

City of Parksville

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COUNCIL MEETING AGENDA

WEDNESDAY, SEPTEMBER 9, 2009

Immediately following the adjournment of the Committee of the Whole Meeting

1. **ADOPTION OF MINUTES**

- a) of the meeting of Council held August 17, 2009 - Pages 1 to 4

Recommendation: THAT the minutes of the meeting of Council held August 17, 2009 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 - August 17, 2009 - Page 5

- (1) Director of Community Planning - Zoning Bylaw Amendment Application to Amend RA-2A Zone to Fairground and Games Room [1000 Resort Drive]
The City has received a zoning and development bylaw amendment application from Robert Hill on behalf of Riptide Lagoon Adventure Golf Ltd., Inc. No. 438383 to facilitate bumper cars and to allow for other future amusement activities such as a games room.

Recommendation: THAT the report from the Director of Community Planning entitled "Consideration of a Zoning Bylaw Amendment

Application to Amend the RA-2A Zone to include Fairground and Games Room at 1000 Resort Drive" dated August 6, 2009, be received;
AND THAT staff be directed to draft a zoning amendment bylaw and commence the statutory process for the property legally described as Lot A, District Lot 123, Nanoose District, Plan VIP75416 to permit "fairground" and "amusement arcade or games room" uses;
AND FURTHER THAT prior to bylaw adoption the property owner, at their expense, prepare and register a restrictive covenant to the satisfaction of the Director of Community Planning prohibiting the use of internal combustion engine powered amusements or rides on the subject property.

(2) Deputy Corporate Administrator - Review of Special Events Applications Policy No. 8.22 and Liability Insurance Coverage Policy No. 3.3

As part of the Corporate Policy Manual Review, the process in place for approval of special events by groups and organizations applying to use municipal parks, streets, property and facilities was considered. As a result, it is proposed that amendments be made to Special Events Applications Policy No. 8.22 and Liability Insurance Coverage Policy No. 3.3.

Recommendation: THAT the report from the Deputy Corporate Administrator dated July 27, 2009 entitled "Review of Special Events Applications Policy No. 8.22 and Liability Insurance Coverage Policy No. 3.3", be received;

AND THAT "Liability Insurance Coverage Policy No. 3.3" be replaced with the Draft Liability Insurance Coverage Policy that clarifies the risk factors that will be considered when requesting liability insurance, attached to the Deputy Corporate Administrator's report dated July 27, 2009;

AND FURTHER THAT "Applications for Special Events Policy No. 8.22" be replaced with the Draft Applications for Special Events Policy that clarifies the requirement for public liability insurance coverage and expands the number of days certain conditions are to be met prior to an event taking place from 5 days to 10 days, attached to the Deputy Corporate Administrator's report dated July 27, 2009.

b) Deputy Corporate Administrator - Proposed Downtown Business Improvement Area Renewal Bylaw - Pages 6 to 14

Council adopted Bylaw 1420 in February 2007 which established the Downtown Business Improvement Area (BIA). The current term for the BIA expires December 31, 2009 and the City was approached by the PDBA to renew the BIA for a further term under the Council initiative method.

Recommendation: THAT the report from the Deputy Corporate Administrator entitled "Proposed Downtown Business Improvement Area Renewal Bylaw" dated August 14, 2009, be received;

AND THAT Council receive the Certificate of Sufficiency dated August 13, 2009 pertaining to the Downtown Business Improvement Area Establishment Bylaw No. 1453;

AND FURTHER THAT staff be directed to finalize the Downtown Business Improvement Area Establishment Bylaw No. 1453 under Section 212 of the Community Charter for Council's consideration.

- c) Communications Officer - Coat of Arms for the City of Parksville - Pages 15 to 21
Direction is being sought as to whether the City wishes to move ahead with the process required to secure an official coat of arms for the City of Parksville.

Recommendation: THAT the report from the Communication's Officer entitled "Coat of Arms for the City of Parksville" dated August 19, 2009, be received; AND THAT staff be directed to proceed with an application to the Canadian Heraldic Authority for a coat of arms using the preliminary artwork that was developed in 1993 as proposed in the report from the Communications Officer dated August 19, 2009; AND FURTHER THAT the funding for an official coat of arms be provided from Council contingency at a cost not to exceed \$3,000.00.

- d) Director of Community Planning - Unsightly Lots - 421 Morison Avenue and 119, 139, 161, 173 Moilliet Street - Pages 22 to 24
These 5 vacant properties have been the source of complaints regarding overgrown grass and weeds for the past three years. Staff are following Council Policy 3.14 and Property Maintenance Bylaw, 2003, No. 1383 in attempting to gain compliance from the property owner.

Recommendation: THAT the report from the Director of Community Planning dated August 17, 2009 entitled "Unsightly Lots - 421 Morison Avenue, 119, 139, 161, 173 Moilliet Street, Parksville be received; AND 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 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.

- e) Director of Community Planning - Amendment to Development Cost Charges Waiver Bylaw for Eligible Developments - Pages 25 to 27
To provide a more transparent understanding of the Development Cost Charges Waiver Bylaw for Eligible Developments.

Recommendation: THAT the report from the Director of Community Planning dated September 1, 2009 entitled "Amendment to Development Cost Charges Waiver Bylaw for Eligible Developments", be received; AND THAT an amendment to "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" that improves clarity by providing the Local Government prerequisites to obtaining a credit as well as the City's criteria, be brought forward for Council's consideration.

f) Fire Chief - First Responder Agreement - Pages 28 to 43

The provisions of the Emergency and Health Services Act requires written consent for agencies that are providing pre-hospital care in the province. The Parksville Volunteer Fire Department has been providing First Responder or pre-hospital care at times when the B.C. Ambulance Service resources are stretched to the limit and may not be readily available to provide emergency service.

**Recommendation: THAT the report from the Fire Chief dated August 25, 2009 entitled "First Responder Agreement", be received;
AND THAT the "First Responder Agreement" between the City of Parksville and the Emergency and Health Service Commission for the provision of First Responder services, as attached to the report from the Fire Chief dated August 25, 2009, be approved;
AND FURTHER THAT the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the City.**

g) Executive Assistant - Parksville Downtown Business Association - Street Hockey Challenge Special Event - Pages 44 to 48

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.

**Recommendation: THAT the report from the Executive Assistant dated August 24, 2009 entitled "Parksville Downtown Business Association - Street Hockey Challenge" be received;
THAT Parksville Downtown Business Association be granted permission to hold a "Street Hockey Challenge" special event on Morison Avenue, from Home Hardware to McMillan Street, on Sunday, September 20, 2009 from 9:00 a.m. until 4:00 p.m.;
AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form signed August 20, 2009 attached to the report from the Executive Assistant dated August 24, 2009 entitled "Parksville Downtown Business Association - Street Hockey Challenge".**

h) Executive Assistant - 2009 Fall Grant-In-Aid Applications - Pages 49 to 55

Under the provisions of the City's Grant-In-Aid Application policy the City of Parksville may provide direct financial assistance to community groups and organizations for events and projects that will benefit the citizens and visitors of the municipality contingent upon provisions being included in the annual operating budget. The 2009 budget for this purpose is \$5000. As provided under the policy the award of grants is split into a spring and fall intake. The deadline for fall intake was August 28, 2009. The purpose of this report is to establish a Grant-In-Aid Select Committee to review the applications received by fall deadline.

**Recommendation: THAT the report from the Executive Assistant dated September 1, 2009 entitled "2009 Fall 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 funds for the submissions received for the period ending August 28, 2009;
AND THAT the Grant-In-Aid Select Committee be comprised of the Chief Administrative Officer and two Councillors appointed by the Mayor.**

9. **BYLAWS**

- a) "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453" - Pages 56 to 59
 - (i) ***Recommendation: THAT "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453" be read a first time.***
 - (ii) ***Recommendation: THAT "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453" be read a second and third time.***
- b) Zoning and Development Amendment Bylaw, 2009, No. 2000.75" - Page 60
 - (i) ***Recommendation: THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.75" be read a first time.***
 - (ii) ***Recommendation: THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.75" be read a second time;
AND THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.75" be advanced to a public hearing.***
- c) "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448.1" - Page 27
 - (i) ***Recommendation: THAT Development Cost Charges Waiver for Eligible Developments Amendment Bylaw, 2009, No. 1448.1" be read a first time.***
 - (ii) ***Recommendation: THAT Development Cost Charges Waiver for Eligible Developments Amendment Bylaw, 2009, No. 1448.1" be read a second and third time.***

10. **NEW BUSINESS**

11. **NOTICE OF MOTION**

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

Pursuant to Sections 90 (1) (c), (e) and (k) of the *Community Charter* Council proceed to a closed meeting to consider an items relating to personnel, land acquisition and disposition, and municipal services.

