



# City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3  
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## COUNCIL MEETING AGENDA

MONDAY, APRIL 7, 2008 – 6:00 P.M.

1. ADOPTION OF MINUTES

- a) of the regular meeting of Council held March 17, 2008 – Pages 1 to 6

***Recommendation: That the minutes of the regular meeting of Council held March 17, 2008 be adopted.***

2. APPROVAL OF AGENDA

3. PRESENTATIONS

4. DELEGATIONS

5. UNFINISHED BUSINESS

6. CORRESPONDENCE

7. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE

8. REPORTS

- a) Committee of the Whole – March 26, 2008 – Pages 7 to 9

(1) Director of Engineering and Operations – Water Supply Agreement – Nanoose Water Connection

*In 2002 the City of Parksville entered into an Agreement with the Regional District of Nanaimo (RDN) covering the conveyance of Arrowsmith Water Supply bulk water, through the City of Parksville river intake and water mains, to a connection to the Nanoose area of the RDN. The Agreement has lapsed and staff of the two jurisdictions has agreed to the terms of a proposed five year renewal of the same. The new Agreement is substantially the same as the original document. The only substantial change is to the limits on the maximum water supply rates to the RDN, based on current operating conditions. The RDN would continue to compensate the City for all costs associated with the use of City infrastructure. The Agreement is considered appropriate and consistent with the 'spirit' of the AWS Joint Venture, and staff recommends approval.*

***Recommendation: THAT the Mayor and Director of Administrative Services be authorized to execute, on behalf of the City of Parksville, the Water Supply Agreement for the Nanoose water service area with the***

**Regional District of Nanaimo for the period May 1, 2008 to and including April 30, 2013, as attached to the report from the Director of Engineering and Operations dated March 13, 2008 entitled "Water Supply Agreement – Nanoose Water Connection".**

(2) Planner – Issuance of Development Permit [371 Alberni Highway]

On December 11, 2007, the City received a Development Permit application from William Katerenchuk on behalf of the owners of the property. The applicant requests the issuance of a development permit to permit 26 townhouse units on the CD-21B Zoned portion (west side) of 371 Alberni Highway property with a requested variance to relax the front setback from 4.5 metres to 2.43 metres.

The subject property is within Development Permit Area No. 16 – COMPREHENSIVE DEVELOPMENT AREAS. The development permit designation is under the Form and Character, Protection of the Natural Environment, and Hazardous Conditions development categories. The site is at the North West corner of the intersection of Despard Avenue and the Alberni Highway.

**Recommendation: THAT a Development Permit be issued to Oceanside Projects Ltd. to permit 26 townhouse units and associated site improvements on Lot 10, District Lot 14, Nanoose District, Plan 2536 except Plans 733 RW and VIP65392 (371 Alberni Highway);**

**AND THAT the Development Permit authorize a variance to reduce the front lot line setback from 4.5 metres to 2.43 metres to facilitate the siting of the building, subject to:**

- (a) **A landscaping bond in the amount of \$118,501.35 be received prior to the issuance of the permit**

(3) Grant-In-Aid Select Committee – Spring 2008 Grant-In-Aid Applications

At the March 17, 2008 Council meeting, a resolution was passed to appoint a Grant-In-Aid Select Committee to be comprised of the Director of Administrative Services and two Councillors appointed by the Mayor. Councillors Lefebvre and Powell were appointed. The Select Committee was to review and recommend back to Council on the allocation of the \$2,500.00 budgeted funds for the submissions received for the period ending February 29, 2008. Council is not obligated to allocate all or any of the budgeted funds.

**Recommendation: THAT the Grant-In-Aid applications received for the period ending February 29, 2008 be approved and/or denied as follows:**

<b>Name of Organization</b>	<b>Requested</b>	<b>Approved/ Denied</b>
<b>Ballenas Secondary Dry Grad Committee</b>	<b>500.00</b>	<b>250.00</b>
<b>District 69 Citizens on Patrol (Speed Watch)</b>	<b>670.00</b>	<b>400.00</b>
<b>District 69 Family Resource Association (FRA)</b>	<b>700.00</b>	<b>400.00</b>
<b>The Nature Trust of BC (Brant Festival)</b>	<b>1,000.00</b>	<b>250.00</b>
<b>Oceanside Community Arts Council</b>	<b>1,000.00</b>	<b>300.00</b>
<b>Parksville &amp; District Association for Community Living</b>	<b>500.00</b>	<b>300.00</b>
<b>Parksville &amp; District Historical Society</b>	<b>500.00</b>	<b>300.00</b>
<b>Parksville &amp; District Musical Association</b>	<b>200.00</b>	<b>200.00</b>
<b>Vancouver Island Opera (formerly Oceanside Lyric Ensemble)</b>	<b>1,500.00</b>	<b>100.00</b>
<b>Total</b>		<b>\$2,500.00</b>

**AND THAT \$2,500.00 be allocated from the 2008 Grants-In-Aid budget.**

- (4) Director of Administrative Services – 2008 Special Events Applications  
*Under the provisions of the City's Special Events Policy organizations proposing to hold an event on municipal property, streets or parks are required to apply for a special events permit. All events must be approved by Council and event organizers must fulfill the requirements outlined in the policy.*

**Recommendation: THAT the following organizations be permitted use of City property and roads for a special event at the specified time and on the road outlined in the application attached to the report from the Director of Administrative Services dated March 19, 2008 entitled "2008 Special Events Applications":**

**A.L.S. Society of BC – "Mid-Island Walk for A.L.S." on June 8, 2008 12:00 – 2:30 p.m. (From PCTC plaza; up Craig Street to Hamilton Avenue; left on Hamilton Avenue to Corfield Street; down Corfield Street to Stanford Avenue; right on Stanford Avenue to Shelly Road; left on Shelly Road to Island Highway; left on Island Highway to Craig Street; left on Craig Street returning to PCTC);**

**Oceanside Hospice – "Hike for Hospice" on May 4, 2008 2:00 – 3:00 p.m. (Walking on Chattell Road to Greig Road and returning).**

**AND THAT the approval for each event be granted on condition that the organizers adhere to their signed Terms and Conditions forms attached to the report from the Director of Administrative Services dated March 19, 2008 entitled "2008 Special Events Applications".**

- (5) Chief Administrative Officer – Assignment of Shelly Park Centre Operating Agreement  
*Request by the Kinsmen Club of Parksville to assign their interest in the Shelly Park Operating Agreement between themselves and the City to the Bard to Broadway Theatre Society.*

**Recommendation: THAT Council consent to the request from the Kinsmen Club of Parksville that the Shelly Park Centre Operating Agreement between the City and the Kinsmen Club of Parksville for the period of January 1, 2007 to December 31, 2011 be assigned to the Bard to Broadway Theatre Society.**

- (6) Chief Administrative Officer – Renewal of Lease Agreement for the District 69 Arena  
*The lease agreement between the City of Parksville and the Regional District of Nanaimo for the District 69 Arena and associated property in the Community Park is up for renewal.*

*RDN and City staff has negotiated a new lease which has been approved by the RDN Board. The new lease continues the same relationship as previous versions with some minor changes in the City's favor clarifying allowed usage and obligations for restoration of the property at the end of the life of the building.*

