

**R9/2006 – April 3, 2006**

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, April 3, 2006 at 4:00 p.m.**

**Attending:**

**Mayor: S. L. Winchester**  
**Councillors: L. V. Jangula**  
**R-R. Leonard**  
**D. S. McRae**  
**G. T. Phelps**  
**J. M. Presley**  
**M. Theos**

**Staff:**

**Sandy T. Gray, Administrator**  
**J. Ward, Manager of Corporate Administration**  
**K. Lagan, Director of Operational Services**  
**T. Manthey, Director of Financial Services**  
**D. Slobodan, Director of Regulatory Services**  
**P. Crawford, Director of Planning Services**  
**T. Towle, Fire Chief**

The meeting was called to order at 4:05 p.m.

**1.00 MINUTES**

**.01** Moved by Presley and seconded by Phelps that the minutes of the regular Council meeting held March 20, 2006 be adopted.  
**Carried**

**2.00 INTRODUCTION OF LATE ITEMS**

Mayor Winchester approved the addition of two late items to the agenda.

**3.00 DELEGATIONS**

**Joseph Dunn, C.V. Success by Six Community Council**

Joseph Dunn, Comox Valley Coordinator for the Success by 6 Program, presented the Memorandum of Understanding to Council, which was signed in December 2005. He also reviewed the Success by 6 Program, and invited Council and the public to attend an Early Years Public Forum on April 22, 2006 at the Florence Filberg Centre.

**4.00 COMMITTEE/STAFF REPORTS**

**.01**  
HURFORD HILL  
NATURE PARK  
6140-121

Moved by Presley and seconded by Phelps that Council agree to amend the existing Conservation Covenant Agreement on Hurford Hill Nature Park by adding The Land Conservancy (TLC) as a co-holder of the covenant; and

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

**Carried**

**.02**  
WILDFIRE  
PROTECTION PLAN  
7010-01

Moved by Theos and seconded by McRae that Council authorize an application to apply for joint funding for Courtenay and Cumberland to conduct a Community Wildfire Protection Plan.

**Carried**

**.03**  
BOUNDARY  
EXTENSION SOUTH  
COURTENAY  
3720-20

Moved by McRae and seconded by Jangula that Council withdraw the boundary extension to the south of Courtenay until such time as full consultation takes place with the Trustees of the Royston Improvement District, Electoral Area Director and affected property owners;

That Council reduce the size of the residential area as part of the boundary extension to only include those properties shown in bold outline on the reference map dated March 27, 2006;

That consultation continue with area Administrators regarding the development of an urban growth strategy.

**Carried**

**.04**  
REZONING  
APPLICATION  
2096 ARDEN RD  
JOHN KELLY  
3360-20-0512

Moved by Presley and seconded by Phelps that Council approve the application from John Kelly to amend the City of Courtenay Zoning Bylaw No. 1427 for the property legally described as Lot 2, District Lot 230, Comox District, Plan 7444, except part in Plan VIP63573 from Residential One A (R-1A) to Residential One D (R-1D) to allow for the development of a 14 lot subdivision as outlined on Schedule No.1;

That City of Courtenay Zoning Amendment Bylaw No. 2439, 2006 proceed to 1<sup>st</sup> and 2<sup>nd</sup> reading;

That a Public Hearing be held on April 18, 2006 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw No. 2439; and

That prior to adopting City of Courtenay Zoning Amendment Bylaw No. 2439, a covenant be registered on the subject property securing an amenity contribution pursuant to S.7.5 Provision of Amenities, Residential of the Official Community Plan.