13. **ADJOURNMENT**

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TO BE ADOPTED

AGENDA
COUNCIL
SEP 09 2009
DATE

4645.

CITY OF PARKSVILLE

August 17, 2009

Minutes of the meeting of Council held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, August 17, 2009 at 6:41p.m.

PRESENT: His Worship Mayor E. F. Mayne

Councillors: C. R. Burger
A. Greir
M. Lefebvre
T. C. Patterson
S. E. Powell

Staff: F. Manson, Chief Administrative Officer
L. Kitchen, Deputy Corporate Administrator
L. Butterworth, Director of Finance
G. Jackson, Director of Community Planning
P. Lovegrove, Manager, Budgets & Special Projects

1. ADOPTION OF MINUTES

09-200 Patterson - Burger
THAT the minutes of the special meeting of Council held August 5, 2009 be adopted. CARRIED.

2. APPROVAL OF AGENDA

09-201 Burger - Lefebvre
THAT the August 17, 2009 Council meeting agenda be approved. CARRIED.

3. PRESENTATIONS - Nil

4. DELEGATIONS

- a) Mark McGorman from McGorman MacLean Chartered Accountants gave a presentation of the 2008 Audited Financial Statements

5. UNFINISHED BUSINESS - Nil

6. CORRESPONDENCE

- a) Regional District of Nanaimo - Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.52

09-202 Lefebvre - Burger
THAT the Council of the City of Parksville consents to the adoption of "Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.52", and the Regional District be notified accordingly. CARRIED.

7. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE - Nil

8. REPORTS

a) **Committee of the Whole – August 5, 2009**

09-203 THAT the report of the Committee of the Whole meeting held August 5, 2009 be received and the following recommendations considered:

(1) **Director of Community Planning - Endorsement of Water Awareness Program**

Powell - Greir

THAT the report from the Director of Community Planning dated July 20, 2009 entitled "Endorsement of Water Awareness Program" be received;
AND THAT the AquaStar Water Awareness Program be endorsed;
AND FURTHER THAT staff be directed to proceed with the AquaStar Water Awareness Program implementation. CARRIED.

(2) **Director of Community Planning - Zoning Amendment Application - 451, 461 and 465 Hirst Avenue West**

Patterson - Greir

THAT the report from the Director of Community Planning dated July 23, 2009 entitled "Follow-up Report – Zoning Amendment Application - 451, 461 and 465 Hirst Avenue West" be tabled to the September 14, 2009 Committee of the Whole meeting. CARRIED.

(3) **Director of Community Planning - Development Permit Application – 1152 Franklin's Gull Road**

Powell - Lefebvre

THAT the report from the Director of Community Planning dated July 21, 2009 entitled "Development Permit Application – 1152 Franklin's Gull Road" be received;

AND THAT a development permit be issued to 0851465 B.C. Ltd. Inc. No. BC0851465 to permit a two storey mixed industrial office building which includes a single residential apartment, office space and related site improvements on Lot 9, Block 564, Nanoose District, Plan VIP79328 [1152 Franklin's Gull Road]. CARRIED.

(4) **Director of Community Planning - Development Permit Application - 105 Island Highway East**

Greir - Lefebvre

THAT the report from the Director of Community Planning dated July 21, 2009 entitled "Development Permit Application - 105 Island Highway East" be received;

AND THAT a development permit be issued to Pacific Beach Investments Ltd. Inc. No. 343239 to permit the demolition of the original campground residence and office and to move the sales office and display suite (from the Beach Club) onto the area that the old building occupied on Lot 1, District Lot 13, Nanoose District and Part of the bed of the Strait of Georgia, Nanaimo District, Plan VIP77092 [105 Island Highway East]. CARRIED.

(5) Director of Community Planning - Revisions to the Sustainable Community Builder Checklist and New Accessible Community Builder Checklist

Lefebvre - Powell

THAT the report from the Director of Community Planning dated June 25, 2009 entitled "Follow-up Report - Revisions to Sustainable Community Builder Checklist and New Accessible Community Builder Checklist" be received;

AND THAT the revised Sustainable Community Builder Checklist and a new Accessible Community Builder Checklist attached to the report from the Director of Community Planning dated June 25, 2009, be approved. CARRIED.

(6)(a) Director of Finance - Water Rate Structure and Rate Review

Powell - Lefebvre

THAT the report from the Director of Finance dated July 29, 2009 entitled "Water Rate Structure and Rate Review" be tabled to the August 17, 2009 Council Meeting. CARRIED.

(6)(b) Powell – Lefebvre

THAT the report presented to Council from the Manager, Budgets and Special Projects and the Director of Finance entitled "Water Rate Structure and Rate Review", be received;

AND THAT staff be directed to prepare the appropriate bylaws to implement, effective October 2009, the proposed 3 year tiered block rate model for water usage and proposed flat rate model for sanitary sewer usage as presented August 17, 2009. CARRIED.

(7) Director of Community Planning - Transportation Plan - Jensen Avenue Connector

Lefebvre - Greir

THAT the report from the Director of Community Planning dated July 13, 2009 entitled "Consideration of Change of Scope for Transportation Plan and Timing of the Jensen Avenue Connector Completion" be received;

AND THAT staff be authorized to award an additional scope of work to Boulevard Transportation Group in accordance with the Draft Terms of Reference attached to the report from the Director of Community Planning dated July 13, 2009 in the amount of \$21,400.00 (plus tax) to consider a one-way option for Highway 19A;

AND FURTHER THAT staff be directed to withhold the tender process for the Jensen Avenue Connector construction until after the additional work by Boulevard Transportation Group is completed. CARRIED.

Mayor Ed Mayne declared a conflict of interest and left the meeting at 7:26 p.m. and Deputy Mayor Teresa Patterson assumed the chair.

b) Director of Finance - Appointment of Municipal Auditor

Lefebvre - Greir

09-204 THAT the report from the Director of Finance dated August 10, 2009 entitled "Appointment of Municipal Auditor" and the correspondence from McGorman MacLean, Chartered Accountants, dated March 6, 2009, be received;

AND THAT McGorman MacLean, Chartered Accountants be appointed as the City's auditors for a period of one year commencing July 1, 2009;
AND THAT a Selective Call process be undertaken in 2010 to solicit bids for audit services for 2010-2012 prior to the appointment of the auditor for 2010.
CARRIED.

Mayor Mayne returned to the meeting at 7:31 p.m. and assumed the Chair.

c) **Director of Finance gave the Quarterly Budget Report (verbal)**

Burger – Greir

THAT the verbal Quarterly Budget Report for the 6 months ended June 30, 2009 given by the Director of Finance, be received. CARRIED.

9. **BYLAWS** - Nil

10. **NEW BUSINESS**

a) **Parksville Downtown Business Association Sculpture Project**

09-205 That the correspondence from the Parksville Downtown Business Association dated July 31, 2009 requesting support for a proposed sculpture project and suitable location in the downtown core, be received;
AND THAT Council gives its support for the proposed public art project;
AND FURTHER THAT the request to find a suitable location for placement of the proposed sculpture be referred to staff for a report back to Council. CARRIED.

b) **Arrowsmith Potter's Guild – Cultural History Plaque for the Train Station**

09-206 THAT the correspondence from the Arrowsmith Potter's Guild, date stamped August 7, 2009, requesting consideration for placement of a cultural history plaque on the Parksville train station by November 10, 2010 to commemorate the station's 100th anniversary, be received;
AND THAT the request be referred to staff for a report back to Council providing the cost to prepare and install an historical plaque on the train station.
CARRIED.

11. **NOTICE OF MOTION** - Nil

12. **SPECIAL BUSINESS** - Nil

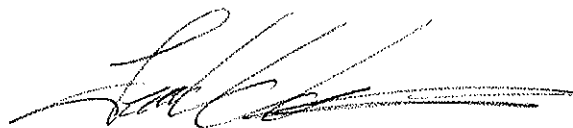
13. **ADJOURNMENT**

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

The meeting adjourned at 8:04 p.m.

