



July 16, 2009

RECEIVED
JUL 22 2009
CITY OF PARKSVILLE

FAILED
JUL 20/09

AGENDA
COUNCIL
AUG - 5 2009
DATE

City of Parksville
PO Box 1390
Parksville, BC
V9P 2H3

Attention: Fred Manson

Dear Mr. Manson:

**Re: Northern Community Sewer LS Apportionment Amendment Bylaw
No. 889.50**

The Board at its regular meeting of June 23, 2009, introduced and read three times the above noted amendment bylaw (copy attached). This bylaw proposes to include three properties in the Surfside Sewer LSA in the Northern Community Sewer Local Service Area. As part of the approval process the District requires the City's consent to this bylaw.

It would be appreciated if your Council would endorse the following resolution:

MOVED _____, SECONDED _____, that the Council of the City of Parksville consents to the adoption of "Northern Community Sewer Local Service Apportionment Amendment Bylaw No. 889.50, 2009" and FURTHER that the Regional District be notified accordingly.

Would you please return your consent to us following your next Council meeting.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Maureen Pearse
Sr. Mgr. of Corporate Administration

MMP:nat

Attachments

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

PAGE
5

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.50

**A BYLAW TO AMEND THE BOUNDARIES
OF THE NORTHERN COMMUNITY
SEWER LOCAL SERVICE AREA**

WHEREAS the Board has enacted the "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993", as amended, which establishes the Northern Community Sewer Local Service Area;

AND WHEREAS the Board wishes to amend Schedule 'C' to include the properties legally described as follows:

Lots 7, 8 & 12, District Lot 9, Newcastle Land District, Plan 11816;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.50, 2009".
2. Schedules 'C' and 'E' attached to and forming a part of Bylaw No. 889 are hereby deleted and replaced with Schedules 'C' and 'E' attached to and forming part of this bylaw.

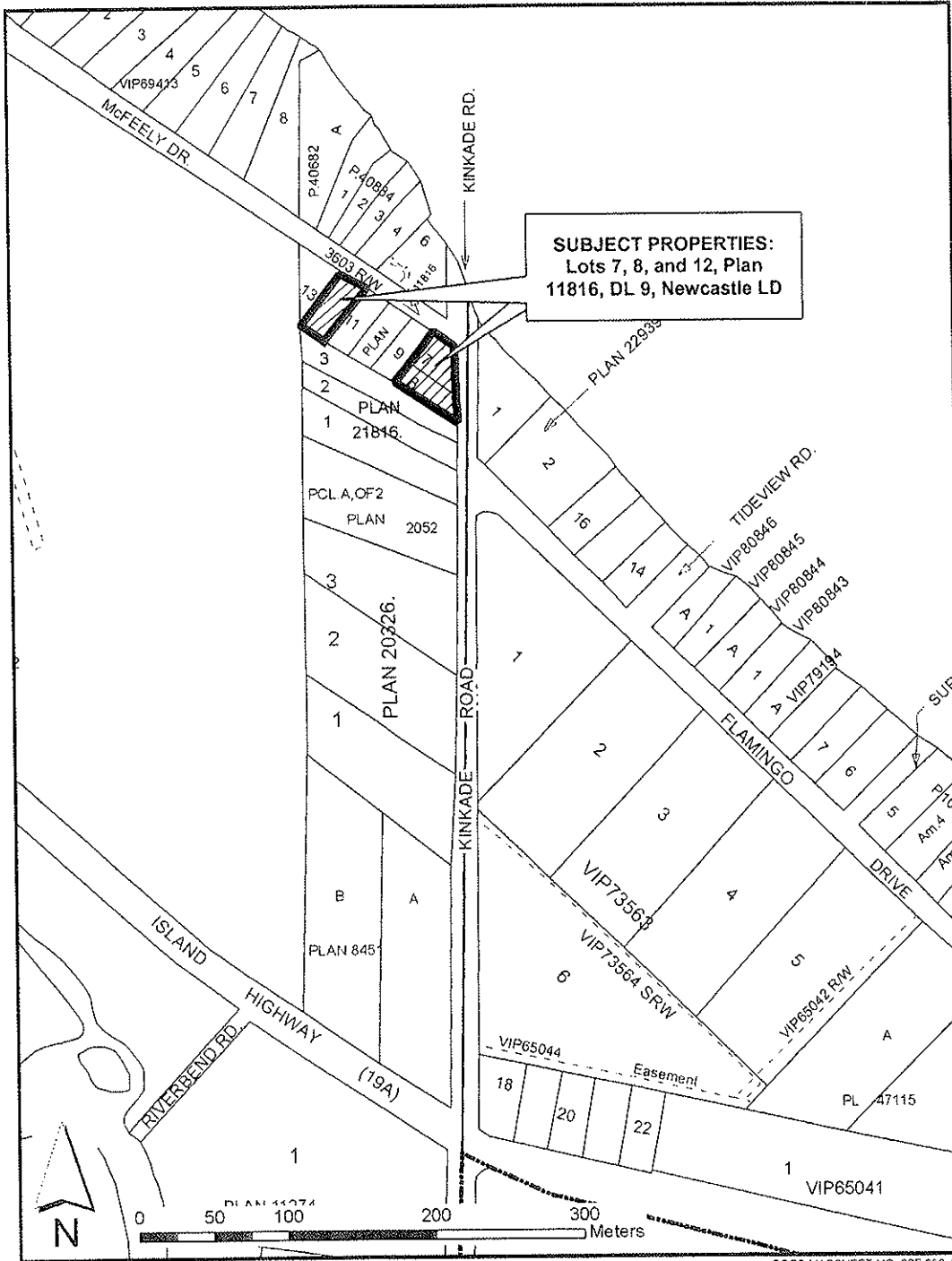
Introduced and read three times this 23rd day of June, 2009.

Adopted this ____ day of _____, 2009.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Figure 1 – Location Plan



BCGS MAPSHEET NO. 92F.038 4 1

July 9, 2009



MEMO TO: GAYLE JACKSON,
DIRECTOR OF COMMUNITY PLANNING, ACTING CAO

FROM: ALAN METCALF
MANAGER OF OPERATIONS

SUBJECT: FUNDING FOR THE DECONSTRUCTION OF THE BUILDINGS AT 114
JENSEN AVENUE WEST

ISSUE:

Deconstruction of the City owned buildings at 114 Jensen Avenue West.

EXECUTIVE SUMMARY:

The City has recently acquired the property at 114 Jensen Avenue West. It is the intention to deconstruct the buildings on this property. This project is currently not in the 2009 budget. The purpose of this report is to get Council's direction regarding the funding for the deconstruction of the buildings.