**Carried**

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**.05**  
UTILITY USER RATE  
INCREASES  
1705-20

Moved by McRae and seconded by Presley that Council consider the City of Courtenay Fees and Charges Amendment Bylaw No. 2457, 2006.  
**Carried**

**.06**  
PHASED STRATA  
1050-8<sup>TH</sup> ST  
3300-20-1050 8<sup>TH</sup> ST

Moved by McRae and seconded by Phelps that Council approve the Covenant and the two Statutory Rights of Way over Lot 1, District Lot 127, Comox District, Plan VIP80299;

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

That the developer's solicitor provide a letter of undertaking to register the easement document and covenant concurrently with the phased strata plan; and

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

**Carried**

**.07**  
YARD WASTE  
PROPOSAL  
5360-02

Moved by Phelps and seconded by Theos that a weekly yard waste collection program for all single family and duplex homes is commenced on June 6, 2006 for the remainder of the year; and

That the rate of \$3.573 per month per household for this service be approved.

**Carried**

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATIONU**

**.01**  
HERITAGE MINUTES

Moved by Presley and seconded by Jangula that the Heritage Advisory Commission minutes of March 22, 2006 be received for information.  
**Carried**

**.02**  
OPER SERVICES  
MONTH END REPORT  
650-20

Moved by McRae and seconded by Phelps that the Operational Services Month End Reports for January and February be received for information.  
**Carried**

**.03**  
COMOX FIREFIGHTERS  
YOUTH CAMP  
7240-02

Moved by Leonard and seconded by Presley that the letter of appreciation from the Comox Fire Department regarding the recently held youth camp be received for information.  
**Carried**

**.04**  
C.V. AIRPORT  
GOVERNANCE REVIEW  
8400-20

Moved by Presley and seconded by McRae that notice from the C.V. Airport Commission regarding a Governance Review Process be received for information.  
**Carried**

**.05**  
SCHOOL CLOSURES IN  
THE REG DIST  
470-20

Moved by Presley and seconded by Phelps that the letter from Jim Abram, Chair of the Regional District Board seeking Council's support regarding the matter of school closures in the Regional District be received for information.

Councillor McRae declared a potential conflict of interest due the fact that he is employed by School District 71, and vacated Council Chambers at 4:30 p.m.

**The motion was carried**

Moved by Jangula and seconded by Phelps that a letter be sent to School District 71 Board outlining the City's position regarding the school closure issue, and also outlining the vote at the Regional District Board table on this issue.

**Carried**

**Councillor McRae returned to Council Chambers and took his seat at 4:39 p.m.**

**7.00 UNFINISHED BUSINESS**

**.01**  
DVP NO. 0606  
GIRARD  
3090-20-0606

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0606, and there were none.

Moved by McRae and seconded by Leonard that Development Variance Permit No. 0606 be issued to Robert Girard to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the side yard setback from 1.5m to 1.07m to allow for the construction of a single family home, as detailed on Schedule No. 1, for the property legally described as Lot 6, District Lot 236, Comox District, Plan VIP79687 at 4621 Salal Place.

**Carried**

**.02**  
DVP NO. 0608  
GIRARD  
3090-20-0608

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0608 and there were none.

Moved by Presley and seconded by Jangula that Development Variance Permit No. 0608 be issued to Robert Girard to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the front yard setback from 7.5m to 7.25m to allow for the construction of an 8 unit residential building, as detailed on Schedule No. 1, at the property legally described as Lot H, Section 17, Comox District, Plan VIP57048 at 4695 Alderwood Place.

**Carried**

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**.03**  
DVP NO. 0609  
TUCHSCHERER  
3090-20-0609

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0609 and there were none.

Moved by Theos and seconded by Presley that Development Variance Permit No. 0609 be issued to Mr. and Mrs. Tuchscherer to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the rear yard setback from 9.0m to 6.0m to allow for the extension of an existing deck, as detailed in Schedule No. 1 for the property legally described as Lot 27, Section 15, Comox District, Plan VIP56365 at 575 Hobson Place.

**Defeated with Councillor Presley in favour**

**.04**  
EXCLUSION FROM ALR  
JOSEPH LEWAND  
3015-20-0601

Moved by Phelps and seconded by Presley that Council submit a recommendation to the Agricultural Land Commission to approve the exclusion of the subject property from the Agricultural Land Reserve (ALR).