Certified Correct.

Mayor



Corporate Officer

August 18, 2009



REPORT TO: MAYOR AND COUNCIL

FROM: COMMITTEE OF THE WHOLE

SUBJECT: AUGUST 17, 2009 MEETING RECOMMENDATION

The following items were considered by the Committee of the Whole at its special meeting held Monday, August 17, 2009:

RECOMMENDATIONS

(1) Director of Community Planning - Zoning Bylaw Amendment Application to Amend RA-2A Zone to Fairground and Games Room [1000 Resort Drive]

THAT the report from the Director of Community Planning titled "Consideration of a Zoning Bylaw Amendment Application to Amend the RA-2A Zone to Include Fairground and Games Room at 1000 Resort Drive" dated August 6, 2009 be received;

AND THAT Staff be directed to draft a zoning amendment bylaw and commence the statutory process for the property legally described as Lot A, District Lot 123, Nanoose District, Plan VIP75416 to permit 'fairground' and 'amusement arcade or games room' uses;

AND FURTHER THAT prior to bylaw adoption the property owner, at their expense, prepare and register a restrictive covenant to the satisfaction of the Director of Community Planning prohibiting the use of internal combustion engine powered amusements or rides on the subject property.

(2) Deputy Corporate Administrator - Review of Special Events Applications Policy No. 8.22 and Liability Insurance Coverage Policy No. 3.3

THAT the report from the Deputy Corporate Administrator dated July 27, 2009 entitled "Review of Special Events Applications Policy No. 8.22 and Liability Insurance Coverage Policy No. 3.3", be received;

AND THAT "Liability Insurance Coverage Policy No. 3.3" be replaced with the Draft Liability Insurance Coverage Policy that clarifies the risk factors that will be considered when requesting liability insurance, attached to the Deputy Corporate Administrator's report dated July 27, 2009;

AND FURTHER THAT "Applications for Special Events Policy No. 8.22" be replaced with the Draft Applications for Special Events Policy that clarifies the requirement for public liability insurance coverage and expands the number of days certain conditions are to be met prior to an event taking place from 5 days to 10 days, attached to the Deputy Corporate Administrator's report dated July 27, 2009.

A handwritten signature in black ink, appearing to read "Ed Mayne".

MAYOR ED MAYNE, Chair
COMMITTEE OF THE WHOLE

August 14, 2009

Report to Council

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: LYNN KITCHEN, DEPUTY CORPORATE ADMINISTRATOR

**SUBJECT: Proposed Downtown Business Improvement Area Renewal Bylaw
File: 0230-20**

ISSUE:

Consideration of a request by the Parksville Downtown Business Association (PDBA) to renew the business improvement area.

EXECUTIVE SUMMARY:

The current term for the Business Improvement Area (BIA) expires December 31, 2009 and the City has received the required petition signed by over 50% of the property owners representing at least 50% of the assessed value of land and improvements that would be subject to the Business Improvement Area Levy.

REFERENCES:

Community Charter s. 211 through 215
Certificate of Sufficiency
Draft BIA Bylaw No. 1453

BACKGROUND:

The following resolution was passed at the February 2, 2009 meeting of Council:

09-022 THAT the report of the Director of Administrative Services dated January 20, 2009 entitled "Business Improvement Area", be received;
AND THAT the Parksville Downtown Business Association be advised that should they wish to proceed with the renewal of the business improvement area, it should be done under section 212 (petition for) of the *Community Charter*.

A Business Improvement Area (BIA) allows property owners and business owners in a specific area to pool their efforts and funds for marketing and promotional activities in order to improve business viability. Under the provisions of the *Community Charter* (s. 215) a council, may by bylaw, grant money to an organization for the implementation of a business promotion scheme. A business promotion scheme is defined in the *Charter* as:

.../2

- (a) carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on,
- (b) improving, beautifying or maintaining streets, sidewalk or municipally owned land, buildings or other structures in one or more business improvement areas,
- (c) the removal of graffiti from buildings and other structures in one or more business improvement areas,
- (d) conserving heritage property in one or more business improvement areas, and
- (e) encouraging business in one or more business improvement area.

The amount of money granted to the organization must be fully recovered by means of a special tax levy on all properties assessed as Light Industrial (Class 5) or Business (Class 6) within the BIA.

The *Community Charter* has specific requirements for petitions. Each page of a petition must describe the service in general terms, define the boundaries of the area, give a cost estimate and indicate the method of cost recovery. If a property is owned by two or more persons, the petition must be signed by a majority of them. For example if there are two owners, both must sign; if there are three owners, two must sign. The Corporate Officer must determine the sufficiency and validity of the petition and the certified determination made by the Officer is final and conclusive. Under Section 82 of the *Community Charter* a petition is deemed to have been received by Council when it is filed with the Corporate Officer.

In April 2009, the PDBA sent letters to all business and property owners, within the boundaries they established, requesting support for a petition to the City to renew the BIA for a further five years. The petition included with the letter outlined their business promotion scheme as:

- (a) Beautification projects including the removal of graffiti and litter in the business improvement area;
- (b) Marketing and promotions within the business improvement area; and
- (c) Encouragement of business in the business improvement area

As well the petition reported the cost of the five-year service to be \$150,000 in each year quoting an estimated 2010 tax levy of \$1.77 per \$1000 of assessed value and pointed out individual property owner contributions will vary as to the assessment of their property.

The petitions were officially filed when the DBA delivered them to the Deputy Corporate Administrator on July 28, 2009.

According to City records, the BIA encompasses 141 separate parcels that would be subject to the local service tax, with a total taxable assessment of \$84,594,900.

The Certificate of Sufficiency for the proposed BIA bylaw is attached to this report. For the petition to be sufficient under the provisions of the *Charter* it had to be signed the owners of at least 71 of the parcels representing at least \$42,297,450 in assessment. The City received **75** petitions representing **\$45,493,900** in assessment.

The *Charter* requires that a BIA bylaw must contain the following information:

- Define the boundaries of the service area (map)
- Identify the methods of cost recovery for the service, including the form of the local service tax and the portion of the costs of the service that are to be recovered by the local service tax

- Identify the business promotion scheme for which the money will be granted
- Identify the organization to which the money will be granted
- Establish the maximum amount of money that will be granted
- Identify the maximum term over which the money will be granted

As well the Council has the discretion to set other conditions and limitation on the receipt and expenditure of the grant money. Staff recommends adding insurance requirements and submission of annual budget and financial statements, prepared by a professional accountant, by the recipient. Up until 2003 the accounting and insurance were mandatory requirements under the *Local Government Act*; with the implementation of the *Charter* these requirements have become discretionary.

OPTIONS:

1. Receive the Certificate of Sufficiency and direct staff to finalize the necessary Business Improvement Area establishment bylaw under Section 212 of the *Community Charter* for Council's consideration.
2. Direct staff to prepare the necessary Business Improvement Area establishing bylaw under Section 213 (Council Initiative) of the *Community Charter* for Council's consideration.

ANALYSIS

1. The petitions submitted in favor of the proposed BIA bylaw to proceed under Section 212 of the *Community Charter* were signed by the owners of 75 properties representing \$45,493,900 in assessment. This exceeds the 50% requirement of 71 properties with a total assessed value of \$42,297,450.
2. When done by Council initiative, a BIA bylaw is given three readings by Council and then a notice of intention is published and mailed to all the owners within the BIA area. In essence the notice advises the public that unless a petition *against* the proposal is received within 30 days the BIA bylaw may be adopted. As the BIA has successfully secured petitions representing over 50% of the owners and over 50% of tax assessment in favor of the proposed BIA bylaw, this initiative is not necessary.

FINANCIAL IMPACT

Financial impact would be associated with the work required of Finance Department staff calculate the annual tax rate, levy the taxes and forward the requisition to the Parksville Downtown Business Association. As well there will be the staff time required from both the Finance and Administration Departments in ensuring that the terms of the bylaw are met – i.e. documents under the insurance and accounting requirements are received and approved through the required channels.

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STAFF RECOMMENDATION:

THAT Council receive the Certificate of Sufficiency dated August 13, 2009 pertaining to the Downtown Business Improvement Area Establishment Bylaw No. 1453;

AND THAT staff be directed to finalize the Downtown Business Improvement Area Establishment Bylaw No. 1453 under Section 212 of the *Community Charter* for Council's consideration.

