

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, December 12, 2005 at 4:00 p.m.**

**Attending:**

**Mayor: S. L. Winchester**

**Councillors: R-R. Leonard**

**L. V. Jangula**

**D. S. McRae**

**G. T. Phelps**

**J. M. Presley**

**M. Theos**

**Staff:**

**S. T. Gray, Administrator**

**J. Ward, Manager of Corporate Administration**

**K. Lagan, Director of Operational Services**

**T. Manthey, Director of Financial Services**

**R. Wiwchar, Director of Community Services**

**P. Crawford, Director of Planning Services**

**D. Slobodan, Director of Regulatory and Property Services**

**G. Garbutt, Planner**

**T. Towle, Fire Chief**

The meeting was called to order at 4:00 p.m.

**1.00 MINUTES**

**.01** Moved by McRae and seconded by Presley that the minutes of the Inaugural Council meeting held December 5, 2005 be adopted.  
**Carried**

**3.00 DELEGATIONS**

**Jerry Ellins, Development Permit No. 0521**

Jerry Ellins of Ellins Architecture reviewed that he was available to answer any questions regarding Development Permit No. 0521.

**4.00 COMMITTEE/STAFF REPORTS**

**.01** Moved by McRae and seconded by Phelps that the rental rates for CITY FACILITY 2006 for the Filberg Centre, Native Sons Hall, Lewis Centre, Outdoor Pool, RENTAL RATES play fields, Youth Centre and Simms Pavilion be approved.  
7900-02 **Carried**

**.02**  
CULTURAL CAPITALS  
OF CANADA APP  
7800-01

Moved by Presley and seconded by Theos that

WHEREAS the City of Courtenay is the lead applicant for the Cultural Capitals of Canada Grant;

WHEREAS budgets for each of the cultural projects planned have been received;

THEREFORE BE IT RESOLVED that the City of Courtenay ensures that a contribution of \$170,000.00 in cash and services will be provided towards the projects identified in the “Comox Valley – Land of Plenty” Cultural Capitals of Canada 2007 application.

**Carried**

**.03**  
CONFINED SPACE  
RESCUE AGREEMENT  
7010-01

Moved by Phelps and seconded by Presley that Council agree to provide confined space rescue services for the Regional District of Comox Strathcona Comox Valley Sewerage System and Comox Valley Water Systems; and

That the Mayor and the Manager of Corporate Administration be authorized to sign all required documentation.

**Carried**

**.04**  
BRENWIN DEV ROAD  
CLOSURE  
950-20

Moved by McRae and seconded by Phelps that Brenwin Road Closure Bylaw No. 2442, 2005 proceed to 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading;

That public notice be given regarding the proposed road closure and sale of the closed road area; and

That subject to public input, the closed portion of road be sold to Brenwin Developments (692273 BC Ltd) for the purchase price of \$126.00.

**Carried**

**.05**  
DEC & JAN  
COUNCIL MTGS  
570-01

Moved by Presley and seconded by Jangula that the Committee of the Whole meeting scheduled for December 28, 2005 and the Council meeting scheduled for January 2, 2006 be cancelled.

**Carried**

**.06**  
CYCLING INFRASTRUCTURE  
6940-20

Moved by Theos and seconded by McRae that Council approve an application to the Ministry of Transportation pursuant to the Cycling Infrastructure Partnership Program 2006-2007 for funding assistance to construct a bikeway on the Sheraton Road right-of-way from Hawk Drive to Cummings Road being a distance of approximately 0.625 kilometres for the construction of a 3 metre wide asphalt surface at an estimated cost of \$84,375.00 with the City’s portion being \$42,187.50.

**Carried**

**.07**  
DVP NO. 0515  
FINKBEINER  
3090-20-0515

Moved by McRae and seconded by Leonard notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on January 9, 2005; and

That subject to public input, Development Variance Permit No. 0515 be issued to Jim & Ruby Finkbeiner to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow a detached garage in the front yard as shown on Schedule Nos. 1 and 2 for property legally described as Lot 1, Block 72, Comox District, Plan VIP76744 at 3336 Majestic Drive.