**Recommendation: THAT the Mayor and Director of Administrative Services be authorized to execute the Lease Agreement between the City of Parksville and the Regional District of Nanaimo for a specified area of land within the Community Park to operate the former District 69 Ice Arena for a further five year term commencing on the 1<sup>st</sup> day of June 2008 and ending on the 31<sup>st</sup> day of May 2013.**

(7) Councillor Lefebvre - Impact of Single Family Subdivisions – Urban Sprawl

**Recommendation: THAT staff be requested to bring forward the report from the Director of Community Planning dated July 25, 2007 entitled "Consideration of Options to Reduce or Eliminate New Single Family Subdivisions" for Council's further consideration.**

b) Manager of Operations – Parksville Community Park Shoreline Protection Tender Award – Pages 10 to 13

*In November 2007 Council directed staff to proceed with the design and construction of Shoreline Protection Works in the Parksville Community Park based on a 'Gravel Beach' approach. The required design works are complete and the works have been tendered. Staff is recommending the work be awarded to the low bidder, Windley Contracting Limited. The total project cost based on the low bid is within the budgeted amount of \$400,000. It is also recommended the award be conditional on receiving written support from the Provincial Ministry of Environment and the Federal Department of Fisheries and Oceans.*

**Recommendation: THAT Council award the tender for "Parksville Community Park Beach Protection Project", in the amount of \$300,217.45 (including GST) to Windley Contracting Ltd.;**  
**AND THAT the award be contingent on final, unconditional approval of the project by the Ministry of Environment and Federal Department of Fisheries and Oceans.**

c) Director of Administrative Services – Council Remuneration Review – Pages 14 to 17

*Proposed increases in the remuneration paid to the Mayor and Council resulting from the review done by the Citizens Advisory Committee. Any increases have to be done by bylaw and will become effective January 1, 2009.*

**Recommendation: THAT the following recommendation from the Citizens Advisory Committee be approved:**

**THAT the annual remuneration paid to an individual Councillor be increased to \$11,600 effective January 1, 2009;**

**AND THAT the annual remuneration paid to the Mayor be increased to \$28,300 effective January 1, 2009;**

**AND THAT an annual adjustment equal to the Consumer Price Index increase be provided in 2010 and 2011;**

**AND FURTHER THAT the remuneration be reviewed again in 3 years.**

**AND THAT the appropriate bylaw be forwarded to Council for reading consideration.**

d) Director of Administrative Services – Fireworks Bylaw Amendment – Pages 18 to 21

*To consider a recommendation from the Citizen's Advisory Committee for an amendment to the Fireworks Bylaw that would permit the storage of consumer fireworks only for the purpose of wholesaling to retailers and distributors located outside of Parksville.*

**Recommendation: THAT the following recommendation from the Citizen's Advisory Committee be approved:**

**"THAT 'City of Parksville Fireworks Regulation Bylaw, 2007, No. 1427', be amended to allow storage of fireworks for wholesale purposes, not to exceed a specified quantity as determined reasonable by the Parksville Fire Department";**

**AND THAT "Fireworks Bylaw, 2007, No. 1427.1" be advanced for reading consideration.**

- e) Chief Administrative Officer – Oceanside Tourism Association 2008 Fee for Services Agreement – Deferred from March 17, 2008 Regular Meeting of Council – Pages 22 to 31
- o *The issues are as outlined in the January 30 2008, Oceanside Tourism Association 2008 Fee for Service Agreement Memo from Fred Manson, Chief Administrative Officer to Her Worship the Mayor and Council.*
  - o *Council referred the issue back to staff at the February 18<sup>th</sup> Regular Council Meeting.*
  - o *Staff and the OTA Executive Director were able to come to a satisfactory compromise.*
  - o *The OTA Executive Director presented the new version to the OTA Board who rejected the compromise agreed to by staff and have again stated their request for Council "review" of their budget instead of "approval".*

**Recommendation: THAT the Mayor and Director of Administrative Services be authorized to execute the 2008 Fee for Service Agreement with the Oceanside Tourism Association as set out in Schedule "1" attached to the Chief Administrative Officer's report dated March 3, 2008 entitled "Oceanside Tourism Association 2008 Fee For Services Agreement".**

- f) Chief Administrative Officer – Employee Code of Conduct – Pages 32 to 59  
*This is to reintroduce to Council the Employee Code of Conduct. Significant consultation has occurred between management staff and the union and union employees since this subject was last presented to Council. With the exception of personal use of City equipment all concerns expressed by the union regarding the code have been addressed to the employees and unions satisfaction.*

**Recommendation: THAT the revised Policy No. 7.16 "Employee Code of Conduct" as attached to the report from the Chief Administrative Officer, dated March 28, 2008 entitled "Employee Code of Conduct", be approved.**

## 9. BYLAWS

- a) "Zoning and Development Text Amendment Bylaw, 2008, No. 2000.60"  
*Text Amendment to RS-3 Zone to reduce the overall percentage of affordable housing units that trigger the density bonusing*
- (i) **Recommendation: THAT "Zoning and Development Amendment Bylaw, 2008, No. 2000.60" be read a third time.**
- b) "Zoning and Development Amendment Bylaw, 2008, No. 2000.61"  
*352 Hirst Avenue – RS-1 to RS-3 (Carel Properties / R. B. Palmer & Associates)*
- (i) **Recommendation: THAT "Zoning and Development Amendment Bylaw, 2008, No. 2000.61" be read a third time.**

## 10. NEW BUSINESS

- a) PITCH-IN CANADA – Request for Proclamation of PITCH-IN CANADA Week – April 21 – 27, 2008.

Mayor Herle proclaimed:

WHEREAS hundreds of thousands of Canadians show their concern for the environment and their communities each year by participating in PITCH-IN CANADA projects to: refuse, reuse, recycle and properly dispose of waste; clean up and

rejuvenate local neighbourhoods, green spaces, ravines, waterways and illegal dump sites; restore habitats; and to establish composting and recycling projects;  
AND WHEREAS PITCH-IN CANADA, a national, community-based, organization comprised of eco-action and community volunteers, believes that maintaining a quality environment and encouraging civic pride is everyone's responsibility;  
AND WHEREAS PITCH-IN CANADA encourages voluntary action to: keep communities clean and beautiful and restore and maintain a healthy environment;  
NOW THEREFORE, I, Sandy Herle, Mayor of the City of Parksville declare the week of April 21 - 27, 2008 as "PITCH-IN CANADA Week" in the City of Parksville and invite all citizens in our community to actively participate in PITCH-IN CANADA'S OPERATION: Clean Sweep!

11. **NOTICE OF MOTION**

- a) Mayor Sandy Herle – Vancouver Island North Film Commission (INFilm) – From March 17, 2008 Regular Meeting of Council

***Recommendation: THAT the City of Parksville contribute \$5000 in funding to the Vancouver Island North Film Commission (INFilm);  
AND THAT funding be provided from Council Contingency.***

- b) Mayor Sandy Herle – Volunteer Appreciation Night – From March 17, 2008 Regular Meeting of Council

***Recommendation: THAT the Council of the City of Parksville host a Volunteer Appreciation Night on April 29 to recognize the volunteers in our community;  
AND THAT the funding be provided from Council Contingency.***

- c) Mayor Sandy Herle – Dialysis – From March 17, 2008 Regular Meeting of Council

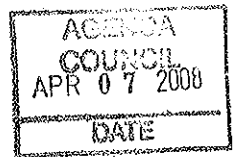
***Recommendation: THAT the additional utility costs related to health issues such as home dialysis and treatment for kidney disease be investigated and a report be brought forward to Council outlining recommendations for assistance for these individuals.***

12. **SPECIAL BUSINESS (Closed/In Camera)**

13. **ADJOURNMENT**

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# TO BE ADOPTED



## CITY OF PARKSVILLE

4460.  
MARCH 17, 2008

Minutes of the regular meeting of Council held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, March 17, 2008 at 6:00 p.m.