Respectfully submitted,



LYNN KITCHEN
Deputy Corporate Administrator

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



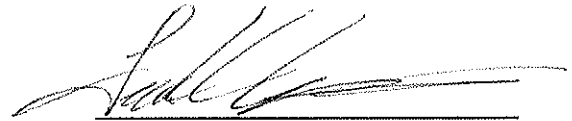
FRED C. MANSON, CGA
Chief Administrative Officer

CITY OF PARKSVILLE

**CERTIFICATE OF SUFFICIENCY
(SECTION 212 COMMUNITY CHARTER)**

I HEREBY CERTIFY THAT SUFFICIENT PETITIONS HAVE BEEN RECEIVED FOR THE PARKSVILLE DOWNTOWN BUSINESS IMPROVEMENT AREA BYLAW NO. 1453 AS DETAILED BELOW:

Dated this 14th day of August, 2009



Fred Manson
Corporate Administrator
CITY OF PARKSVILLE

Bylaw No.	Description of Work	No. of Parcels	50% Required to Approve Project	No. of Petitions Received	Total Assessed Value	Assessed Value Required to Approve Project (50%)	Total Petitioners' Assessment
1453	Parksville Downtown BIA (2010-2012)	141	71	75	84,594,900	42,297,450	45,493,900

CITY OF PARKSVILLE

BYLAW NO. 1453

DOWNTOWN BUSINESS IMPROVEMENT AREA ESTABLISHMENT

WHEREAS Section 215 of the *Community Charter* provides Council with the authority to establish, by bylaw, a business improvement area (the "BIA") and grant money to an applicant for the purpose of planning and implementing a Business Promotion Scheme;

AND WHEREAS the Council of the City of Parksville has received a petition for a business improvement area service as required under Section 212 of the *Community Charter* and the petition is sufficient under the provisions of Division 5 of Part 7 of the *Community Charter*.

AND WHEREAS the Council of the City of Parksville has been notified that the owners of certain properties in the downtown area of the City have formed the Parksville Downtown Business Association (the "Association") and the Association has submitted an application for a grant of money under Section 215 of the *Community Charter*.

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

1. DESIGNATION OF AREA

Those lands within the area shown outlined on the map attached to and forming part of this bylaw as Schedule "A" are designated as a Business Improvement Area within the meaning of Section 215 of the *Community Charter* and shall be known as the Parksville Downtown Business Improvement Area.

2. GRANT

(1) Council is hereby empowered to grant to the Association for the term of this bylaw, money not exceeding the following amounts:

For the calendar year 2010 - \$150,000.00
For the calendar year 2011 - \$150,000.00
For the calendar year 2012 - \$150,000.00
For the calendar year 2013 - \$150,000.00
For the calendar year 2014 - \$150,000.00

(2) These monies shall be paid to the Association on or before the first day of August in each year.

(3) If funds are required, an advance payment equal to 25% of the current year grant amount may be provided to the Association prior to Council approval of the annual budget for each of the years included in this bylaw. The amount of the grant made following Council approval of an annual budget shall be adjusted to take into account any such advanced payment.

3. EXPENDITURE

- (1) The money granted under Section 2 of this bylaw shall be expended only by the Association, only in accordance with the conditions and limitations set out in this bylaw and only for the following Business Promotion Scheme:
 - (a) ***Marketing and promotions, events, advertising, holiday lighting, communication with downtown business owners and tenants on issues and opportunities;***
 - (b) ***Improving or beautifying sidewalks, public art structures, murals, seating areas, flowers, banners in the business improvement area;***
 - (c) ***The removal of graffiti from buildings and other structures, creation or support of anti-litter and anti-vandalism projects in the business improvement area; and***
 - (d) ***Encouraging business in the business improvement area***
- (2) The Association shall not incur any indebtedness or other obligations related to the Business Promotion Scheme beyond each calendar year.

4. RECOVERY OF FUNDS

- (1) All of the money granted to the Association pursuant to this bylaw shall be recovered within the Business Improvement Area in the manner set out in this Section.
- (2) For the purpose of recovering the monies granted to the Association under this bylaw in any year in which a grant is made to the Association, there shall be levied annually on all land and improvements within the Business Improvement Area that fall or would fall within Class 5 or Class 6 of the *Assessments - Classes and Percentage Levels Regulation, BC Reg. 438/81*, excluding Federal, Provincial and Municipal owned properties used for government purposes, a rate sufficient to raise the sums set out in Section 2 herein for that year. The levy shall be based on the assessed value of land and improvements for general municipal purposes.

5. CONDITIONS AND LIMITATIONS

Notwithstanding any other provision of this bylaw, no grant shall be made and no grant funds shall be used or spent by the Association, in any year unless the Association:

- (i) Submits an annual budget for approval by the Council on or before March 15th in each year, beginning March 15th, 2010, which outlines all revenues and expenditures related to the Business Promotion Scheme during that calendar year;
- (ii) Accounts for the money granted by Council for the previous calendar year, by submitting financial statements prepared by a professional accountant, at the same time as the annual budget is submitted under this section;
- (iii) Is a Society incorporated and in good standing under the provisions of the *Society Act*, RSBC 1996, created for the purpose of administering the Business Promotion Scheme.

6. INSURANCE

- (1) The Association shall provide and maintain Comprehensive General Liability Insurance acceptable to the City and subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to

property including loss of use thereof. The insurance shall cover any person employed directly or indirectly by the Association as well as any contractor or subcontractor hired by the Association.

- (2) The City shall be added as an additional named insured under the Comprehensive General Liability Insurance policy and shall be primary without any right of contribution from any insurance otherwise maintained by the City
- (3) The Association shall provide the City with a copy of the current Comprehensive General Liability Insurance policy prior to the City providing funding under Section 2 of this bylaw.
- (4) The Association's Comprehensive General Liability Insurance policy shall contain an endorsement requiring that the City be provided with 30 days prior written notice of any change in the policy or its cancellation.

7. INDEPENDENT ENTITY

- (1) The Association is independent from the City of Parksville and shall bear all the responsibility for managing its own affairs; hiring its own employees; and paying all its own expenses, including all salaries, subject to the terms of this bylaw.
- (2) Employees of the Association are not employed by the City of Parksville and as such are not bound by or benefit from the terms and conditions set out in agreements made between the City of Parksville and its employees.
- (3) The Association will not in any manner whatsoever commit or purport to commit the City of Parksville to the payment of any money to any person, firm or corporation.

8. MISCELLANEOUS

- (1) This bylaw shall cease to have effect on the 31st day of December, 2014.
- (2) The Business Improvement Area created by this bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating, or completing necessary works or service for the merged area.

9. CITATION

This bylaw may be cited for all purposes as "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453".