REFERENCE:

None

BACKGROUND:

The City recently acquired the property at 114 Jensen Avenue West. At the time of purchase it was the intention to deconstruct the buildings on the property after the sale was complete. Since the sale was only recently completed, the deconstruction was not included in the 2009 budget. We would like to proceed with the project as quickly as possible and are seeking Council's direction regarding funding.

FINANCIAL IMPLICATIONS:

Based on similar projects completed within the past two years, we estimate the cost for the deconstruction of the buildings and clean up at \$20,000. Funding is proposed to come from the land sale reserve fund. For Council's information the Land Sale Reserve Fund is a statutory reserve established by legislation. Under the legislation the proceeds for the sale of all municipal lands must be deposited into the Land Sale Reserve Fund and can only be expended through a Land Sale Reserve Fund Expenditure Bylaw. The deconstruction of the buildings is considered part of the cost to obtain the land and therefore is allowed to be funded from the Land Sale Reserve Fund. If it is funded from this source, then there will be no direct impact on the 2009 budget.

.../2

The budget could also be adjusted so the cleanup is funded from our Prior Year Surplus amount.

SUSTAINABILITY CONSIDERATIONS

None.

OPTIONS:

1. Council could choose not to authorize the funding for the deconstruction of the buildings.
2. Council could direct staff to proceed with the deconstruction of the buildings, to be funded from prior year surplus.
3. Council could authorize staff to proceed with the deconstruction of the buildings, to be funded out of the Land Sale Reserve Fund.

ANALYSIS:


1. Council could direct staff to do nothing and leave the situation status quo. This will result in the house remaining and unless significant improvements are undertaken, its' condition continuing to deteriorate. If the house was to remain funding would be required to upgrade and maintain the buildings.
2. Council could direct staff to proceed with the deconstruction of the buildings, to be funded from prior years surplus in general revenue. This would not be consistent with funding for other deconstruction projects and will reduce the amount of surplus funds we have on reserve.
3. Council could direct staff to proceed with the deconstruction of the buildings at 114 Jensen Avenue West with funding from the Land Sale Reserve. This approach is consistent with other projects of a similar nature. The deconstruction of the buildings are considered part of the cost to obtain the land and is therefore appropriate to be funded Land Reserve Fund.

Staff recommends that Council support Option 3.

.../3

RECOMMENDATION:

"That, Council authorize staff to proceed with the deconstruction of the buildings at 114 Jensen Avenue West ;
AND THAT staff be directed to prepare the appropriate land sale reserve fund expenditure bylaw.

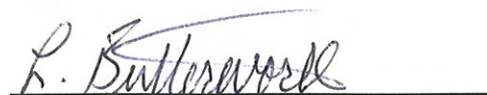


Alan Metcalf
Manager of Operations

AM/re

DIRECTOR OF FINANCE'S COMMENTS:

L.S.R. has a balance of \$ 730,000 as of June 30, 2009



Lucky Butterworth
Director of Finance

DIRECTOR OF COMMUNITY PLANNING, ACTING CAO'S COMMENTS:



Gayle Jackson
Director of Community Planning, Acting CAO

SPECIAL COUNCIL REPORT

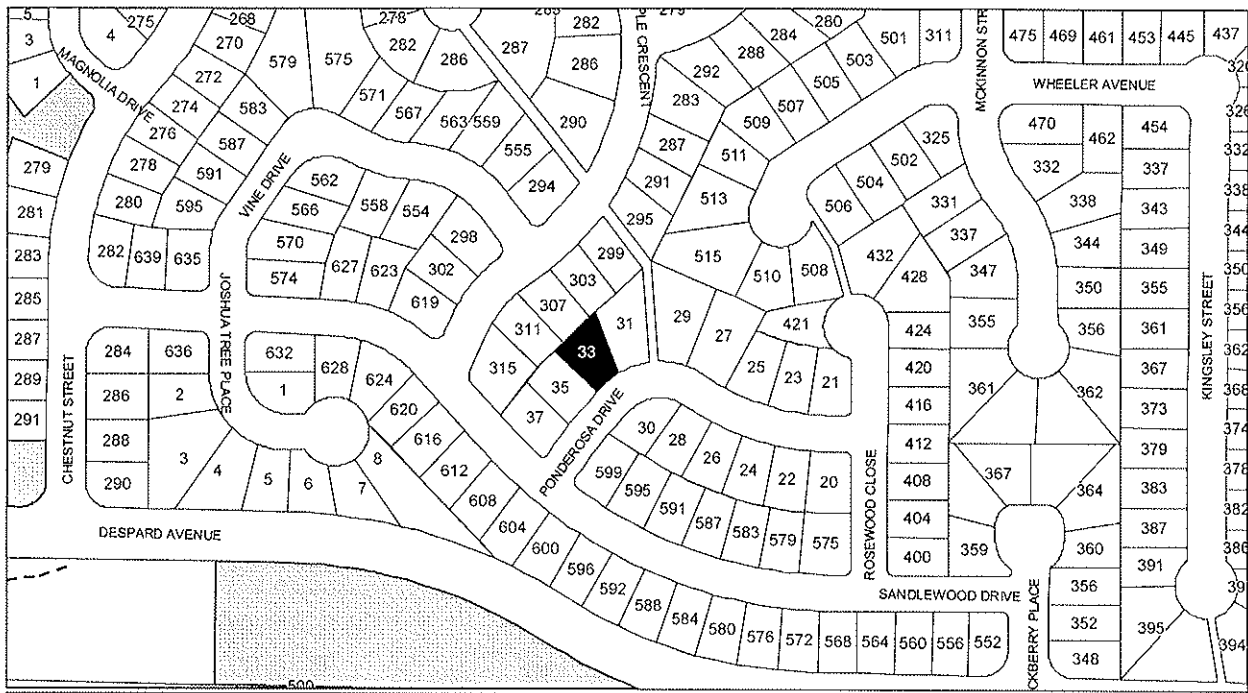
July 21, 2009

AGENDA
COUNCIL
AUG - 5 2009
DATE

REPORT TO: F.C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

**SUBJECT: UNSIGHTLY LOT – LOT 64, DISTRICT LOT 15, NANOOSE DISTRICT, PLAN
VIP84144 (33 PONDEROSA DRIVE)**



Issue:

Consideration of enforcement options of Property Maintenance Bylaw, 2003, No. 1383.

