutory Right of Way documents for the phased strata of Lot A, District Lots 96 and 230, Comox District, Plan EPP13210;

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 required Easement, Statutory Right of Way and Covenant documents concurrently with the phased strata plan; and

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

Carried

.06
SUBDIVISION
3200 MISSION ROAD
3320-20-11632

Moved by Hillian and seconded by Ambler that Council approve the Covenant and Statutory Right of Way documents for the Subdivision of Part of Lot F, District Lot 236, Comox District, Plan 41441;

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

Carried

.07
AUDIT SERVICE PLAN
FOR 2011
1680-01

Moved by Hillian and seconded by Leonard that Council receive the 2011 Audit Service Plan prepared by the firm of Meyers Norris Penny LLP.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

INSP. GRAY
RETIREMENT

Moved by Ambler and seconded by Leonard that RCMP Inspector Tom Gray Notice of Retirement be received for information.

Carried

8.00 UNFINISHED BUSINESS

.01
DVP NO. 1115
2986 CHAPMAN RD
3090-20-1115

Moved by Leonard and seconded by Theos that Development Variance Permit No. 1115 to vary Section 8.10.5 of the City of Courtenay Zoning Bylaw No. 2500, 2007 increasing the maximum lot coverage of the Rural Residential Five Zone (RR-5) from 10% to 30% be issued subject to the following conditions:

1. The variances are to accommodate the construction of a single residential dwelling;
2. Development must be in conformance with the plans and elevations contained in Attachment No. 2.

Carried

R28/2011 – November 7, 2011

.02
DVP NO. 1114
4839
HEADQUARTERS RD
3090-20-1114

Moved by Hillian and seconded by Ambler that Development Variance Permit No. 1114, to vary Section 8.30.7(3) of the City of Courtenay Zoning Bylaw No. 2500, 2007 the minimum Side Yard Setback of the Agricultural Two Zone (A-2) from 15.0 m to 5.50m be issued subject to the following conditions:

1. The variances are to accommodate the construction of an electrical building;
2. Development must be in conformance with the plans and elevations contained in Attachment No. 3.

Carried

.03
DP NO. 1124
1025 COMOX RD
3060-20-1124

Moved by Theos and seconded by Ambler that Development Permit with Variances No. 1124 to allow the construction of a freestanding sign on the property located at 1025 Comox Road (Lot 1, Sections 13 and 14, Comox District, Plan VIP87105) and to vary Section 6.6.5 of the City of Courtenay Sign Bylaw No. 2042, 1998, to allow more than one freestanding sign per parcel, be issued to 660476 BC Ltd. subject to the following conditions:

- a. Signage must be in conformance with the plans and drawings contained in Attachment No. 3;
- b. Signage must be either halo lit or un-illuminated;
- c. That if the permit holder has not substantially commenced construction within twelve (12) months after the date of issuance, the permit lapses.

Carried

9.00 NOTICE OF MOTION

.01
COUNCILLOR HILLIAN
BUS TO WORK WEEK

Councillor Hillian provided a notice of motion regarding Bus to Work Week to be presented at the November 14, 2011 regular Council meeting.

10.00 NEW BUSINESS

.01
MAYOR PHELPS
SALVATION ARMY
LETTER

Moved by Hillian and seconded by Leonard that Council write a letter of support regarding the Salvation Army funding for 24 hour operation of the Pidcock Avenue facility.

Carried

.02
COUNCILLOR
LEONARD
NOISE ISSUES

Moved by Leonard and seconded by Theos that

WHEREAS citizens are raising questions about why their complaints sometimes appear to not result in enforcement proceedings and question the adequacy of the noise bylaw to see measures implemented to reduce the sound level in noisy operations;

AND WHEREAS there are a variety of approaches to noise bylaws and guidance from the courts regarding community standards for noise tolerance;

THEREFORE BE IT RESOLVED that Council direct staff to provide a report to ensure the city has the most effective bylaw possible.

Carried

11.00 BYLAWS

.01
BYLAW NO. 2686
ZONING AMEND

Moved by Leonard and seconded by Ambler that third reading of “Zoning Amendment Bylaw No. 2686, 2011” be postponed to the November 14th, 2011 regular Council meeting.

Carried

.02
BYLAW NO. 2694
OCP AMEND

Moved by Leonard and seconded by Theos that “Official Community Plan Amendment Bylaw No. 2694, 2011” pass third reading.

Carried

12.00 COUNCIL MEMBER ROUNDTABLE

MAYOR PHELPS

Mayor Phelps reviewed his attendance at the following events:

- Comox Valley Child Development Association Telethon
- Comox Valley Hospice Society Auction

13.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Leonard that the meeting now adjourn at 7:02 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 14th day of November, 2011

Mayor