READ A FIRST TIME this

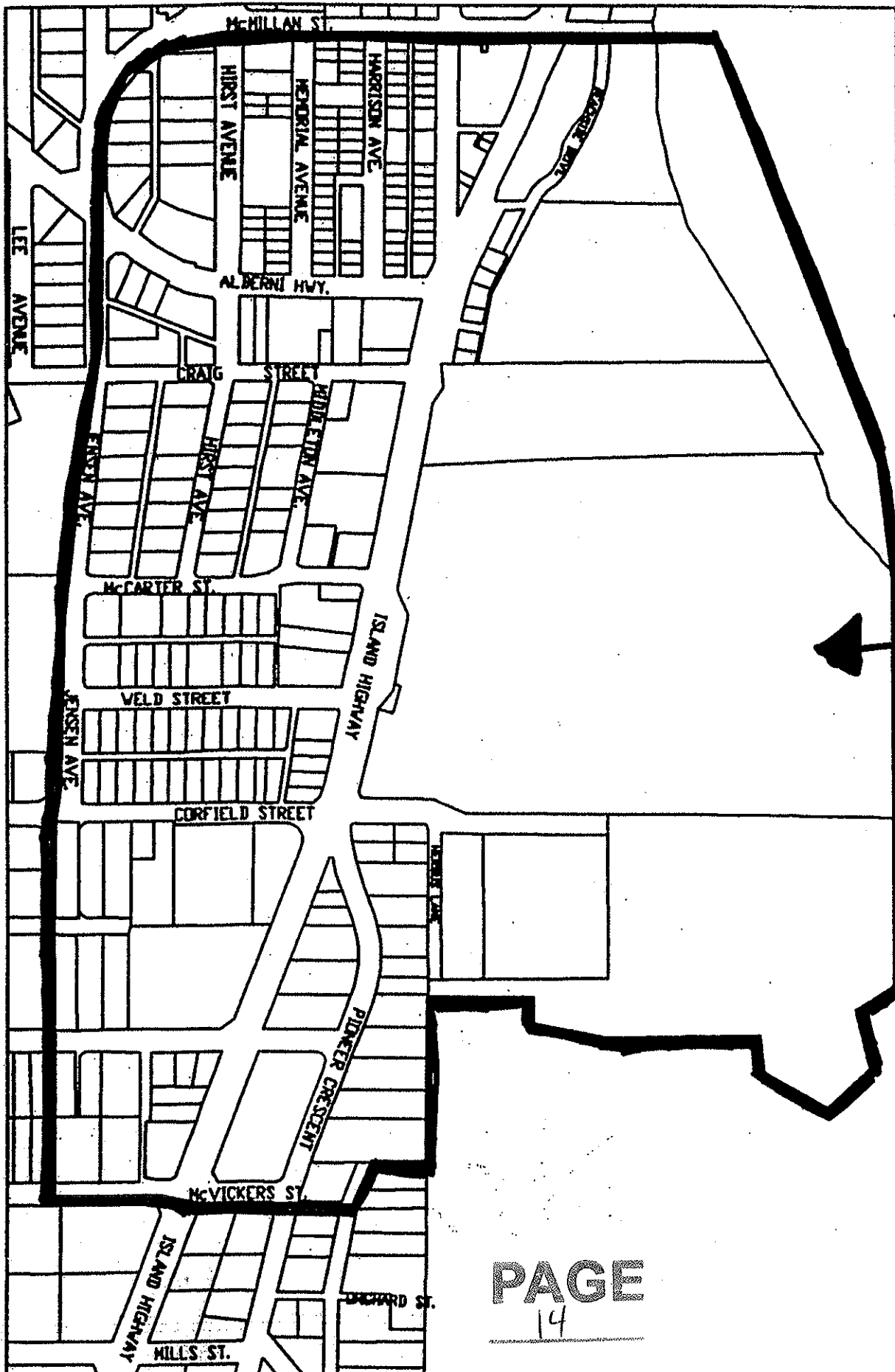
READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

Mayor

Corporate Officer



← BIA

August 19, 2009

REPORT TO: F C MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: DEBBIE TARDIFF, COMMUNICATIONS OFFICER

SUBJECT: COAT OF ARMS FOR THE CITY OF PARKSVILLE

ISSUE

Obtaining a coat of arms for the City of Parksville.

EXECUTIVE SUMMARY

Direction is being sought as to whether the City wishes to move ahead with the process required to secure a coat of arms for the City of Parksville that would become the official seal or crest of the City and would be utilized for official purposes only.

BACKGROUND

The City of Parksville adopted a city crest in 1977 and from previous correspondence it would appear that there was an unsuccessful attempt in the late 1970's to register this crest as an official coat of arms. In 1988, the Canadian Heraldic Authority was created, assigning the granting of coat of arms to Canada rather than through the Queen.

In 1993, a former Parksville Mayor pursued once again the possibility of obtaining a coat of arms for the City. A meeting was held with the Chief Herald of Canada that outlined the legal and aesthetic context for granting a coat of arms to the City. At that time, the proposal was completed to the preliminary artwork stage only.

In recent communications with the Canadian Heraldic Authority, a number of options for the City of Parksville were outlined:

- Council could approve the 1993 preliminary artwork, and the Canadian Heraldic Authority would proceed directly to creating the actual grant document. The Canadian Heraldic Authority advised that the 1993 preliminary artwork and Latin motto would still require approval by the current Chief Herald.
- Council could approve a modified version of the 1993 design, which might require a simple black and white drawing for approval before proceeding to the final document.
- Council could start the design process afresh and create a new design, which would require new description, rationale and new preliminary artwork

The Latin motto *Terra Benevola* translates to *The Friendly Land* and there is an alternative possibility from 1993, *The Eternal Sea is the People's Treasure*. Attached to this report is the technical description and colour copy of the coat of arms from 1993. The technical description includes both the technical language of heraldry and an explanation of the rationale for the various elements and symbols proposed for the City's coat of arms.

.../2

There are three main stages in the granting of coat of arms process: the creation of a written description, the preparation of a preliminary design, and the production of the official letters of patent. Upon recommendation of the Chief Herald of Canada, a warrant authorizing a grant of armorial bearings would be issued.

Based on the 1993 proposal, the majority of the work has been completed to determine the elements of design, based on the rules of heraldry and preliminary artwork. The next stage involves the preparation of the grant document. This is called "letters patent" and is the official document that includes the final artistic illustration of the armorial bearings accompanied by a legal text. This document is signed by the appropriate officials and the seal of the Canadian Heraldic Authority is applied to it. The grant is entered in the *Public Register of Arms, Flags and Badges of Canada* and the official notice of the grant is published in the *Canada Gazette*.

As outlined in the report to Council on the City's new logo, it was suggested that the new City of Parksville logo would be used for outreach and identity and that a coat of arms would be the official seal or crest of the City of Parksville. This coat of arms would represent the heritage of Parksville and symbolize the incorporation of Parksville as a city. The coat of arms would be used for official purposes only.

Grants of armorial bearings or coat of arms are honours from the Canadian Crown. They provide recognition for contributions that Canadian individuals and corporate bodies make in Canada and recognize the contribution made to the community by the petitioner.

A brief description of the elements or symbolism in the coat of arms as proposed in 1993 that have specific reference to Parksville are outlined here:

Arms/Shield

- Wavy band of white on royal blue shield represents the Englishman River.
- Salmon celebrates the local sports fishery and the natural riches of the community.
- Coronet underlines Parksville's status as a Canadian community.
- Sun represents our local climate - an important amenity for civic economy and lifestyle.
- Wavy blue and white bars symbolize the ocean and the City's enviable seaside location at Parksville Bay.

Crest (above the shield)

- The crest rests on the helmet of the warrior knight - representing the spirit of Council and the citizens who safeguard the City's interest.
- The crown of stones (mural coronet) which in heraldry is a special mark of municipal governments reflects the sandcastle competition and festival.
- Sand dollars represent sea-based natural life and the pleasure of local beaches.
- The blue mountain capped in white, represents Mount Arrowsmith, an important feature of the local landscape and mountain recreations and riches.

August 19, 2009

Coat of Arms for the City of Parksville -3-

Compartment and Supporters

- The gold sand, green fir trees with wavy blue and white bars beneath is a stylization of Parksville's actual setting, highlighting ocean, beach and forest.
- The eagle is a known local specie.
- Collar of roses represents the Englishman River.
- Gold wheat sheaf represents local agriculture.
- The beaver is a symbol of industry and determination of Canada's national animal.
- Collar medallion features a Brant which honour Parksville as the "Brant Capital of Canada"

Motto - Terra Benevola

Translates to *The Friendly Land* and in 1993, a proposed alternative was *The Eternal Sea is the People's Treasure*.

Flag

The suggested flag is modeled closely on the flag of Canada with the shield of arms in place of maple leaf.

Badge

The suggested badge contains the same symbolisms as the coat of arms:

- English red rose for Englishmen River.
- Petals of green fleur de lys for French Creek - southern and northern boundaries of the City of Parksville.
- Sand dollar is distinctive to Parksville.

In 1993, when the sand dollar was proposed for the City of Parksville coat of arms, it was at that time, to be the first ever use of this "unique sea creature in international heraldry."

OPTIONS

1. Approve the 1993 preliminary artwork and instruct staff to proceed with application for an official coat of arms for the City of Parksville
2. Consider a modified version of the 1993 design or a completely new design for a coat of arms for the City of Parksville and instruct staff to pursue preliminary artwork.
3. Request additional information from staff.
4. Maintain the status quo.