Executive Summary:

This vacant property is the source of complaints regarding overgrown grass and weeds. Staff are following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

Reference:

(PowerPoint)

**UNSIGHTLY LOT – LOT 64, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(33 PONDEROSA DRIVE)**

Background:

As a result of multiple complaints, the above vacant property was noted to be in contravention of the "Property Maintenance Bylaw, 2003, No. 1383", Section 5. It was noted that the vacant property listed is of concern regarding overgrown and untended growth.

This is the second year that the vacant properties within Maple Glen have been the cause of complaints regarding their unsightly nature due to overgrown grass and weeds. Frustration is growing from the complainants that they must continually call and complain as the absent property owner does nothing to maintain the vacant lots until receiving a letter from the City. This property changed ownership in 2008 and the new owner (also a non resident of Parksville) has been sent a letter to make them aware of the property condition and that the current condition was contrary to the Property Maintenance Bylaw. Staff has had a telephone conversation with the owner who although agreed to clean up the property, has not done any work to maintain it.

As a result of the above history, a letter has been sent to the property owner requesting the clearing of the above vacant lots, giving the property owner or agent a period of ten (10) days to comply. It was also noted in the letter that failure to comply would result in this matter being forwarded to Council for deliberation and a recommendation to Council that the City undertake clearing of this property and the expense of such clearing, including a \$500.00 processing fee, per lot, be applied to property taxes as of December 31, 2009.

Options:

Council may:

1. Do nothing.
2. Direct Staff to proceed with direct enforcement further to Property Maintenance Policy No. 3.14.

Analysis:

1. Doing nothing may send a message that it is permissible to contravene a City bylaw. Complaints will continue from residents and the risk of a possible grass fire will increase with uncontrolled growth and dry weather.
2. Council could decide to direct Staff to take direct enforcement action which will send a clear message that compliance with City bylaws is expected and that there is a standard for property maintenance in the City.

As of August 4, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 33 Ponderosa Drive
Legal: Lot 64, District Lot 15, Nanoose District, Plan VIP84144
Issue: Overgrown and untended growth on vacant lots

**UNSIGHTLY LOT – LOT 64, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(33 PONDEROSA DRIVE)**

Financial Implications:

There are no financial implications to the City in terms of the cost of cleanup. However, Staff time invested in prompting owner responsiveness is notable in terms of: receiving complaints, making contact, record keeping and report writing and exceeds the \$500.00 administration fee. Any work undertaken by the City will be billed to the property owner and any amount unpaid at the end of the year will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

Sustainability Implications:

There are no direct sustainability implications with this action.

Recommendation:

THAT if Council is not satisfied with the explanation, or if there is no explanation from the above property owner, Council may direct Staff to proceed with direct enforcement by giving the owner and/or occupier written notice of ten (10) days from the date of this Council meeting to clean up the property themselves;

AND THAT the notice advises of specific clean up requirements, indicate the specific area requested to be cleaned up, and the consequences if the requested work is not completed;

AND FURTHER THAT at the expiration of the ten (10) days following delivery of the notice, if clean up has not been completed, either City Staff or a private contractor shall undertake the specified clean up and expenses incurred shall be listed with an invoice directed to the registered owner. If such expenses are not paid by the end of the current year, the cost will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.



G. A. JACKSON

AD/sh

I:\Users\BYLAW COMPLIANCE\4020-20 Unsightly Properties\2009\agenda\Report-1 33 Ponderosa Drive.doc

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

SPECIAL COUNCIL REPORT

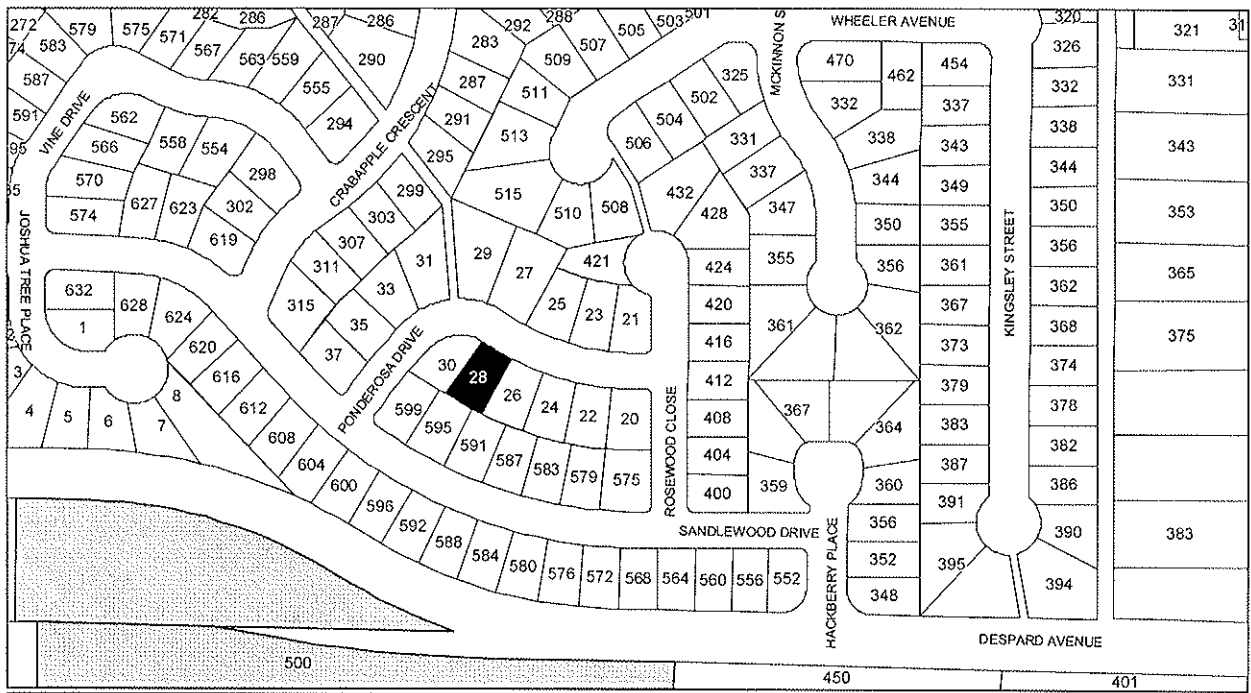
July 21, 2009

AGENDA
COUNCIL
AUG - 5 2009
DATE

REPORT TO: F.C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

**SUBJECT: UNSIGHTLY LOT – LOT 78, DISTRICT LOT 15, NANOOSE DISTRICT, PLAN
VIP84144 (28 PONDEROSA DRIVE)**



Issue:

Consideration of enforcement options of Property Maintenance Bylaw, 2003, No. 1383.