**PRESENT:** Her Worship Mayor S. R. Herle

Councillors: C. R. Burger  
J. B. Johnston  
M. Lefebvre  
S. Powell  
C. Robinson

Staff: F. C. Manson, Chief Administrative Officer  
L. Taylor, Director of Administrative Services

### 1. ADOPTION OF MINUTES

Johnston - Powell  
08-061 THAT the minutes of the regular meeting of Council held March 3, 2008 be adopted. CARRIED.

### 2. APPROVAL OF AGENDA

Lefebvre - Robinson  
08-062 THAT the March 17, 2008 Council meeting agenda be approved. CARRIED.

### 3. PRESENTATIONS - Nil

### 4. DELEGATIONS

- a) Philip Makow from the Esquimalt & Nanaimo District Division of Canadian Railroad Historical Association gave information about an application to operate a Heritage Railway Excursion Train between Parksville and Qualicum Beach.

### 5. UNFINISHED BUSINESS – Nil

### 6. CORRESPONDENCE

- a) Earth Hour 2008 – March 29, 2008  
Lefebvre - Robinson  
08-063 THAT the correspondence regarding Earth Hour 2008, be received;  
AND THAT this Council proclaim 8:00 p.m. on March 29, 2008 as Earth Hour in the City of Parksville. CARRIED.

b) **Chief Judith Sayers & Mary Ashley – Our Corridor Rail Redefined – Vancouver Island's Rail Corridor**

Lefebvre - Powell

08-064

THAT the correspondence from Our Corridor Rail Redefined, dated February 21, 2008, requesting the City's support for their campaign to bring the Island Rail Corridor to its full potential, be received for information. CARRIED.

7. **DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE**

Mayor Herle declared:

WHEREAS community social services are vital to the quality of life of all British Columbians;

AND WHEREAS community social services in British Columbia include services to people with disabilities; families and children; people and families dealing with substance abuse; people in community justice services, including correction services and victim assistance programs; women and their families in transition houses or sexual assault centres; aboriginal peoples; individuals involved in community projects and employment training programs; as well as child care, multicultural, settlement and immigrant services; and more;

AND WHEREAS the availability of these supportive services helps improve the quality of life for everyone, while making our communities stronger and more stable;

AND WHEREAS greater recognition and understanding of the critical role these services play in our communities is needed to ensure their continued availability and improvement;

AND WHEREAS awareness and support for these services begins at the local level;

NOW THEREFORE BE IT RESOLVED that March 2008 be proclaimed as Community Social Services Awareness month in the City of Parksville.

8. **REPORTS**

a) **Committee of the Whole – March 10, 2008**

08-065

THAT the report of the Committee of the Whole meeting held March 10, 2008 be received and the following recommendations considered:

(1) **Public Presentation – Duane Round – Parksville Lions Housing Society – redevelopment of Jensen Avenue facility**

Powell - Burger

THAT staff be directed to review the Lions Housing Society proposal and provide a recommendation to Council on waiving the development cost charges and miscellaneous fees in relation to the redevelopment of the Jensen Avenue facility. CARRIED.

(2) **Director of Administrative Services – Parksville Downtown Business Association 2008 Budget**

Burger - Powell

THAT the report from the Director of Administrative Services, dated March 4, 2008, entitled "Parksville Downtown Business Association 2008 Budget", be received;



AND THAT the Parksville Downtown Business Association 2008 Budget attached to the report from the Director of Administrative Services dated March 4, 2008 entitled Parksville Downtown Business Association 2008 Budget, be approved. CARRIED.

(3) **Chief Administrative Officer – Oceanside Tourism Association 2008 Fee for Services Agreement**

*The OTA has asked that Council defer making a decision on the contract until after their next board meeting on March 26, 2008.*

Lefebvre - Johnston

THAT consideration of the Oceanside Tourism Association 2008 Fee for Service Agreement be deferred until the April 7, 2008 Council Meeting. CARRIED.

(4) **Director of Administrative Services – 2008 Parcel Tax Review Panel**

Lefebvre - Johnston

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "2008 Parcel Tax Review Panel", be received; AND THAT the Parcel Tax Review Panel Hearing be scheduled for Monday, April 21, 2008 at 5:45 p.m. in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC; AND FURTHER THAT advance notice of the time and place be published in accordance with Section 204 of the Community Charter. CARRIED.

(5) **Director of Administrative Services – 2008 Spring Grant-In-Aid Applications**

Burger - Johnston

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "2008 Spring Grant-In-Aid Applications", be received; AND THAT a Grant-In-Aid Select Committee be appointed to review and recommend back to Council on the allocation of the \$2,500.00 budgeted for the submissions received for the period ending March 1, 2008; AND FURTHER THAT the Grant-In-Aid Select Committee be comprised of the Director of Administrative Services and two Councillors appointed by the Mayor. CARRIED.

*Mayor Herle appointed Councillors Lefebvre and Powell to the Grant-In-Aid Select Committee*

(6) **Director of Administrative Services – Board of Variance Appointments**

Powell - Lefebvre

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "Board of Variance Appointments", be received; AND THAT Mr. Allen R. Carpenter be appointed to the Board of Variance for a three year term of office commencing April 1, 2008 and ending April 1, 2011. CARRIED.

(7) **Director of Administrative Services – Community Events Sign Policy**

Lefebvre - Powell

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "Community Events Sign Policy", be received; AND THAT the Community Events Sign Policy No. 3.28 attached to the report from the Director of Administrative Services dated March 3, 2008 entitled "Community Events Sign Policy", be adopted. CARRIED.

(8) **Director of Administrative Services – 2008 Special Events Applications**

Robinson - Lefebvre

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "2008 Special Events Applications", be received; AND THAT the following individuals/organizations be permitted use of the identified areas of the Community Park for special events during the specified times and in the areas outlined in the applications attached to the report from the Director of Administrative Services dated March 3, 2008 entitled "2008 Special Events Applications":

- The Nature Trust of BC on April 5, 2008
- W. LeBlanc Wedding on June 14, 2008;
- Coastal Community Credit Union Employee Picnic on July 20, 2008;
- P/Q SPCA Theatre Under the Stars on August 2, 2008
- J. Windley Wedding on August 16, 2008

AND THAT the following organizations be permitted use of City property and roads for a special event at the specified time and on the road outlined in the application attached to the report from the Director of Administrative Services dated February 25, 2008 entitled "2008 Special Events Applications":

- Business Improvement Association – Pitch-In-Canada Celebration on April 26, 2008 2:30 – 5:30 p.m. (from Clock on Morison Avenue to approx. 100 metres along Morison Avenue)
- Royal Canadian Legion "Battle of the Atlantic" on April 27, 2008 at 11:00 a.m.; (Stedman's Parking Lot along Craig Street to Cenotaph)

AND FURTHER THAT the approval for each event be granted on condition that the organizers adhere to their signed Terms and Conditions forms attached to the report from the Director of Administrative Services dated March 3, 2008 entitled "2008 Special Events Applications". CARRIED.