ANALYSIS

1. In 1993, a substantial amount of the research and design work was completed that provided a description and artwork that was at that time, given approval to proceed to application by the Canadian Heraldic Authority. Based on the 1993 preliminary artwork, a coat of arms could now be obtained by the City of Parksville at minimal expense. It would be a relatively simple process for staff to now proceed with an application for a coat of arms for the City of Parksville, based on the 1993 preliminary artwork.
2. Council can consider a modified version of the 1993 design or a completely new design for a coat of arms for the City of Parksville and instruct staff to pursue new preliminary artwork for a coat of arms. This would require research, new preliminary artwork and approval by the Chief Herald. This would mean starting the process afresh.
3. Request additional information from staff.
4. Maintain the status quo and the City would still not have an official coat of arms.

FINANCIAL IMPLICATIONS

If no new preliminary artwork is required, a grant document for the 1993 proposed arms (with crest and supporters), flag and badge would be approximately \$2,485.00 (plus taxes) for the letters patent.

Option 2 would mean beginning the process anew. A reasonable cost to proceed with this option would be between \$5,000 and \$7,000, depending on the research and complexity of a new design.

It appears that the City of Parksville paid for the research, description and preliminary artwork in 1993, but did not proceed with the final application for the grant or arms.

RECOMMENDATION

THAT the report from the Communications Officer dated August 19, 2009, regarding an official coat of arms for the City of Parksville be received;


AND THAT Staff be directed to proceed with an application to the Canadian Heraldic Authority for a coat of arms using the preliminary artwork that was developed in 1993 as proposed in the report from the Communications Officer dated August 19, 2009;

AND FURTHER THAT the funding for an official coat of arms be provided from Council contingency at a cost not to exceed \$3,000.00.



DEBBIE TARDIFF
Communications Officer

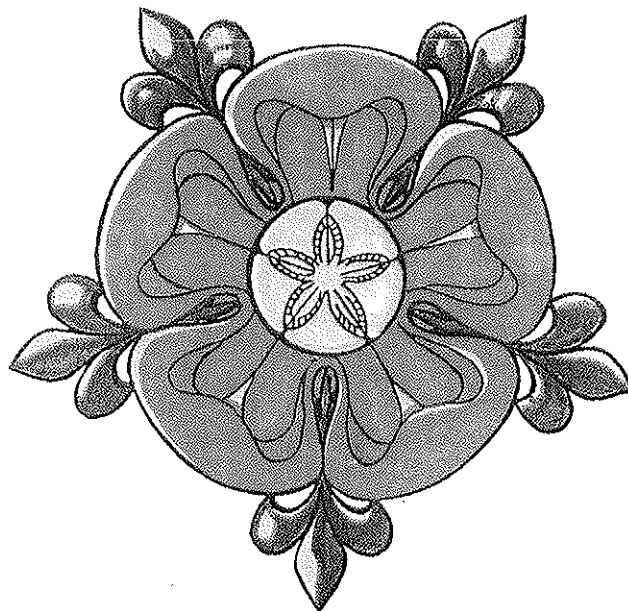
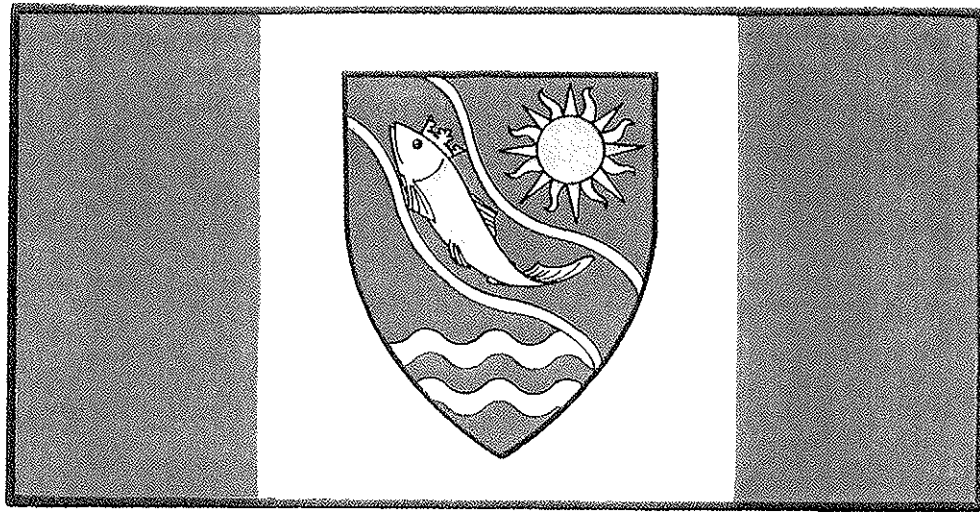
CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



FRED MANSON
Chief Administrative Officer

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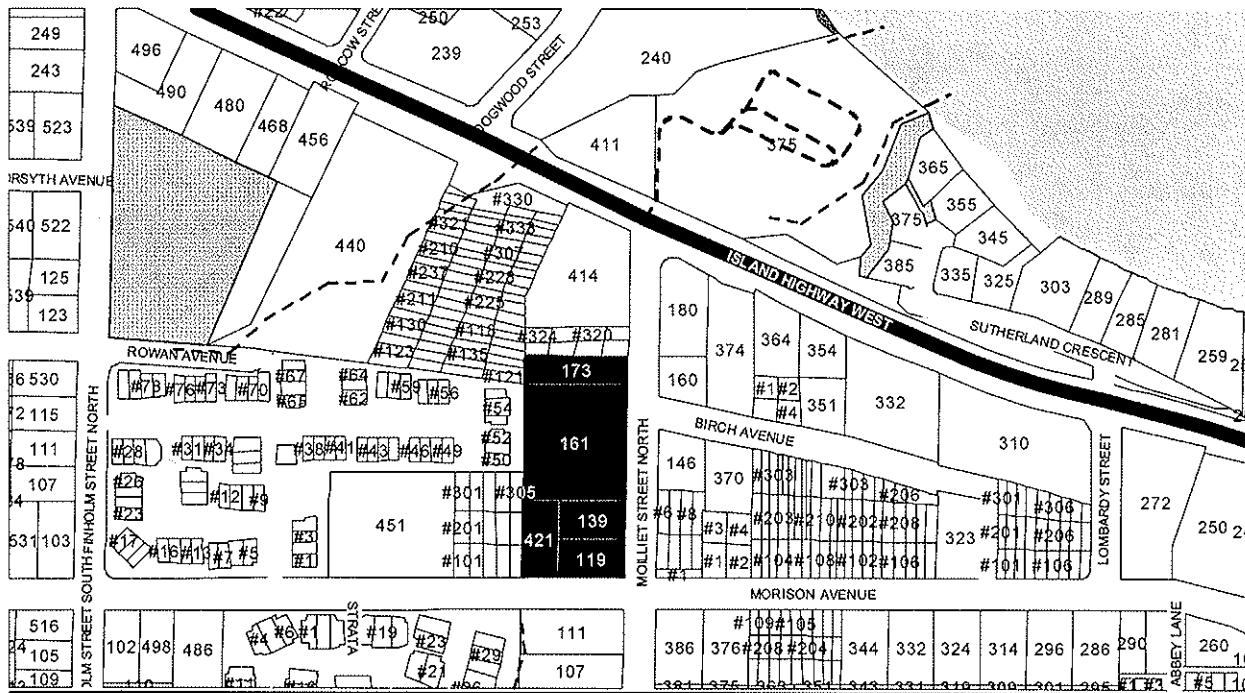
COUNCIL REPORT

August 17, 2009

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

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

SUBJECT: UNSIGHTLY LOTS – LOTS, 1, 2, 3, and 4, DISTRICT LOT 106, NANOOSE DISTRICT, PLAN 12107 AND LOT "A", DISTRICT LOT 106, NANOOSE DISTRICT, PLAN 16408 (421 MORISON AVENUE, 119, 139, 161, 173 MOILLIET STREET, PARKSVILLE)



Issue:

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

Executive Summary:

These 5 vacant properties owned by the same company have been the source of complaints regarding overgrown grass and weeds for the past three 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:

8 photos of property (PowerPoint)

**UNSIGHTLY LOTS – 421 MORISON
AND 119, 139, 161 AND 173
MOILLIET STREET**

Background:

As a result of 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 third year that these properties 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. 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. As a result of these letters and telephone conversations, the property owner has shown no interest in complying with City bylaws.

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 17, 2009, the owners of the property listed below have not yet complied with the terms of the letter.