Executive Summary:

This vacant property is the source of complaints regarding overgrown grass and weeds. Staff are following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

Reference:

(PowerPoint)

**UNSIGHTLY LOT – LOT 78, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(28 PONDEROSA DRIVE)**

Background:

As a result of a complaint, the above vacant property was noted to be in contravention of the "Property Maintenance Bylaw, 2003, No. 1383", Section 5. It was noted that the vacant property is of concern regarding overgrown and untended growth.

This is the second year that the vacant properties within Maple Glen have been the cause of complaints regarding their unsightly nature due to overgrown grass and weeds. Frustration is growing from the complainants that they must continually call and complain as the absent property owner does nothing to maintain the vacant lots until receiving a letter from the City. This property changed ownership in 2008 and the new owner (also a non resident of Parksville) has been sent a letter to make them aware of the property condition and that the current condition was contrary to the Property Maintenance Bylaw. The property owner has done nothing to date to maintain the property and has not paid their 2009 taxes as of the date of this report.

As a result of the above history, a letter has been sent to the property owner requesting the clearing of the above vacant lots, giving the property owner or agent a period of ten (10) days to comply. It was also noted in the letter that failure to comply would result in this matter being forwarded to Council for deliberation and a recommendation to Council that the City undertake clearing of this property and the expense of such clearing, including a \$500.00 processing fee, per lot, be applied to property taxes as of December 31, 2009.

Options:

Council may:

1. Do nothing.
2. Direct Staff to proceed with direct enforcement further to Property Maintenance Policy No. 3.14.

Analysis:

1. Doing nothing may send a message that it is permissible to contravene a City bylaw. Complaints will continue from residents and the risk of a possible grass fire will increase with uncontrolled growth and dry weather.
2. Council could decide to direct Staff to take direct enforcement action which will send a clear message that compliance with City bylaws is expected and that there is a standard for property maintenance in the City.

As of August 4, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 28 Ponderosa Drive
Legal: Lot 78, District Lot 15, Nanoose District, Plan VIP84144
Issue: Overgrown and untended growth on vacant lots

**UNSIGHTLY LOT – LOT 78, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(28 PONDEROSA DRIVE)**

Financial Implications:

There are no financial implications to the City in terms of the cost of cleanup. However, Staff time invested in prompting owner responsiveness is notable in terms of: receiving complaints, making contact, record keeping and report writing and exceeds the \$500.00 administration fee. Any work undertaken by the City will be billed to the property owner and any amount unpaid at the end of the year will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

Sustainability Implications:

There are no direct sustainability implications with this action.

Recommendation:

THAT if Council is not satisfied with the explanation, or if there is no explanation from the above property owner, Council may direct Staff to proceed with direct enforcement by giving the owner and/or occupier written notice of ten (10) days from the date of this Council meeting to clean up the property themselves;

AND THAT the notice advises of specific clean up requirements, indicate the specific area requested to be cleaned up, and the consequences if the requested work is not completed;

AND FURTHER THAT at the expiration of the ten (10) days following delivery of the notice, if clean up has not been completed, either City Staff or a private contractor shall undertake the specified clean up and expenses incurred shall be listed with an invoice directed to the registered owner. If such expenses are not paid by the end of the current year, the cost will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.



G. A. JACKSON

AD/sh

I:\Users\BYLAW COMPLIANCE\4020-20 Unsightly Properties\2009\agenda\Report-1 28 Ponderosa Drive.doc

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

SPECIAL COUNCIL REPORT

July 21, 2009

AGENDA
COUNCIL
AUG - 5 2009
DATE

REPORT TO: F.C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

**SUBJECT: UNSIGHTLY LOT – LOT 48, DISTRICT LOT 15, NANOOSE DISTRICT, PLAN
VIP84144 (424 ROSEWOOD CLOSE)**



Issue:

Consideration of enforcement options of Property Maintenance Bylaw, 2003, No. 1383.

Executive Summary:

This vacant property is the source of complaints regarding overgrown grass and weeds. Staff are following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

Reference:

(PowerPoint)

**UNSIGHTLY LOT – LOT 48, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(424 ROSEWOOD CLOSE)**

Background:

As a result of a complaint, the above vacant property was noted to be in contravention of the "Property Maintenance Bylaw, 2003, No. 1383", Section 5. It was noted that the vacant property is of concern regarding overgrown and untended growth.

This is the second year that the vacant properties within Maple Glen have been the cause of complaints regarding their unsightly nature due to overgrown grass and weeds. Frustration is growing from the complainants that they must continually call and complain as the absent property owner does nothing to maintain the vacant lots until receiving a letter from the City. This property changed ownership in 2008 and the new owner (a local contractor) has been sent a letter to make him aware of the property condition and that the current condition was contrary to the Property Maintenance Bylaw. The property owner has owned other vacant properties within the City and is aware of the Property Maintenance Bylaw requirements.

As a result of the above history, a letter has been sent to the property owner requesting the clearing of the above vacant lots, giving the property owner or agent a period of ten (10) days to comply. It was also noted in the letter that failure to comply would result in this matter being forwarded to Council for deliberation and a recommendation to Council that the City undertake clearing of this property and the expense of such clearing, including a \$500.00 processing fee, per lot, be applied to property taxes as of December 31, 2009.

Options:

Council may:

1. Do nothing.
2. Direct Staff to proceed with direct enforcement further to Property Maintenance Policy No. 3.14.

Analysis:

1. Doing nothing may send a message that it is permissible to contravene a City bylaw. Complaints will continue from residents and the risk of a possible grass fire will increase with uncontrolled growth and dry weather.
2. Council could decide to direct Staff to take direct enforcement action which will send a clear message that compliance with City bylaws is expected and that there is a standard for property maintenance in the City.

As of August 4, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 424 Rosewood Close
Legal: Lot 48, District Lot 15, Nanoose District, Plan VIP84144
Issue: Overgrown and untended growth on vacant lots

**UNSIGHTLY LOT – LOT 48, DISTRICT LOT 15,
NANOOSE DISTRICT, PLAN VIP84144
(424 ROSEWOOD CLOSE)**

Financial Implications:

There are no financial implications to the City in terms of the cost of cleanup. However, Staff time invested in prompting owner responsiveness is notable in terms of: receiving complaints, making contact, record keeping and report writing and exceeds the \$500.00 administration fee. Any work undertaken by the City will be billed to the property owner and any amount unpaid at the end of the year will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

Sustainability Implications:

There are no direct sustainability implications with this action.