**Carried**

**.08**  
DP NO. 0523  
SILVERADO LAND  
CORP  
3060-20-0523

Moved by Presley and seconded by Theos that notice be given to the adjacent property owners of the proposed Development Permit with Variances outlined below and that the application be returned to Council at a meeting on January 9, 2006; and

That subject to public input, Development Permit No. 0523 be issued to Silverado Land Corp. to allow construction of seven, two storey duplexes within the Somerset Lane development at 737 Royal Place, including landscape materials and installation valued at \$63,500.00 as outlined in Schedules Nos. 1-4 and including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986:

- Section 8.32.7 Frontage be reduced from 10% to 0% to accommodate Strata Phase 2;
- Section 8.32.9 Rear Yard be reduced from 7.5m to 1.5m for Phase 2 strata boundary and from 7.5m to 2.4m for Phase 3 strata boundary

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**

**.09**

DP NO. 0521  
ISLAND PANORAMA  
RIDGE  
3060-20-0521

Moved by Theos and seconded by Presley that notice be given to the adjacent property owners of the proposed Development Permit with Variances outlined below and that the application be returned to Council at a meeting on January 9, 2006; and

That subject to public input, Development Permit No. 0521 be issued to Island Panorama Ridge Estates Inc. to allow construction of four, two storey 4-plexes at 930 Braidwood Road, including landscape materials and installed valued at \$40,884.00 as outlined in Schedules Nos. 105 including the following variances to City of Courtenay Zoning Bylaw No. 1427, 1986:

Phased Strata Plan

- Reduced rear yard setback from 7.5m to 5.3m for Strata Phase 1;
- Reduced rear yard setback from 7.5m to 1.5m for Strata Phase 2;
- Reduced side yard setback from 4.5m to 3m for Strata Phase 2;

Development Variances

- Reduced front yard setback from 7.5m to 7m for Strata Phase 1 balconies;
- Reduced front yard setback from 7.5m to 6.4m for Strata Phase 2 balconies;
- Reduced minimum distance from the face of a carport to a private internal access road from 6.0m to 0.

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**

**.10**

REPEAL BYLAW NO.  
2173  
1810-01  
5340-20

Moved by Jangula and seconded by Leonard that “Western and Arden Sewer Charge and Connection Repeal Bylaw No. 2443, 2005” proceed to first, second and third reading.

**Carried**

**.11**

SECURITY ISSUING  
BYLAWS  
1760-04

Moved by Presley and seconded by Phelps that Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2006 Spring issue the following amounts:

1. \$364,000.00 as authorized through Loan Authorization Bylaw No. 2423, Lerwick Road Sewer;
2. \$600,000.00 as authorized through Loan Authorization Bylaw No. 2424, Lerwick Road Water;
3. \$720,000.00 as authorized through Loan Authorization Bylaw No. 2425 Lerwick road Construction; and

That the Regional District of Comox-Strathcona be requested to consent to our borrowing over a twenty (20) year term, and include the borrowing in their security issuing bylaw.

**Carried**

**.12**  
BYLAW NO. 2444  
REV ANTICIPATION  
1760-01

Moved by McRae and seconded by Presley that the Revenue Anticipation Borrowing Bylaw No. 2444, 2005 proceed to first, second and third reading.  
**Carried**

**.13**  
PETITION TRAFFIC  
LGTS  
LERWICK/MISSION  
5460-03

Moved by Theos and seconded by Leonard that the petition from Walter Levesque requesting the installation of traffic signals at the intersection of Lerwick Road and Mission road be received; and  
That the need for traffic signals at this intersection be reviewed by the Consulting Engineer in the 2005 City Transportation Study.  
**Carried**

**.14**  
SUBDIVISION  
LOT 2, PL 7752  
ELLICOMBE HOLD  
3320-20-05453

Moved by Presley and seconded by Phelps that Council approve the Subdivision Servicing Agreement for the subdivision of Lot 2, District Lot 231, Comox District, Plan 7752;  
That the required security be provided to the City prior to subdivision approval; and  
That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.  
**Carried**

**.15**  
PHASED STRATA  
PUNTLEDGE HOMES  
3300-20-2728 1<sup>ST</sup> ST

Moved by McRae and seconded by Phelps that Council approve a Covenant for the phased strata of Lot 6, District Lot 155, Comox District, Plan VIP63007;  
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 Manager of Corporate Administration be authorized to sign all documentation relating to this development.  
**Carried**