(9) **Director of Administrative Services – RCMP Community Consultative Group**

Powell - Burger

THAT the report from the Director of Administrative Services, dated March 3, 2008, entitled "RCMP Community Consultative Group" be received;

AND THAT the City's Chief Administrative Officer be appointed as the City's representative on the selection committee for the RCMP Community Consultative Group. CARRIED.

b) **Building Inspector – Summary of Permit Types February 2008**

08-066 Burger - Powell  
THAT the Building Inspector's Summary of Permit Type report for February 2008 showing a cumulative year to date value of \$3,436,325.00, be received. CARRIED.

c) **Fire Chief – Monthly Incident and Inspection Reports February 2008**

08-067 Lefebvre - Johnston  
THAT the Fire Chief's Summary of Incident Type report for February 2008 showing a total of 35 calls and the monthly Inspection Report for February 2008 showing 46 inspections, be received. CARRIED.

9. **BYLAWS** – Nil

10. **NEW BUSINESS** – Nil

11. **NOTICE OF MOTION**

a) **Councillor L. Lefebvre – Low Flush Toilet Rebate Program** – *From March 3, 2008 Regular Meeting of Council*

08-068 Lefebvre - Powell  
THAT the City of Parksville implement a Low Flush Toilet Rebate Program encompassing the following guidelines:

1. Rebate for replacement of older toilet that requires 13 or more litres per flush with a new flush toilet that requires 6 litres per flush or a dual flush toilet that uses either 3 litres or 6 litres per flush.
2. Rebate is \$60 for a low flush toilet (6 litres) or \$100 for dual flush toilet (3 litres or 6 litres)
3. New toilets must be CSA approved
4. Limit of one rebate per residence, retroactive to January 1, 2008
5. Rebate only for existing residential buildings connected to both City water and sewer systems
6. Rebate program limited to the first 150 approved applications
7. Proof of installation of new toilet and proper disposal of old toilet must be submitted.

AND THAT funding for the rebate program be provided from prior years surplus in the water fund. CARRIED.

b) **Mayor – Vancouver Island North Film Commission (INFilm)**

Mayor Herle gave notice she will be bringing forward a motion at the April 7, 2008 Council meeting regarding funding for the Vancouver Island North Film Commission (INFilm).

c) **Mayor – Volunteer Appreciation Night**

Mayor Herle gave notice she will be bringing forward a motion at the April 7, 2008 Council meeting regarding a Volunteer Appreciation Night.

d) Mayor - Dialysis

Mayor Herle gave notice she will be bringing forward a motion at the April 7, 2008 Council meeting regarding dialysis.

12. SPECIAL BUSINESS (Closed/In Camera)

08-069 Lefebvre - Robinson  
THAT Pursuant to Section 90 (1) (b) of the *Community Charter* Council proceed to a closed meeting to consider an item relating to municipal recognition.  
CARRIED.

Time 6:55 p.m.

Council reconvened at 7:10 p.m.

13. ADJOURNMENT

It was moved by Councillor Powell and seconded by Councillor Burger that the meeting adjourn.  
CARRIED.

The meeting adjourned at 7:10 p.m.

Certified Correct.

\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Director of Administrative Services

March 28, 2008

**REPORT TO:           MAYOR AND COUNCIL**

**FROM:                COMMITTEE OF THE WHOLE**

**SUBJECT:            MARCH 26, 2008 MEETING RECOMMENDATIONS**

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The following items were considered by the Committee of the Whole at its meeting held Wednesday, March 26, 2008:

**RECOMMENDATIONS**

1)     **Director of Engineering and Operations – Water Supply Agreement – Nanoose Water Connection**

**THAT** the report from the Director of Engineering & Operations, dated March 13, 2008, entitled "Water Supply Agreement – Nanoose Water Connection", be received;  
**AND THAT** the Mayor and Director of Administrative Services be authorized to execute, on behalf of the City of Parksville, the Water Supply Agreement for the Nanoose water service area with the Regional District of Nanaimo for the period May 1, 2008 to and including April 30, 2013, as attached to the report from the Director of Engineering and Operations dated March 13, 2008 entitled "Water Supply Agreement – Nanoose Water Connection".

2)     **Planner – Issuance of Development Permit [371 Alberni Highway]**

**THAT** the report from the Planner, dated February 21, 2008, entitled "Issuance of Development Permit (371 Alberni Highway)", be received;  
**AND THAT** a Development Permit be issued to Oceanside Projects Ltd. to permit 26 townhouse units and associated site improvements on Lot 10, District Lot 14, Nanoose District, Plan 2536 except Plans 733 RW and VIP65392 (371 Alberni Highway);  
**AND FURTHER THAT** the Development Permit authorize a variance to reduce the front lot line setback from 4.5 metres to 2.43 metres to facilitate the siting of the building, subject to:

- (a)     A landscaping bond in the amount of \$118,501.35 be received prior to the issuance of the permit.

3) **Grant-In-Aid Select Committee – Spring 2008 Grant-In-Aid Applications**

**THAT** the report from the Grant-In-Aid Select Committee, dated March 20, 2008, entitled "Spring 2008 Grant-In-Aid Applications", be received;

**AND THAT** the Grant-In-Aid applications received for the period ending February 29, 2008 be approved and/or denied as follows:

Name of Organization	Requested	Approved/ Denied
Ballenas Secondary Dry Grad Committee	500.00	250.00
District 69 Citizens on Patrol (Speed Watch)	670.00	400.00
District 69 Family Resource Association (FRA)	700.00	400.00
The Nature Trust of BC (Brant Festival)	1,000.00	250.00
Oceanside Community Arts Council	1,000.00	300.00
Parksville & District Association for Community Living	500.00	300.00
Parksville & District Historical Society	500.00	300.00
Parksville & District Musical Association	200.00	200.00
Vancouver Island Opera (formerly Oceanside Lyric Ensemble)	1,500.00	100.00
Total		\$2,500.00

**AND FURTHER THAT** \$2,500.00 be allocated from the 2008 Grants-In-Aid budget.

4) **Director of Administrative Services – 2008 Special Events Applications**

**THAT** the report from the Director of Administrative Services, dated March 19, 2008, entitled "2008 Special Events Applications", be received;

**AND THAT** the following organizations be permitted use of City property and roads for a special event at the specified time and on the road outlined in the application attached to the report from the Director of Administrative Services dated March 19, 2008 entitled "2008 Special Events Applications":

- A.L.S. Society of BC – "Mid-Island Walk for A.L.S." on Sunday, June 8, 2008 12:00 – 2:30 p.m. (From PCTC plaza; up Craig Street to Hamilton Avenue; left on Hamilton Avenue to Corfield Street; down Corfield Street to Stanford Avenue; right on Stanford Avenue to Shelly Road; left on Shelly Road to Island Highway; left on Island Highway to Craig Street; left on Craig Street returning to PCTC);
- Oceanside Hospice – "Hike for Hospice" on Sunday, May 4, 2008 2:00 – 3:00 p.m. (Walking on Chattell Road to Greig Road and returning).