Recommendation:

THAT if Council is not satisfied with the explanation, or if there is no explanation from the above property owner, Council may direct Staff to proceed with direct enforcement by giving the owner and/or occupier written notice of ten (10) days from the date of this Council meeting to clean up the property themselves;

AND THAT the notice advises of specific clean up requirements, indicate the specific area requested to be cleaned up, and the consequences if the requested work is not completed;

AND FURTHER THAT at the expiration of the ten (10) days following delivery of the notice, if clean up has not been completed, either City Staff or a private contractor shall undertake the specified clean up and expenses incurred shall be listed with an invoice directed to the registered owner. If such expenses are not paid by the end of the current year, the cost will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

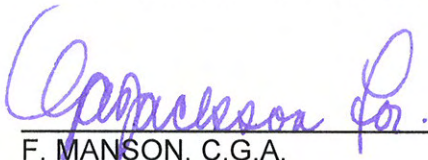


G. A. JACKSON

AD/sh

I:\Users\BYLAW COMPLIANCE\4020-20 Unsightly Properties\2009\agenda\Report-1 424 Rosewood Close.doc

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

SPECIAL COUNCIL REPORT

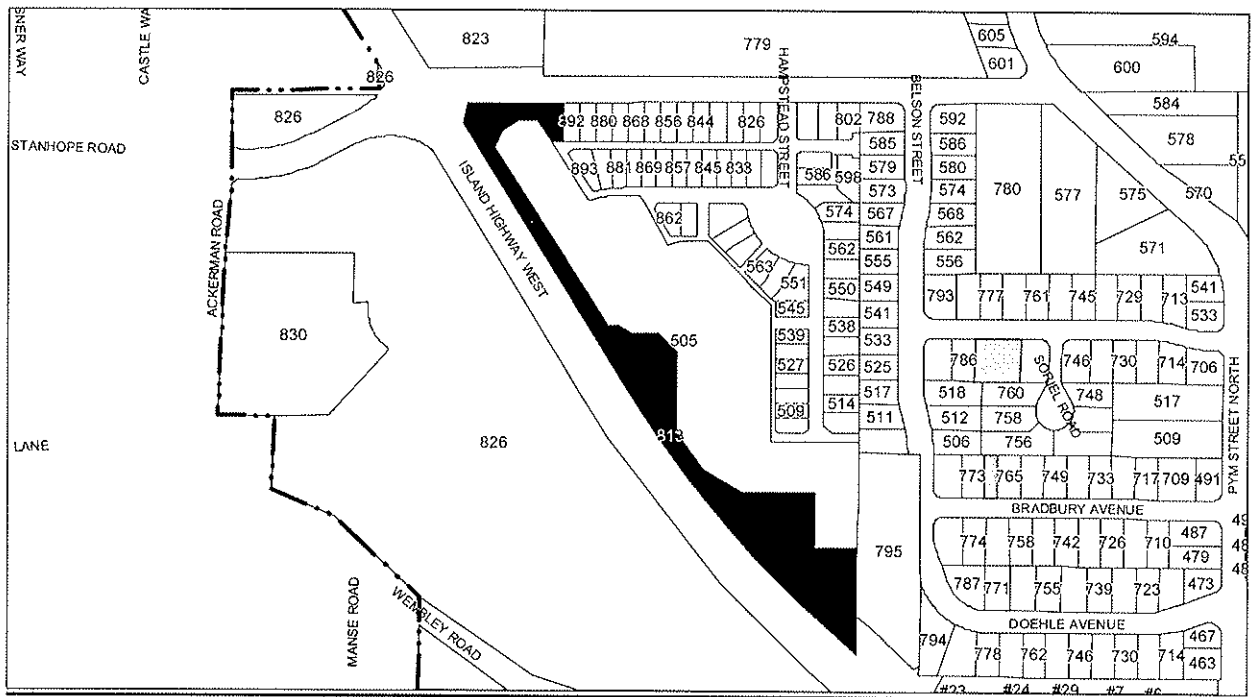
AGENDA
COUNCIL
AUG - 5 2009
DATE

July 21, 2009

REPORT TO: F.C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

SUBJECT: UNSIGHTLY LOT – LOT "C", DISTRICT LOT 74, NANOOSE DISTRICT, PLAN
VIP60116 (813 ISLAND HIGHWAY WEST)



Issue:

Consideration of enforcement options of Property Maintenance Bylaw, 2003, No. 1383.

Executive Summary:

This vacant property has been the source of complaints regarding overgrown grass and weeds for the past 3 years. Staff are following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

Reference:

(PowerPoint)

**UNSIGHTLY LOT – LOT "C", DISTRICT LOT 74,
NANOOSE DISTRICT, PLAN VIP60116
(813 ISLAND HIGHWAY WEST)**

Background:

As a result of a complaint, the above vacant property was noted to be in contravention of the "Property Maintenance Bylaw, 2003, No. 1383", Section 5. It was noted that the vacant property listed is of concern regarding overgrown, untended growth and the possibility of a grass fire.

This is the third year that this property has been the cause of complaints regarding the unsightly nature due to overgrown grass and weeds. Frustration is growing from the complainants that they must continually call and complain as the absent property owner does nothing to maintain the vacant lots until receiving a letter from the City. Over the past two years, letters were sent to the property owner to make them aware of the property condition and that the current condition was contrary to the Property Maintenance Bylaw. The property owner has made attempts to clear the lot in the past but has never completed the work. Staff have spoken to the property owner by telephone and asked the owner to hire a company to undertake regular maintenance for him. Council should be aware that this is not the only property owned by this company within the City and that other vacant properties owned by this company are also before you for consideration.

As a result of the above history, a letter has been sent to the property owner requesting the clearing of the above vacant lot, giving the property owner or agent a period of ten (10) days to comply. It was also noted in the letter that failure to comply would result in this matter being forwarded to Council for deliberation and a recommendation to Council that the City undertake clearing of this property and the expense of such clearing, including a \$500.00 processing fee, per lot, be applied to property taxes as of December 31, 2009.

Options:

Council may:

1. Do nothing.
2. Direct Staff to proceed with direct enforcement further to Property Maintenance Policy No. 3.14.

Analysis:

1. Doing nothing may send a message that it is permissible to contravene a City bylaw. Complaints will continue from residents and the risk of a possible grass fire will increase with uncontrolled growth and dry weather.
2. Council could decide to direct Staff to take direct enforcement action which will send a clear message that compliance with City bylaws is expected and that there is a standard for property maintenance in the City.