**Carried with Councillors Jangula, McRae, and Mayor Winchester opposed**

Moved by Presley and seconded by Jangula that staff investigate the creation of an Agricultural Advisory Committee.

**Carried**

**9.00 NEW BUSINESS**

**.01**  
RECONSIDER  
ADOPTION OF BYLAW  
NO. 2448  
REZONE PROPERTY AT  
ROBERT LAND DR &  
1<sup>ST</sup> ST

Pursuant to section 131 of the *Community Charter*, Mayor Winchester required Council to reconsider and vote again on the following resolution that was defeated at the regular Council meeting held March 6, 2006:

Moved by Theos and seconded by Presley that “City of Courtenay Zoning Amendment Bylaw No. 2448, 2006” be finally passed and adopted.

**Subsidiary Motion**

Moved by Phelps and seconded by Leonard that the motion be amended to include a right of way for a walkway through the strata property.

**Defeated with Councillors McRae, Phelps, and Leonard in favour**

**The main motion was carried with Councillors McRae, Phelps, and Leonard opposed**

**.02**  
ORGANIC COLLECTION  
PROGRAM

Councillor Leonard reviewed the new Organic Collection Program being introduced in the Town of Ladysmith.

**10.00 BYLAWS**

**.01** Moved by Presley and seconded by McRae that "City of Courtenay ZONING AMEND Zoning Amendment Bylaw No. 2439, 2006" pass first and second reading.  
NO. 2439 **Carried**

**.02** Moved by McRae and seconded by Presley that "Development Cost DCC RESERVE FUND Charge Reserve Funds Expenditure Bylaw No. 2452, 2006" pass first, EXPEND second and third reading.  
NO. 2452 **Carried**

**.03** Moved by McRae and seconded by Presley that "Reserve Funds RESERVE FUND Expenditure Bylaw No. 2454, 2006" pass first, second and third reading.  
EXPEND **Carried**  
NO. 2454

**.04** Moved by Presley and seconded by McRae that "City of Courtenay FEES AND CHARGES Fees and Charges Amendment Bylaw No. 2457, 2006" pass first, second AMEND and third reading.  
NO. 2457 **Carried**

**.05** Moved by Jangula and seconded by Theos that "Municipal Ticket MTI Information Bylaw No. 2435, 2006" be finally passed and adopted.  
NO. 2435 **Carried**

**12.00 COUNCIL MEMBER ROUNDTABLE**

COUNCILLOR PRESLEY Councillor Presley outlined his attendance at the Exploring Economic Development Options and Opportunities for Local Government conference sponsored by the UBCM

COUNCILLOR MCRAE Councillor McRae reviewed his attendance at the following events:  
➤ Regional District meetings  
➤ Hospital Board meeting

COUNCILLOR LEONARD Councillor Leonard outlined her attendance at the following events:  
➤ V.I. Regional Library Board meeting  
➤ Regional District facilities tour  
➤ Sustainability conference

COUNCILLOR THEOS Councillor Theos reviewed that April is Cancer Awareness Month, and noted that the Regional District has provided additional funding for the Community Justice Centre

COUNCILLOR PHELPS Councillor Phelps reviewed his attendance at the Comox Valley Chamber of Commerce Board of Directors elections

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MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:

- Heritage meeting
- Comox Valley Chamber of Commerce luncheon
- Meeting with the Comox Valley Mayors
- Regional District meetings
- Presentation of 30-year service pin to Sharon Cochrane
- Emergency Preparedness workshop presented by the Provincial Emergency Program

**12.00 ADJOURNMENT**

**.01**

Moved by Theos and seconded by Presley that the meeting now adjourn at 5:53 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 10<sup>th</sup> day of April, 2006**

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**Mayor**