**AND FURTHER THAT** the approval for each event be granted on condition that the organizers adhere to their signed Terms and Conditions forms attached to the report from the Director of Administrative Services dated March 19, 2008 entitled "2008 Special Events Applications".

5) **Chief Administrative Officer – Assignment of Shelly Park Centre Operating Agreement**

**THAT** the report from the Chief Administrative Officer, dated March 7, 2008, entitled "Assignment of Shelly Park Centre Operating Agreement", be received;

**AND THAT** Council consent to the request from the Kinsmen Club of Parksville that the Shelly Park Centre Operating Agreement between the City and the Kinsmen Club of Parksville for the period of January 1, 2007 to December 31, 2011 be assigned to the Bard to Broadway Theatre Society.

6) **Chief Administrative Officer – Renewal of Lease Agreement for the District 69 Arena**

**THAT** the report from the Chief Administrative Officer, dated March 18, 2008, entitled "Renewal of Lease Agreement for the District 69 Arena ", be received;

**AND THAT** the Mayor and Director of Administrative Services be authorized to execute the Lease Agreement between the City of Parksville and the Regional District of Nanaimo for a specified area of land within the Community Park to operate the former District 69 Ice Arena for a further five year term commencing on the 1<sup>st</sup> day of June 2008 and ending on the 31<sup>st</sup> day of May 2013.

7) **Councillor Lefebvre - Impact of Single Family Subdivisions – Urban Sprawl**

**THAT** staff be requested to bring forward the report from the Director of Community Planning dated July 25, 2007 entitled "Consideration of Options to Reduce or Eliminate New Single Family Subdivisions" for Council's further consideration.



ACTING MAYOR TERESA PATTERSON, Chair  
COMMITTEE OF THE WHOLE

**DATE:** April 2, 2008

**MEMO TO:** FRED MANSON  
CHIEF ADMINISTRATIVE OFFICER

**FROM:** ALAN METACLF  
MANAGER OF OPERATIONS

**SUBJECT:** PARKSVILLE COMMUNITY PARK  
SHORELINE PROTECTION - TENDER AWARD  
OUR FILE NO. 6140-20-CP ER

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**I. ISSUE**

Award of Tender for the construction of "Parksville Community Park Beach Protection Project".

**II. EXECUTIVE SUMMARY**

In November 2007 Council directed staff to proceed with the design and Construction of Shoreline Protection Works in the Parksville Community Park based on a 'Gravel Beach' approach. The required design works are complete and the works have been tendered. Staff is recommending the work be awarded to the low bidder, Windley Contracting Limited. The total project cost based on the low bid is within the budgeted amount of \$400,000. It is also recommended the award be conditional on receiving written support from the Provincial Ministry of Environment and the Federal Department of Fisheries and Oceans.

**III. REFERENCE**

- Memorandum to the Engineering and Public Works Services Committee, dated November 7, 2007.
- Council Resolution 07-321.
- City of Parksville Tender for "Parksville Community Park Beach Protection Project", dated March 2008.

**IV. BACKGROUND**

On, November 19, 2007, at a regular meeting of Council, staff was instructed to complete the final design and construction of shoreline protection works in the Parksville Community Park using the "Gravel Beach" option. Since that time the final design and tender documents have been completed and the project has been tendered.

Tender packages were obtained by Aggressive Excavating Ltd., Dig Dug Excavating, Fournier Excavating, Hazelwood Construction Services, Hub Excavating Ltd., JJM Construction Ltd., Kato Construction Ltd., Knappett Industries (2006) Ltd. Nash Excavating ltd., Northridge, Parksville Heavy Equipment, and Windley Contracting Ltd.



The following eight bids were opened in public on Wednesday March 26, 2008, and have been found to be complete (costs include 5% GST):

<b>Windley Contracting Ltd.</b>	<b>\$ 300,217.45</b>
<b>JJM Construction Ltd.</b>	<b>\$ 333,795.00</b>
<b>Aggressive Excavating Ltd.</b>	<b>\$ 347,067.00</b>
<b>Kato Construction Ltd.</b>	<b>\$ 407,295.00</b>
<b>Knappett Industries (2006) Ltd.</b>	<b>\$ 413,700.00</b>
<b>Parksville Heavy Equipment</b>	<b>\$ 479,766.00</b>
<b>Fournier Excavating</b>	<b>\$ 492,334.50</b>
<b>Northridge</b>	<b>\$ 556,342.50</b>

Windley Contracting Ltd. is the low bidder. They have successfully completed projects within the City of Parksville and are considered qualified to carry out the subject works.

**Financial Implications:**

**Required Funding (Costs) and Available Funding (Budget)**

The approximate total costs, including the low bid received, and the available funding for this project, are summarized as follows:

<b>Community Park Shoreline Protection Project</b>	
<b>COSTS (\$)</b>	
Low Bid Received (GST Included)	300,217.45
Engineering Inspection & Testing	50,000.00
Landscaping and Miscellaneous	40,000.00
<b>TOTAL</b>	<b>390,217.45</b>
Less 5% GST * on low bid (City refunded full GST amount)	14,296.07
<b>TOTAL FUNDING REQUIRED</b>	<b>375,921.38</b>
<b>BUDGET AVAILABLE</b>	<b>400,000.00</b>

## **Sustainability Considerations**

The recommended 'Gravel Beach' is a relatively 'natural' approach to shoreline protection, in that it involves the placement of gravels to create a typical 'west coast' gravel beach, which is relatively stable under most weather/ocean conditions. Such approach should result in relatively minimal impacts to the shoreline beyond the design area.

Overall, from an environmental (natural approach), economic (relatively cost effective) and social (protection of the community park) perspective, this approach could be considered favourable in terms of 'sustainability'.

## **V. OPTIONS**

### **Analysis:**

1. Accept the lowest bid received.
  2. Award the project to another bidder or reject the bids.
- 
1. Council could accept the lowest bid received. This would allow completion of the project at the earliest possible date. These works were expedited by staff to meet the tight construction window available to complete the works this spring. Specifically, the works will start on or about May 1, 2008. This is after the annual Brant Festival and migration of the Brant Geese through the area. The works are scheduled for completion by the end of May. The actual completion date would be subject to unknown factors such as weather. Staff has been in contact with the Oceanside Tourism Association to keep them apprised of the project schedule and to solicit their input on measures that can be taken to mitigate the impact of construction on visitors to the park both during the expected May construction period and if construction unexpectedly extends into June.

The award would be subject to final approval by the Provincial Ministry of the Environment and Federal Department of Fisheries and Oceans. They are currently reviewing the contractor's methodology and issues such as the fact portions of the Community Park, including the waterfront road, and the former hovercraft site, lie outside of the lot boundaries of the park. It is anticipated they will provide written comments towards allowing the project to proceed within the next two weeks.

The low bidder proposes to haul the gravel to the site by truck. They will be required to minimize the impact on the beach and park visitors, and to repair any damage caused to park amenities, such as the waterfront walkway.

The Mid-Vancouver Island Habitat Enhancement Society has expressed support for the project.

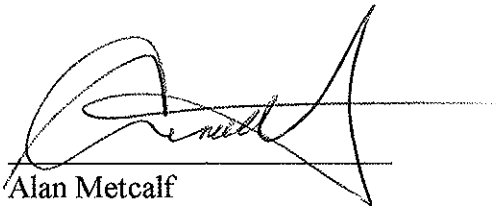
2. Council could reject the bids. This would further delay the project. Delaying the project may increase the risk of further erosion and related damage, possibly to the waterfront walkway.