As of August 4, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 813 Island Highway West
Legal: Lots C, District Lot 74, Nanoose District, Plan VIP60116
Issue: Overgrown and untended growth on vacant lots

**UNSIGHTLY LOT – LOT "C", DISTRICT LOT 74,
NANOOSE DISTRICT, PLAN VIP60116
(813 ISLAND HIGHWAY WEST)**

Financial Implications:

There are no financial implications to the City in terms of the cost of cleanup. However, Staff time invested in prompting owner responsiveness is notable in terms of: receiving complaints, making contact, record keeping and report writing and exceeds the \$500.00 administration fee. Any work undertaken by the City will be billed to the property owner and any amount unpaid at the end of the year will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

Sustainability Implications:

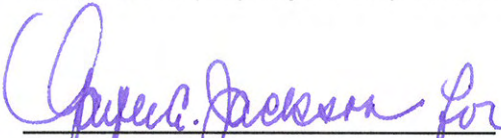
There are no direct sustainability implications with this action.

Recommendation:

THAT if Council is not satisfied with the explanation, or if there is no explanation from the above property owner, Council may direct Staff to proceed with direct enforcement by giving the owner and/or occupier written notice of ten (10) days from the date of this Council meeting to clean up the property themselves;

AND THAT the notice advises of specific clean up requirements, indicate the specific area requested to be cleaned up, and the consequences if the requested work is not completed;


AND FURTHER THAT at the expiration of the ten (10) days following delivery of the notice, if clean up has not been completed, either City Staff or a private contractor shall undertake the specified clean up and expenses incurred shall be listed with an invoice directed to the registered owner. If such expenses are not paid by the end of the current year, the cost will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.


G. A. JACKSON

AD/sh

I:\Users\BYLAW COMPLIANCE\4020-20 Unsightly Properties\2009\agenda\Report-1 813 Island Hwy West.doc

CHIEF ADMINISTRATIVE OFFICER COMMENTS:


F. MANSON, C.G.A.

SPECIAL COUNCIL REPORT

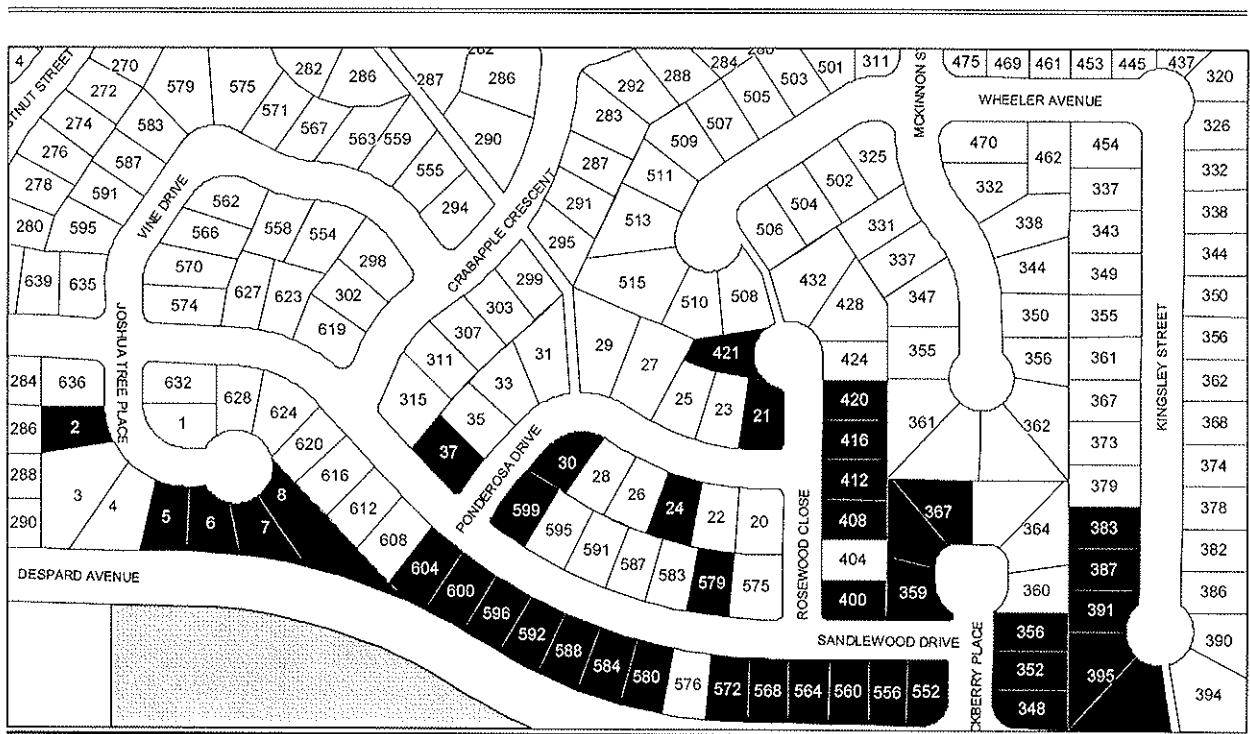
AGENDA
COUNCIL
AUG - 5 2009
DATE

July 20, 2009

REPORT TO: F.C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

SUBJECT: UNSIGHTLY LOTS 2, 5 THROUGH 8, 10 THROUGH 16, 18 THROUGH 26, 31 THROUGH 35, 39 THROUGH 42, 44 THROUGH 47, 57, 58, 66, 67, 72, 76, 79 DISTRICT LOT 15, NANOOSE DISTRICT, PLAN VIP84144 (2, 5, 6, 7, 8 JOSHUA TREE PLACE, 604, 600, 596, 592, 588, 584, 580, 572, 568, 564, 560, 556, 552, 599, 579 SANDLEWOOD DRIVE, 383, 387, 391, 395, 399 KINGSLEY STREET, 359, 348, 352, 356, 367, 363 HACKBERRY PLACE, 21, 24, 30, 37 PONDEROSA DRIVE, AND 400, 408, 412, 416, 420, 421 ROSEWOOD CLOSE)



Issue:

Consideration of enforcement options of Property Maintenance Bylaw, 2003, No. 1383.

Executive Summary:

These 41 vacant properties, owned by the same company, have been the source of complaints regarding overgrown grass and weeds for the past 2 years. Staff is following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

UNSIGHTLY LOTS

Reference:

Photos of property (PowerPoint)

Background:

As a result of multiple complaints, the above vacant properties, all owned by the same company, were noted to be in contravention of the "Property Maintenance Bylaw, 2003, No. 1383", Section 5. It was noted that the vacant properties listed are of concern regarding overgrown and untended growth.