**.16**  
SUBDIVISION  
LOT B, PL VIP60328  
633170 BC LTD  
3320-20-04438

Moved by Phelps and seconded by Leonard that Council approve the Subdivision Servicing Agreement for the subdivision of Part of Lot B, District Lot 118, Comox District, Plan VIP60328, Except Parts in Plans VIP61633 and VIP73074;  
That the required security be provided to the City prior to subdivision approval; and  
That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.  
**Carried**

**Councillor Presley declared a potential conflict of interest regarding the next item due to a business relationship with a company involved with the applicant, and vacated Council Chambers at 4:35 p.m.**

**.17** Moved by Jangula and seconded by Leonard that Council approve the Statutory Right of Way over Lot 22, Section 19, Comox District, Plan 30685; and  
STAT RIGHT OF WAY  
SUNNYDALE RESORTS  
3320-20-04397

That the Mayor and Manager of Corporate Administration be authorized to sign the Statutory Right of Way.

**Carried**

**Councillor Presley returned to Chambers and took his seat at 4:36 p.m.**

### **5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01** Moved by McRae and seconded by Leonard that the Fire Report for November 2005 be received for information.  
FIRE REPORT  
650-20

**Carried**

**.02** Moved by McRae and seconded by Phelps that the Heritage Advisory Commission minutes of November 30, 2005 be received for information.  
HERITAGE ADVISORY  
MINUTES

**Carried**

**.03** Moved by McRae and seconded by Presley that the response from UBCM regarding the City's submission to have the UBCM convention held over a weekend be received for information.  
UBCM CONVENTION  
DAYS RESOLUTION  
390-20

**Carried**

**.04** Moved by Presley and seconded by Phelps that the Building Permit Report for November 2005 be received for information.  
BUILDING PERMIT  
REPORT

**Carried**

650-20

### **9.00 NEW BUSINESS**

**.01**  
RDCS SERVICE  
REVIEW COMMITTEE  
470-20

Moved by McRae and seconded by Theos that the letter from the Regional District of Comox Strathcona regarding the Comox Valley Economic Development Service Review Committee appointment be received.  
**Carried**

Moved by McRae and seconded by Phelps that Councillor Presley be appointed to the Comox Valley Economic Development Service Review Committee.  
**Carried**

## **10.00 BYLAWS**

**.01**  
BYLAW NO. 2442  
BRENWIN RD CLOSURE

Moved by McRae and seconded by Presley that “Brenwin Road Closure Bylaw No. 2442, 2005” pass first, second and third reading.  
**Carried**

**.02**  
BYLAW NO. 2443  
WESTERN/ARDEN  
SEWER REPEAL

Moved by Presley and seconded by Phelps that “Western and Arden Sewer Charge & Connection Repeal Bylaw No. 2443, 2005” pass first, second and third reading.  
**Carried**

**.03**  
BYLAW NO. 2444  
REVENUE  
ANTICIPATION

Moved by McRae and seconded by Leonard that “Revenue Anticipation Borrowing Bylaw No. 2444, 2005” pass first, second and third reading.  
**Carried**

**.04**  
BYLAW NO. 2438  
ZONING AMEND

Moved by Presley and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2438, 2005” pass third reading.  
**Carried**

Moved by Presley and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2438, 2005” be finally passed and adopted.  
**Carried**

## **11.00 COUNCIL MEMBER ROUNDTABLE**

COUNCILLOR  
JANGULA

Councillor Jangula reviewed his attendance at the Evergreen Seniors Christmas party

COOUNCILLOR  
PHELPS

Councillor Phelps reviewed his attendance at the “Raising the Roof” fundraiser at the Wachiay Friendship Centre

COUNCILLOR MCRAE

Councillor McRae reviewed his attendance at the Regional District Board meeting

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

- Success by Six luncheon
- Bursary plaque unveiling at Mark R. Isfeld school
- Event at the Base Commander's residence

**12.00 ADJOURNMENT**

**.01** Moved by Phelps and seconded by Presley that the meeting now adjourn at 4:51 p.m.  
**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 19<sup>th</sup> day of December, 2005**

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**Mayor**