It is recommended that Council Support Option 1.

**Recommendation:**

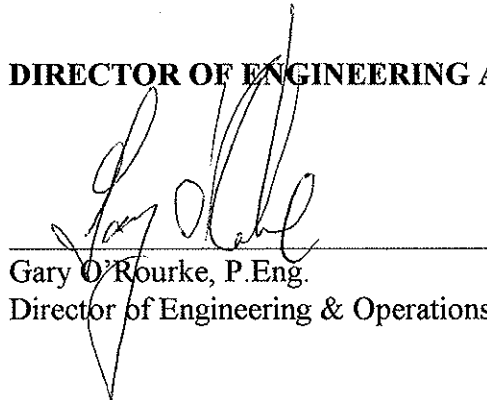
**That**, Council award the tender for "Parksville Community Park Beach Protection Project", in the amount of \$300,217.45 (including GST) to Windley Contracting Ltd."

**And That**, the award be contingent on final, unconditional approval of the project by the Ministry of Environment and Federal Department of Fisheries and Oceans."



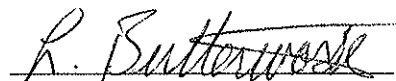
Alan Metcalf  
Manager of Operations

**DIRECTOR OF ENGINEERING AND OPERATIONS COMMENTS:**



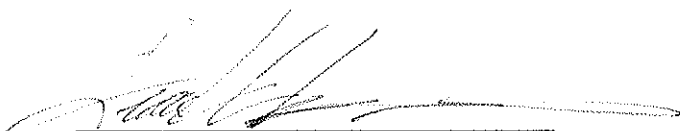
Gary O'Rourke, P.Eng.  
Director of Engineering & Operations

**DIRECTOR OF FINANCE COMMENTS:**



Lucky Butterworth  
Director of Finance

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:**



Fred Manson, Chief Administrative Officer

March 28, 2008



**MEMO TO:** FRED MANSON, CHIEF ADMINISTRATIVE OFFICER  
**FROM:** LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES  
**SUBJECT:** Council Remuneration Review

---

**ISSUE**

Recommendation from the Citizens Advisory Committee on the remuneration paid to Mayor and Council

**EXECUTIVE SUMMARY**

Proposed increases in the remuneration paid to the Mayor and Council resulting from the review done by the Citizens Advisory Committee. Any increases have to be done by bylaw and will become effective January 1, 2009.

**REFERENCES:**

*Recommendation from Citizens' Advisory Committee dated March 27, 2008*

**BACKGROUND**

On February 18, 2008 Council referred the issue of council remuneration to the Citizens' Advisory Committee for their input and recommendation.

To assist the committee staff provided them with information relating to the duties of a Mayor and Council and comparison figures from 34 other municipalities ranging in population from 7,000 to 20,000.

The committee met on March 27, 2008 and thoroughly analyzed and discussed the information provided. Their recommended increases are based on the average per capita rate paid by the other municipalities surveyed.

**OPTIONS**

1. Accept the recommendation from the Citizens' Advisory Committee.
2. Reject the recommendation from the Citizens' Advisory Committee and set different remuneration amounts.

Staff recommends Option 1.

**ANALYSIS**

The Citizens Advisory Committee did a thoughtful and thorough independent examination of the issue and made their recommendation from the perspective of the general public as requested by Council.

**SUSTAINABILITY/ENVIROMENTAL IMPLICATIONS**

None

**FINANCIAL IMPACT**

Total annual increase of \$9112 starting with the 2009 budget and an additional increase in 2010 and 2011 equal to the increase in the Consumer Price Index..

**RECOMMEDATION**

**THAT** the following recommendation from the Citizens Advisory Committee be approved:

THAT the annual remuneration paid to an individual Councillor be increased to \$11,600 effective January 1, 2009;  
AND THAT the annual remuneration paid to the Mayor be increased to \$28,300 effective January 1, 2009;  
AND THAT an annual adjustment equal to the Consumer Price Index increase be provided in 2010 and 2011;  
AND FURTHER THAT the remuneration be reviewed again in 3 years.

**AND THAT** the appropriate bylaw be forwarded to Council for reading consideration.

Respectfully submitted,



\_\_\_\_\_  
**LAURIE TAYLOR**  
Director of Administrative Services

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**



\_\_\_\_\_  
**FRED C. MANSON, CGA**  
Chief Administrative Officer

**CITY OF PARKSVILLE**  
**CITIZENS' ADVISORY COMMITTEE**

**RECOMMENDATIONS**

**DATE:** March 27, 2008  
**TIME:** 10:00 a.m.  
**PLACE:** Parksville Civic and Technology Centre, The Forum  
**CHAIRMAN:** Doug O'Brien

**MEMBERS PRESENT:**

Douglas O'Brien	Dennis Belliveau	Paul Edwards
Diana Jolly	Diane Lloyd	Russ Rayner

**Absent:** Dennis Wrightson Isabel Fitzpatrick

**Staff:**

Laurie Taylor, Director of Administrative Services  
Doug Banks, Fire Chief  
Lynn Kitchen, Deputy Corporate Administrator

**1. STORAGE OF FIREWORKS**

**Question:** Should the City allow the storage of fireworks in Parksville for wholesaling to retailers and distributors outside of Parksville

**RECOMMENDATION**

THAT "City of Parksville Fireworks Regulation Bylaw, 2007, No. 1427", Section 3. *Prohibitions* be amended to allow storage of fireworks for wholesale purposes, not to exceed a specified quantity as determined reasonable by the current business owner and the Parksville Fire Department.

**2. COUNCIL REMUNERATION**

**Question:** To provide input and recommendations on the honoraria, allowances and benefits paid to Council

**RECOMMENDATION**

THAT the annual remuneration paid to an individual Councillor be increased to \$11,600 effective January 1, 2009;  
AND THAT the annual remuneration paid to the Mayor be increased to \$28,300 effective January 1, 2009;  
AND THAT an annual adjustment equal to the Consumer Price Index increase be provided in 2010 and 2011;  
AND FURTHER THAT the remuneration be reviewed again in 3 years.