This is the second year that these properties have been the cause of complaints regarding their unsightly nature due to overgrown grass and weeds. The property owner has received letters and telephone calls from the Bylaw Compliance Officer, Director of Community Planning and the Mayor in attempts to gain compliance with the Bylaw over the past two years with little affect. The property owner made an attempt to clear 5 lots in 2008 but the work was never completed.

As a result of the above history, a letter has been sent to the property owner requesting the clearing of the above vacant lots, giving the property owner or agent a period of ten (10) days to comply. It was also noted in the letter that failure to comply would result in this matter being forwarded to Council for deliberation and a recommendation to Council that the City undertake clearing of this property and the expense of such clearing, including a \$500.00 processing fee, per lot, be applied to property taxes as of December 31, 2009.

Options:

Council may:

1. Do nothing.
2. Direct Staff to proceed with direct enforcement further to Property Maintenance Policy No. 3.14.

Analysis:

1. Doing nothing may send a message that it is permissible to contravene a City bylaw. Complaints will continue from residents and the risk of a possible grass fire will increase with uncontrolled growth and dry weather.
2. Council could decide to direct Staff to take direct enforcement action which will send a clear message that compliance with City bylaws is expected and that there is a standard for property maintenance in the City.

As of August 5, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 2, 5, 6, 7, 8 Joshua Tree Place, 604, 600, 596, 592, 588, 584, 580, 572, 568, 564, 560, 556, 552, 599, 579 Sandlewood Drive, 383, 387, 391, 395, 399

UNSIGHTLY LOTS

Kingsley Street, 359, 348, 352, 356, 367, 363 Hackberry Place, 21, 24, 30, 37
Ponderosa Drive, 400, 408, 412, 416, 420, 421 Rosewood Close
Legal: Lots 2, 5 through 8, 10 through 16, 18 through 26, 31 through 35, 39 through 42,
44 through 47, 57, 58, 66, 67, 72, 76, 79, District Lot 15, Nanoose District, Plan
VIP84144
Issue: Overgrown and untended growth on vacant lots

Financial Implications:

There are no financial implications to the City in terms of the cost of cleanup. However, Staff time invested in prompting owner responsiveness is notable in terms of: receiving complaints, making contact, record keeping and report writing and exceeds the \$500.00 administration fee. Any work undertaken by the City will be billed to the property owner and any amount unpaid at the end of the year will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

Sustainability Implications:

There are no direct sustainability implications with this action.

Recommendation:

THAT if Council is not satisfied with the explanation, or if there is no explanation from the above property owner, Council may direct Staff to proceed with direct enforcement by giving the owner and/or occupier written notice of ten (10) days from the date of this Council meeting to clean up the property themselves;

AND THAT the notice advises of specific clean up requirements, indicate the specific area requested to be cleaned up, and the consequences if the requested work is not completed;

AND FURTHER THAT at the expiration of the ten (10) days following delivery of the notice, if clean up has not been completed, either City Staff or a private contractor shall undertake the specified clean up and expenses incurred shall be listed with an invoice directed to the registered owner. If such expenses are not paid by the end of the current year, the cost will be added to the property taxes pursuant to Sections 64 and 258 of the *Community Charter*.

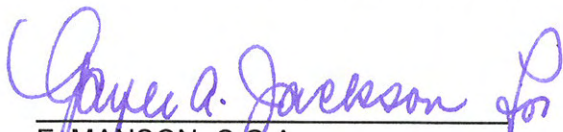


G. A. JACKSON

AD/sh

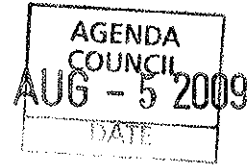
I:\Users\BYLAW COMPLIANCE\4020-20 Unsightly Properties\2009\agenda\Report-1 Maple Glen properties.doc

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

July 20, 2009



MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: ALAN METCALF, MANAGER OF OPERATIONS

**SUBJECT: 2008 ANNUAL WATER REPORT
OUR FILE: 5600-GEN**

ISSUE:

The Engineering and Operations Department would like to inform Council of the 2008 Annual Water Report prior to publishing it on the City's Web Page.

BACKGROUND:

Water Suppliers have various responsibilities under the Drinking Water Protection Act and the Drinking Water Protection Regulations

Section 15 of the Drinking Water Protection Act and Section 11 of the Drinking Water Protection Regulation require all water suppliers to provide annual reports to their users. The 2008 Ombudsman's report "Challenges in Providing Safe Drinking Water in British Columbia" reiterates the importance of these reports. The purpose of the report is to improve public awareness regarding their drinking water, as well as ensuring access and direction for individuals who may have concerns regarding their drinking water.

The Vancouver Island Health Authority requires that the City of Parksville begin providing the annual report along with written indication of how the report can be viewed (i.e. municipal website).

In order to provide the information and meet the reporting requirements, the Engineering and Operations Department has completed the City of Parksville 2008 Annual Water Report. This report includes information on:

- An overview of the water system and the description of the water source
- Maintenance programs
- Improvements made to the water system
- 2008 Water test results

A copy of this report will be submitted to the Vancouver Island Health Authority and posted on the City of Parksville Website.

PAGE

26

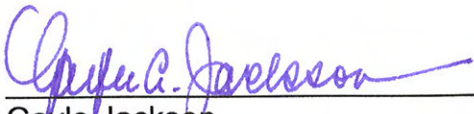
RECOMMENDATION:

THAT the report from the Manager of Operations entitled "2008 Annual Water Report" be received by Council for information and published on the City's Web Page.



Alan Metcalf
Manager of Operations

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



Gayle Jackson
A/Chief Administrative Officer

AM/re
I:\USERS\Alan\Admin\Reports\MTC 2009\2008 Annual Water Report.doc

July 23, 2009



MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: AMANDA HAYWOOD, EXECUTIVE ASSISTANT

SUBJECT: VANCOUVER ISLAND YOUNG MUSIC FESTIVAL SPECIAL EVENT APPLICATION - OUR FILE: 8100-01

ISSUE:

Rough Diamonds Creative Arts Society would like to hold the Vancouver Island Young Music Festival at the Picnic Shelter in the Community Park - Sunday, August 30, 2009 from 12:00 p.m. until 11:00 p.m. (the music portion will be from 4:00 p.m. until 10:00 p.m. while the rest of the time will be used for set up and clean up)

EXECUTIVE SUMMARY:

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 covered in the policy must be approved by Council and event organizers must fulfill the requirements outlined in the policy.

REFERENCE:

Policy No. 8.22 - Applications for Special Events Completed Parks Use Application Form (1) from Rough Diamonds Creative Arts Society including the Terms and Conditions signed July 16, 2009.