Civic: 421 Morison Avenue, 119, 139, 161 and 173 Moilliet Street, Parksville
Legal: Lots, 1, 2, 3, and 4, District Lot 106, Nanoose District, Plan 12107 and Lot "A",
District Lot 106, Nanoose District, Plan 16408
Issue: Overgrown and untended growth on vacant lots

**UNSIGHTLY LOTS – 421 MORISON
AND 119, 139, 161 AND 173
MOILLIET STREET**

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 the report from the Director of Community Planning dated August 17, 2009 entitled "Unsightly Lots – 421 Morison Avenue, 119, 139, 161, 173 Moilliet Street, Parksville be received;

AND 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

CHIEF ADMINISTRATIVE OFFICER COMMENTS:


F. MANSON, C.G.A.

COUNCIL REPORT



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

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

**SUBJECT: CONSIDERATION OF AMENDMENT TO "DEVELOPMENT COST CHARGES
WAIVER BYLAW FOR ELIGIBLE DEVELOPMENTS, 2009, NO. 1448"**

Issue:

Consideration of Amendment to Bylaw 1448

Executive Summary:

To provide a more transparent understanding of the Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448.

References:

Section 933.1 *Local Government Act*.

Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448.

Background:

The above bylaw was adopted by Council on August 5, 2009. It is the bylaw which permits a Development Cost Charge waiver for eligible [affordable] housing developments. It has come to Staff's attention that it could be made clearer by reiterating the relevant enabling clause from the *Local Government Act*.

An amendment bylaw appears later on this agenda to accomplish this.

Options:

Council may:

1. Consider the bylaw later on the agenda.
2. Maintain the status quo.

Analysis:

The amendment bylaw would improve clarity by providing the local government prerequisites to obtaining a credit as well as the City criteria. Presently, only the City criteria is shown. There is a concern that this could be misleading.

This bylaw does not require a public hearing therefore making an amendment is a relatively straight forward process.

Financial Implications:

There are no costs other than those pertaining to drafting this report.

**CONSIDERATION OF AMENDMENT TO
"DEVELOPMENT COST CHARGES WAIVER
BYLAW FOR ELIGIBLE DEVELOPMENTS, 2009, NO. 1448"**

Recommendation:

That the report from the Director of Community Planning dated September 1, 2009 for consideration of amendment to "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" be received;

And That Council consider the amendment Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448.1 which appears later on the agenda.



GAYLE A. JACKSON

GAJ/sh

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CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

CITY OF PARKSVILLE

BYLAW NO. 1448.1

Development Cost Charges Waiver for Eligible Developments Amendment Bylaw

WHEREAS Section 933.1 of the *Local Government Act* permits a local government to waive or reduce a development charge by bylaw for eligible developments in the following categories:

- (a) not-for-profit rental housing, including supportive living housing;
- (b) for-profit affordable rental housing.

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

1. An eligible development in any of the above categories is one which in whole or in part meets the City's definitions:
 - "**affordable** means annual housing costs (rent or mortgage and taxes) which do not exceed 30% of a household's gross annual income (assuming home ownership costs include a down payment of 10%, mortgage principal and interest amortized over 25 years and taxes);"
 - "**affordable housing** means housing which, under the terms of a Housing Agreement with the City, would have a market price that would be affordable to households of low and moderate incomes. Households of low and moderate income are those which have incomes that are 80% or less than the median household income in the City of Parksville as reported by Statistics Canada;
2. The Development Cost Charges that would otherwise be applicable if the unit or building did not meet the definition of affordable will be waived in the amount of 100% for that portion[s] of the building comprising the affordable use.
 - (a) Notwithstanding the foregoing, the property subject to a Development Cost Charges waiver must be subject the of an affordable housing agreement that guarantees the affordable use for a period of at least 15 years from the date an occupancy permit is granted.
3. This bylaw may be cited for all purposes as "Development Cost Charges Waiver for Eligible Developments Amendment Bylaw, 2009, No. 1448.1".

READ A FIRST TIME this day of

READ A SECOND TIME this day of

READ A THIRD TIME this day of

ADOPTED this day of

Mayor

Corporate Officer

August 25, 2009

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: DOUG BANKS, FIRE CHIEF

SUBJECT: FIRST RESPONDER AGREEMENT

ISSUE

The signing of a First Responder Agreement (Consent and Indemnity)

EXECUTIVE SUMMARY

The provisions of the *Emergency and Health Services Act* requires written consent for agencies that are providing Pre-Hospital care in the province. The Parksville Volunteer Fire Department has been providing First Responder (pre-hospital care) at times when the British Columbia Ambulance Service resources are stretched to the limit and may not be readily available to provide emergency service.

REFERENCES:

Emergency and Health Services Act

Correspondence from Emergency and Health Services Commission dated August 12/09, Municipal Insurance Association and Union of B.C. Municipalities
Proposed Consent and Indemnity Agreement

BACKGROUND

The British Columbia Ambulance Service (BCAS) has been asking for signed agreements for several years. Up until this draft of the agreement, it was recommended by the Municipal Insurance Association (MIA) and the Union of British Columbia Municipalities (UBCM) that the previous agreements not be signed by municipalities as there was no benefit. In fact, there were some that thought the agreements were detrimental to municipalities and actually exposing them to some unwanted liabilities.

.../2

The agreement has recently undergone a review in consultation with all of the parties involved, the Fire Service, BCAS, MIA, and UBCM. The new agreement was drafted to meet the concerns identified in the previous draft agreement. At this time, all parties find the agreement acceptable.

OPTIONS

1. Sign the First Responder Agreement

Signing the agreement will mean the City of Parksville Fire Department will meet the requirements of the Emergency and Health Services Act and have written consent to provide First Responder Pre-Hospital care when required.

2. Maintain the Status Quo

Not signing the agreement will mean the City of Parksville Fire Department will not meet the requirements of the *Emergency and Health Services Act*. Without written consent to provide First Responder services, we may be exposing the municipality to unneeded liability in the light of the new agreement that meets the concerns addressed by the parties involved.

FINANCIAL IMPLICATIONS

There are no financial implications with regards to the signing of this agreement.

SUMMARY/CONCLUSIONS

With the recent amendments to the First Responder Agreement, and the endorsement of the parties involved, there is no negative impact on the municipality by signing the agreement.

.../3

RECOMMENDATION

That the report from the Fire Chief dated August 25, 2009 entitled "First Responder Agreement", be received;
AND THAT the "First Responder Agreement" between the City of Parksville and the Emergency and Health Service Commission for the provision of First Responder services, as attached to the report from the Fire Chief dated August 25, 2009, be approved;
AND FURTHER THAT the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the City.



Doug Banks, Fire Chief

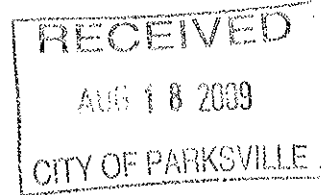
CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



FRED C. MANSON, CGA
Chief Administrative Officer



Emergency and Health Services Commission



August 12, 2009

File: 51050-20/FRCC
Cliff: 797757

All First Responder Agencies

Dear Members:

Please find enclosed the new Consent and Consent and Indemnity Agreements for your organization's signing authority signature. Depending on insurance coverage some First Responder Agencies may want to sign the 'consent only' agreement. However, all First Responder Agencies should review both agreements so as to ensure the best indemnification possible.

For your records, please find attached a copy of the authorization from Keith R. Gibson of the Municipal Insurance Association of BC and a letter from Ken Vance of the Union of BC Municipalities.

Please remember these agreements must be signed by an individual who has signing authority for the Municipality, Regional District, or Society. For many Fire Departments throughout the province, this may not be the Fire Chief but it may be the City Administrator or a similar position. Please take the time to find out who has the signing authority and have that person sign the new agreements. A finalized copy will be sent to their office for record keeping purposes.

I would like to thank you in advance for having the agreements signed and returned to my office.

Sincerely,

Randy Shaw
Director, First Responder Services



390 – 1050 Homer Street
Vancouver, BC V6B 2W9
Phone: 604 683 6266 Fax: 604 683 6244
www.miabc.org
kgibson@miabc.org

Cleve Molsberry
Vice President
Corporate Policy and Planning
Emergency Health Services Commission
PO Box 9600 Stn Prov Govt
Vitoria, B.C. V8W 9P1

sent via email Cleve.Molsberry@gov.bc.ca

Dear Cleve

Re: FR Working Group – Amended Indemnity

At the request of the Working Group this letter is to confirm the Municipal Insurance Association of British Columbia finds the amended indemnity, which was circulated by email on Wednesday, March 18, 2009, acceptable.