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Douglas O'Brien, Chair

## Comparison to Other Municipalities Population 7000 to 20000

	Population	Council Size	Mayor	Councillor	Deputy extra/mth	Councillor % of Mayor	No. of Emp.
North Saanich	10823	7	18983	9111		48%	46
View Royal	7868	5	19380	9894		51%	135
Merritt	7318	7	20000	12000		60%	41
Ladysmith	7538	7	20677	9466	170	46%	80
Colwood	14687	7	20889	10444		50%	50
Summerland	10828	7	21000	10500		50%	100
Coldstream	9471	7	23242	8547		37%	31
Oak Bay	17908	7	23723	11154		47%	135
Esquimalt	16840	7	23730	10680		45%	211
Comox	12136	7	24000	12000		50%	36
Trail	7237	7	24000	12000		50%	94
Qualicum Beach	7294	5	<b>25000</b>	<b>15000</b>	270	60%	55
Sidney	11315	7	26441	11499		43%	66
Kitimat	8987	7	27944	11490		41%	135
Terrace	11320	7	28751	11965		42%	83
Port Alberni	17548	7	29842	11920		40%	243
Squamish	14949	7	34253	16441		48%	156
Powell River	12957	7	37047	14819		40%	185
Lake Country	9606	7	37304	14598		39%	50
Quesnel	9326	7	38127	12705		33%	152
Prince Rupert	12815	7	41200	14245		35%	241
Williams Lake	10744	7	43668	15240		35%	109
Salmon Arm	16012	7	44800	15000		33%	98
Pitt Meadows	15623	7	46176	16440	310	36%	58
Cranbrook	18159	7	48000	17500		36%	152
White Rock	18755	7	54220	24100		44%	100
<b>Totals</b>	<b>318064</b>	<b>178</b>	<b>802397</b>	<b>338758</b>	<b>750</b>	<b>1140%</b>	<b>2842</b>
Average	12233	7	<b>30861</b>	<b>13029</b>	250	44%	109
Per Capita Rate			2.523	1.065			
Parksville - ACTUAL	10983	7	<b>24498</b>	<b>10715</b>	260	44%	77
Difference between Parksville Actual & Average			6363	2314			
Parksville Based on Per Capita rate			<b>27707</b>	<b>11698</b>			
Difference between Parksville Actual & Per Capita			3209	983			

### New Rates

	28300	11600	260	41%
Increase	3802	885		
%	15.5%	8.3%		
Total Increase	3802	5310	9112	

March 28, 2008



**MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER**

**FROM: LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES**

**SUBJECT: Fireworks Bylaw Amendment**

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**ISSUE:**

Amendment to the Fireworks Bylaw regarding the storage of consumer fireworks.

**EXECUTIVE SUMMARY**

To consider a recommendation from the Citizen's Advisory Committee for an amendment to the Fireworks Bylaw that would permit the storage of consumer fireworks only for the purpose of wholesaling to retailers and distributors located outside of Parksville.

**REFERENCES:**

*Recommendation from Citizens' Advisory Committee dated March 27, 2008  
Draft Bylaw No. 1427.1*

**BACKGROUND:**

The current Fireworks Bylaw was adopted on July 4, 2007. In essence the bylaw implemented a ban on the sale, possession, storage and discharge of fireworks within the City of Parksville. In October the City received a letter from Harve Ash expressing concern about the impact the bylaw will have on his wholesaling business. On October 15, 2007 Council referred the question of whether to allow storage of fireworks in Parksville for wholesaling to retailers and distributors outside of Parksville to the Citizen's Advisory Committee.

This question was first discussed by the Citizens Advisory Committee at a meeting on October 22, 2007. They deferred consideration of the issue so the members could have an opportunity to review the federal regulations for the proper storage of fireworks. Staff circulated information on the federal regulations to the committee prior to their meeting on January 24, 2008, when the item was discussed again. At that meeting they requested that the Fire Chief attend their next meeting to provide information on where and how the current wholesaler stores his fireworks.

On March 27, 2008, the committee met with Chief Banks and was satisfied that the storage of fireworks must meet all federal regulations. At that meeting they made a recommendation that the Fireworks Bylaw be amended to allow the storage of consumer fireworks for wholesale purposes.

**OPTIONS:**

1. Accept the recommendation from the Citizens' Advisory Committee and amend the Fireworks Bylaw.



- 2. Reject the recommendation from the Citizens' Advisory Committee and not amend the Fireworks Bylaw.

Staff recommends Option 1.

**ANALYSIS**

Amending the bylaw would follow the recommendation provided by the Citizens Advisory Committee and permit the current business license holder to continue to wholesale fireworks.

**SUSTAINABILITY/ENVIROMENTAL IMPLICATIONS**

None

**FINANCIAL IMPACT**

None

**STAFF RECOMMENDATION:**

**THAT** the following recommendation from the Citizens Advisory Committee be approved:

"THAT "City of Parksville Fireworks Regulation Bylaw, 2007, No. 1427", be amended to allow storage of fireworks for wholesale purposes, not to exceed a specified quantity as determined reasonable by the Parksville Fire Department"

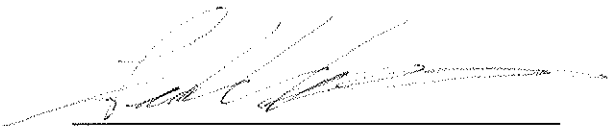
**AND THAT** "Fireworks Bylaw, 2007, No. 1427.1" be advanced for reading consideration.

Respectfully submitted,



\_\_\_\_\_  
**LAURIE TAYLOR**  
Director of Administrative Services

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**



\_\_\_\_\_  
**FRED C. MANSON, CGA**  
Chief Administrative Officer

**CITY OF PARKSVILLE**  
**CITIZENS' ADVISORY COMMITTEE**

**RECOMMENDATIONS**

**DATE:** March 27, 2008  
**TIME:** 10:00 a.m.  
**PLACE:** Parksville Civic and Technology Centre, The Forum  
**CHAIRMAN:** Doug O'Brien

**MEMBERS PRESENT:**

Douglas O'Brien	Dennis Belliveau	Paul Edwards
Diana Jolly	Diane Lloyd	Russ Rayner
<b>Absent:</b>	Dennis Wrightson	Isabel Fitzpatrick

**Staff:**

Laurie Taylor, Director of Administrative Services  
Doug Banks, Fire Chief  
Lynn Kitchen, Deputy Corporate Administrator

**1. STORAGE OF FIREWORKS**

**Question:** Should the City allow the storage of fireworks in Parksville for wholesaling to retailers and distributors outside of Parksville

**RECOMMENDATION**

THAT "City of Parksville Fireworks Regulation Bylaw, 2007, No. 1427", be amended to allow storage of fireworks for wholesale purposes, not to exceed a specified quantity as determined reasonable by the Parksville Fire Department.

**2. COUNCIL REMUNERATION**

**Question:** To provide input and recommendations on the honoraria, allowances and benefits paid to Council

**RECOMMENDATION**

THAT the annual remuneration paid to an individual Councillor be increased to \$11,600 effective January 1, 2009;  
AND THAT the annual remuneration paid to the Mayor be increased to \$28,300 effective January 1, 2009;  
AND THAT an annual adjustment equal to the Consumer Price Index increase be provided in 2010 and 2011;  
AND FURTHER THAT the remuneration be reviewed again in 3 years

\_\_\_\_\_  
Douglas O'Brien, Chair

# CITY OF PARKSVILLE

## BYLAW NO. 1427.1

### A BYLAW TO AMEND FIREWORKS REGULATION BYLAW NO. 1427

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**NOW THEREFORE** the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

1. That "Fireworks Regulation Bylaw, 2007, No. 1427" is amended by adding a new Section 3.1 in the appropriate location as follows:

#### **"3.1 EXCEPTIONS**

1. Storage of consumer fireworks shall be permitted only if all the following conditions are met:
  - a. The consumer fireworks are stored only for the purpose of wholesale sales to retailers or distributors outside of the City of Parksville;
  - b. The wholesale business storing the consumer fireworks holds a valid business license with the City of Parksville;
  - c. The wholesale business storing the consumer fireworks holds the required licenses and permits from the Federal and/or Provincial governments
  - d. The Fire Chief is advised of the location where the consumer fireworks are stored; and
  - e. The quantity of the consumer fireworks stored is approved by the Fire Chief."
2. This bylaw may be cited for all purposes as "Fireworks Regulation Amendment Bylaw, 2008, No. 1427.1".