BACKGROUND:

A request has been received from the Rough Diamonds Creative Arts Society to hold a music festival for the public at the Picnic Shelter in the Parksville Community Park on August 30, 2009. This festival will showcase music written and performed by young musicians. There will be approximately 10 bands playing in this festival. They ran the same type of event back in May with much success. As they are anticipating a larger number in attendance, they have arranged for volunteers to do security during the event.

The organizers of approved events are required to maintain general liability insurance coverage during the event. The City must receive a copy of the valid insurance policy, as well as a \$500 refundable security deposit, a minimum of five working days prior to the event in order for the event to proceed.

The main issues associated with special events requests are:

- The impacts of the event on pedestrians, traffic conditions and the public. In some instances there may be minor interruptions to traffic but these are required to be mitigated;
- Access to properties and services by emergency vehicles, the public, utility companies and the municipality;
- Public liabilities and damages that may result from the event.

Staff has reviewed the applications and determined that there are no scheduling conflicts and the above issues will be properly handled.

The Fire Department, RCMP and Engineering & Operations were consulted on this application and no concerns have been expressed.

OPTIONS:

Option 1: Deny the request.

Option 2: Approve the request with conditions.

Option 3: Approve the request without conditions.

ANALYSIS:

1. Denying the request outright would avoid the need to address the noted concerns but it would also deny consideration of what may be viewed as a positive community event;
2. The approval could be made conditional upon the applicant addressing legitimate issues and concerns to the satisfaction of the municipality and other appropriate authorities. Some minor interruption to vehicle, cycling and pedestrian traffic is possible during this event. These issues can probably be mitigated to ensure a successful, positive event;
3. Council could grant unconditional approval of the request. Given the City of Parksville is the authority and owner of the Community Park, with associated public responsibilities with respect to safety, access, utilities, and other matters, it is appropriate to consider applying reasonable conditions to address these issues.

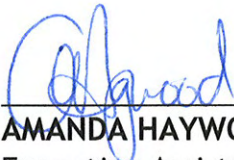
It is recommended that Council support Option 2.

RECOMMENDATION:

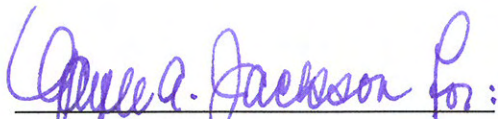
THAT Rough Diamonds Creative Arts Society be granted permission to hold the "Vancouver Island Young Music Festival" special event at the Picnic Shelter located in the Parksville Community Park on Sunday, August 30, 2009 from 12:00 p.m. until 11:00 p.m.;

AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form signed July 16, 2009 attached to the report from the Executive Assistant dated July 23, 2009 entitled "Vancouver Island Young Music Festival Special Event Application".

Respectfully submitted,



AMANDA HAYWOOD
Executive Assistant

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

FRED MANSON
Chief Administrative Officer

I:\Users\ADMINISTRATION\SPECIAL EVENTS - 8100\Reports\Rough Diamonds - Music Fest.doc

Date of Application: 2009-07-16 Name of Event: Vancouver Island Young Music Festival

Name of Organization: Rough Diamonds Creative Arts Society Phone: 250-240-1221

Contact Name: Mehdi Naïmi Bus. Phone: same

Mailing Address: 1190 Dobler Road, Parksville Fax: N/A

Postal Code: V9P 2C5 E-Mail: artandplay@gmail.com

Alternate Contact: Anita Roy Phone: 250-468-5400

Facility(ies) Required: Picnic Shelter and surrounding area

(Please indicate requested areas of use on attached map if Community Park.)

Date(s) Requested: August 30, 2009 Hours of Use: 12 PM -11 PM

Anticipated Number in Attendance: 200

(Note: Please provide a list of any other groups coming under the umbrella of this event)

Purpose of Use: Showcasing music written and performed by young musicians

Road Closure Requested: Yes No Details: _____

Concession Requested: Yes No (Subject to Food Concession Policy 3.18)

Note: You will be responsible for any damages done to irrigation systems as a result of stakes and poles placed without prior Parks Department approval.

See Reverse side for Terms and Conditions - Signature required prior to submission for consideration.

This portion to be completed by City of Parksville

Approval: Yes No

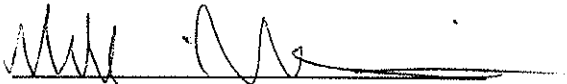
Date: _____

PAGE

31

1. Ensure appropriate public access is maintained to all roads, park and adjacent facilities to the satisfaction of the City of Parksville, and **provide written approval** from the RCMP, the Fire Department and the Ambulance Service;
2. Provide all of the necessary traffic controls, parking and emergency access acceptable to the RCMP, the Fire Department and the Ambulance Service;
3. Ensure that any charitable organization members performing traffic control and event parking, clearly state that **any parking fee is strictly by voluntary donation**, and ensure that **this information is visibly posted at the site and mentioned in any event advertisement**;
4. Hold and save harmless the City from and against all claims and damages arising out of, or in any way connected with, the event;
5. Obtain and maintain during the term of this event, a comprehensive general liability insurance policy providing coverage of not less than \$5,000,000.00, naming the City of Parksville as an additional insured. A copy of the policy shall be delivered to the City a minimum of five working days prior to the event;
6. **For events held on the Parksville Civic and Technology Centre site**, obtain and maintain during the term of this event, a comprehensive general liability insurance policy providing coverage of not less than \$5,000,000.00, naming the City of Parksville, School District No. 69 [Qualicum] and Vancouver Island University as additional insureds. A copy of the policy shall be delivered to the City a minimum of five working days prior to the event;
7. Provide the City with a refundable security deposit of \$500.00 (to cover any loss or damage resulting from the event), to be delivered to the City a minimum of five working days prior to the event;
8. Maintain and, if required, refurbish all municipal property and infrastructure to an equal or better condition than that which existed prior to the event, all within 48 hours of the completed event, to the satisfaction of the City of Parksville;
9. Ensure collection of litter from the event site/s, arranging with a waste disposal company for removal/dumping of bins following the event;
10. Make arrangements for installation of portable toilets, in quantity suitable to the expected attendance, for the duration of the event;
11. Ensure that any and all concessions (approved by the City with regard to their standing contract with the operator/s of the Park concession), meet all applicable health and safety requirements;
12. Approval for use of private property is the sole responsibility of the organizer/s.

Mehdi Naïmi
Printed Name of Authorized Representative


Signature

Rough Diamonds Creative Arts Society
Name of Organization

2009-07-16
Date Signed

PAGE
32