**READ A FIRST TIME** this

**READ A SECOND TIME** this

**READ A THIRD TIME** this

**ADOPTED** this

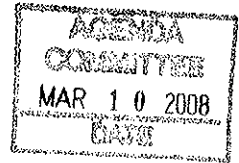
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Mayor

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Director of Administrative Services

March 3, 2008



**MEMO TO: HER WORSHIP THE MAYOR AND MEMBERS OF COUNCIL**

**FROM: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER**



**SUBJECT: OCEANSIDE TOURISM ASSOCIATION 2008 FEE FOR SERVICES AGREEMENT**

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**Issue**

Renewal of the Oceanside Tourism Association (OTA) Annual Fee for Services Contract.

**Summary**

- The issues are as outlined in the January 30 2008, Oceanside Tourism Association 2008 Fee for Service Agreement Memo from Fred Manson, Chief Administrative Officer to Her Worship the Mayor and Council.
- Council referred the issue back to staff at the February 18<sup>th</sup> Regular Council Meeting.
- Staff and the OTA Executive Director where able to come to a satisfactory compromise.
- The OTA Executive Director presented the new version to the OTA Board who rejected the compromise agreed to by staff and have again stated their request for Council "review" of their budget instead of "approval".

**Reference**

City of Parksville Bylaw – 1400

Hotel Room Tax Act - Section 3(3)

January 30 2008, Oceanside Tourism Association 2008 Fee for Service Agreement Memo from Fred Manson, Chief Administrative Officer to Her Worship the Mayor and Council.

February 18, 2008 Report from Blain Sepos, OTA Executive Director and Al Tully OTA Board of Director's Chair.

**Background**

This issue was debated by Council at the February 11<sup>th</sup> Committee of the Whole meeting and the February 18<sup>th</sup> Regular Council Meeting. As outlined in the January 30 2008, Oceanside Tourism Association 2008 Fee for Service Agreement Memo from Fred Manson, Chief Administrative Officer to Her Worship the Mayor and Council staff and the Executive Director of the Oceanside Tourism Association had come to an impasse regarding appropriate wording to address the requirements of Section 3(3) of the Hotel Room Tax Act. The Committee of the Whole recommendation to Council was "THAT the Oceanside Tourism Association 2008 Fee for Service Agreement be referred back to staff to develop a compromise that is satisfactory to both parties". The recommendation was adopted by Council at the February 18<sup>th</sup> Council meeting.

Staff has again met with the Oceanside Tourism Executive Director and did come to an agreement on revised wording that was satisfactory, at least at the staff level. As indicated in the January 30<sup>th</sup> memo, the main concern the OTA had with the original wording was that it would provide Council with the authority to direct Hotel Room Tax funds to tourism programs of Councils choice including ones that were not external marketing.

To address this concern the requirement for approval of the annual budget has been qualified to include the statement "Such approval shall be at the sole discretion of the City which will not be unreasonably withheld recognizing the OTA's mandate for external marketing". Schedule "1" is a copy of the revised agreement. The main change in this version as compared to the original version presented to Council at the February 11<sup>th</sup> COTW meeting has been underlined and highlighted in bold print for Councils review.

The OTA Executive Director presented the revised agreement to the OTA Board on February 27<sup>th</sup>. Resulting from that meeting the OTA Board has requested that:

- In Section 2.ii.a. "Approval" be changed to "Review" and that the second sentence, "Such approval shall be at the sole discretion of the City which will not be unreasonably withheld recognizing the OTA's mandate for external marketing" be removed.
- In Schedule "A" of the Agreement, item 1 be changed to "Tourism Marketing, Programs, and Projects - Pursuant to Section 3(3) of the Hotel Room Tax Act the OTA shall provide for Council's **review (instead of "approval")** a budget outlining the proposed tourism marketing, programs and projects including accomplishment objectives for the year covered by this agreement in sufficient detail for the OTA to report to Council on the outcomes of the year's activities."

The February 18, 2008 Report from Blain Sepos, OTA Executive Director and Al Tully OTA Board of Director's Chair attached as Schedule "2" explains the rational for their request.

### **Options**

1. Support the adoption of the agreement as outlined in Schedule "1".
2. Support the requested revision proposed by the OTA Board.

**Analysis**

Option 1

The legislation clearly indicates that a municipality receiving hotel room tax money is accountable to the minister for the disposition of the funds. In order to fulfill that requirement, Council must have authority to approve the proposed disposition of the money received and transferred to the OTA under City of Parksville Bylaw 1400.

Option 2

This option does not provide Council with control over funds for which the municipality is legislatively accountable.

**RECOMMENDATION**

That the Report from the Chief Administrative Officer dated March 3, 2008 entitled "Oceanside Tourism Association 2008 Fee for Services Agreement", be received; AND THAT the Mayor and Director of Administrative Services be authorized to execute the 2008 Fee for Service Agreement with the Oceanside Tourism Association as set out in Schedule "1" attached to the Chief Administrative Officer's report dated March 3, 2008.



FRED C. MANSON, C.G.A.  
Chief Administrative Officer

I:\Users\Fred\Administration\Agreements\OTA\2008 Contract report to Council referred to staff version.doc

**THIS AGREEMENT** made the     day of     .

**BETWEEN:**

**THE CITY OF PARKSVILLE  
P.O. BOX 1390  
PARKSVILLE, BC.  
V9P 2H3**

(hereinafter called the "City")  
**OF THE FIRST PART**

**AND**

**THE OCEANSIDE TOURISM ASSOCIATION  
P.O. BOX 239  
PARKSVILLE, BC.  
V9P 2G4**

(hereinafter called the "OTA")  
**OF THE SECOND PART**

**WHEREAS** the City of Parksville and the Oceanside Tourism Association share a common goal to promote and improve trade and commerce as well as to improve the economic and civic welfare of the community;

**AND WHEREAS** the Oceanside Tourism Association has in past years provided services to the City of Parksville in promoting and marketing the community and it's tourism assets;

**AND WHEREAS** the parties hereto desire to formally establish the terms and conditions and the dates for the advances of portions of the said Fee for Service;

**AND WHEREAS** under Section 3(3) of the Hotel Room Tax Act a municipality or regional district must not spend any money paid to it for a purpose other than a prescribed purpose and must account to the minister for its expenditures.

**AND WHEREAS** under Section 3 of City of Parksville Bylaw 1400 the funds paid to the City of Parksville under provisions of the Hotel Room Tax Act shall be applied to the funding of tourism marketing, programs and projects administered by the Oceanside Tourism Association

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that for and in consideration of the City of Parksville resolving to make the Fee for Service Contract with the Oceanside Tourism Association, as hereinbefore recited and in consideration of the mutual promises hereinafter appearing, the parties hereto covenant and agree each with the other as follows:

1. The OTA shall:
  - (a) Provide sufficient staff and resources to deliver the functions as outlined in Schedule "A";
  - (b) Arrange for the OTA Board to meet with City Council annually to discuss matters of mutual concern, and at such other times as necessary to address issues of a more urgent nature;
  - (c) Ensure that the Chair of the OTA presents an evaluation of the activities of the year covered by this agreement and presents the next year's programs to the City prior to December 1st of the year covered by this agreement;