Yours truly

Keith R. Gibson, CRM
Risk Manager

Office
British
Columbia
Municipalities

Suite 607
10651 Shellbridge Way
Richmond
British Columbia
Canada V6X 2A9
PH: 278-2226
Fax: 278-2916
Email: ubcm@vancouver.ca

PRESIDENT
ROBERT KOSSEN

EXECUTIVE DIRECTOR
GUY STICKLEBAC

June 24, 2009

Chief Steve Gamble
Fire Chiefs' Association of B.C.
Unit 9 - 715 Barrera Road
Kelowna, BC
V1W 3C9

Dear Chief Gamble:

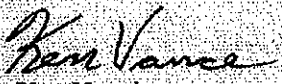
Re: First Responder Agreements

UBCM has reviewed the agreements developed by the Emergency and Health Services Commission for the delivery of first responder services. The review was done as a result of a decision by the Commission to require formal agreements be signed prior to first responder services being undertaken.

UBCM undertook the review in cooperation with fire service representatives and the Municipal Insurance Association. A number of issues were identified regarding operating practices and regional district responsibility and liability associated with providing first responder services. All of the issues identified in the review were addressed by the Emergency and Health Services Commission in the final draft of the agreement.

I hope this information is of assistance in dealing with the First Responder Agreements.

Yours truly


Ken Vance
Senior Policy Advisor

FIRST RESPONDER AGREEMENT (CONSENT AND INDEMNITY)

THIS AGREEMENT dated for reference the 12th day of August 2009

BETWEEN:

Her Majesty the Queen in Right of the Province of British Columbia,
represented by the Emergency and Health Services Commission
continued under the provisions of the *Emergency and Health
Services Act*, R.S.B.C. 1996, c. 182

(the "Commission")

AND: Parksville Volunteer Fire Department

(the "Agency")

(together the "Parties")

WHEREAS:

A. Under the provisions of the *Emergency and Health Services Act*, R.S.B.C. 1996, c. 182, the Commission has the power and authority to:

- (a) provide emergency health services in British Columbia; and
- (b) to assist hospitals, other health institutions and agencies, municipalities and other organizations and persons, to provide emergency health services and to train personnel to provide services, and to enter into agreements or arrangements for that purpose;

and no person may do anything that the Commission is given the power to do except with the written consent of the Commission, and on terms it may specify.

B. The Agency has employees or volunteer members who are licensed as EMA FR under the provisions of the *Emergency Medical Assistants Regulation*, B.C. Reg. 562/2004.

NOW THEREFORE, in consideration of the premises, and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the Parties), the Parties agree as follows:

1.0 INTERPRETATION

- 1.1 “EMA FR” has the same meaning as in the *Emergency Medical Assistants Regulation*, B.C. Reg. 562/2004;

“Emergency Health Service” has the same meaning as in the *Emergency and Health Services Act*;

“Emergency Medical Assistant” has the same meaning as in the *Emergency and Health Services Act*;

“First Nation” has the same meaning as in the *Community Charter*, S.B.C. 2003, c. 26;

“First Responder” means an individual who is licensed as an EMA FR in British Columbia;

“Local Authority” has the same meaning as in the *Community Charter*, S.B.C. 2003, c. 26.

2.0 TERM

- 2.1 This Agreement will continue until it is terminated in accordance with section 16.1.

3.0 CONSENT

- 3.1 The Commission consents to the Agency:

- (a) providing Emergency Health Services in British Columbia by way of its First Responders; and
- (b) training personnel to provide Emergency Health Services and entering into agreements or arrangements for that purpose;

(collectively “the Services”), subject to the terms and conditions contained in this Agreement.

4.0 REQUIREMENT TO BE A LEGAL ENTITY

- 4.1 The Agency must be a Local Authority or First Nation, or be a non-profit corporation.
- 4.2 An Agency which is not a Local Authority or First Nation must provide the Commission with:
- (a) a certificate of incorporation issued under the *British Columbia Society Act*, R.S.B.C. 1996, c. 433; or
 - (b) Letters Patent granted under the Federal *Canada Corporations Act*, Part 2, R.S.C. 1970, c. C-32.

5.0 DISPATCH

- 5.1 The Agency will only provide Emergency Health Services at the request of the Commission through the Commission's Emergency Medical Dispatch System.

6.0 SERVICES

- 6.1 It is a condition of this Agreement that an Agency will only allow a First Responder to provide Emergency Health Services:
- (a) for which the First Responder has been trained; and
 - (b) with respect to which the First Responder is licensed and holds a proper licence endorsement under the *Emergency Medical Assistants Regulation*, B.C. Reg. 562/2004.

7.0 DIRECTION

- 7.1 Subject to section 7.2, the Agency will require its First Responders to accept direction from an Emergency Medical Assistant employed by the Commission who has been dispatched by the British Columbia Ambulance Service to the scene of a medical emergency when:
- (a) both a First Responder and an Emergency Medical Assistant are in attendance;
 - (b) the direction provided by the Emergency Medical Assistant is directly related to the provision of Emergency Health Services;

- (c) the direction provided by the Emergency Medical Assistant does not require the First Responder to provide any Emergency Health Services for which the First Responder is not licensed or does not hold a proper license endorsement under the *Emergency Medical Assistants Regulation*, B.C. Reg. 562/2004; and
 - (d) the Agency has received the consent of the Commission under this Agreement to provide the Emergency Health Services for which direction is being given by the Emergency Medical Assistant.
- 7.2 First Responders may, at their discretion, accept direction or assistance from an off-duty Emergency Medical Assistant employed by the Commission if the First Responder believes that the direction is in the best interests of the patient.

8.0 INDEMNITY

- 8.1 To the extent that the Agency is not indemnified under a valid and collectible policy of insurance, the Commission will indemnify and save harmless the Agency, against and from, all claims which may be brought or made by any person against the Agency or its First Responders in consequence of providing the Services in British Columbia in accordance with this Agreement, and whether sustained or incurred by reason of negligence or default, including legal fees and disbursements.
- 8.2 Despite section 8.1, the Commission will not indemnify or save harmless the Agency against claims which are the result of:
- (a) the gross negligence or willful, wanton or reckless conduct of a First Responder in providing the Services;
 - (b) a First Responder providing Services for which they have not been trained and for which they are neither licensed nor hold a proper license endorsement under the *Emergency Medical Assistants Regulation*, B.C. Reg. 562/2004;
 - (c) a First Responder traveling to or from a location for the purposes of providing the Services;
 - (d) a First Responder sustaining bodily injury or death as a result of providing the Services;

- (e) the Agency or a First Responder failing to comply with the terms of this Agreement.

9.0 DEFENCE

9.1 For the purpose of this part:

"Action" means any action in which a Claim is brought, made or advanced against the Agency;

"Claim" means any Claim contemplated by section 8.1;

"Judgment" means an award of damages or other monetary compensation made in an Action which the Agency is ordered to pay by any court having proper jurisdiction, as a result of any Claim brought made or advanced against the Agency; and

"Settlement" means an agreement to compromise a Claim or an Action.

- 9.2 Upon the Agency becoming aware of any pending or threatened Claim or Action, written notice must be given by or on behalf of the Agency to the Commission within ten business days.
- 9.3 The Commission will investigate each Action or Claim as the Commission considers necessary, and must pay the costs of any investigation.
- 9.4 If the Commission has reasonable grounds for believing that any of the circumstances described in section 8.2 applies to the Action, the Commission may refuse to defend the Action. Such refusal will not relieve the Commission from its obligations to indemnify the Agency if it is subsequently determined that section 8.2 does not apply to the Action.
- 9.5 If the Commission obtains the written consent of the Agency (which the Agency agrees not to unreasonably withhold), the Commission may make a Settlement, provided that the Agency or its First Responders will not be required as part of the Settlement to admit liability.
- 9.6 If the Agency fails to give consent to the terms of a proposed Settlement under section 9.5, the Commission may require the Agency to negotiate or defend the Action independently of the Commission. In this case, any amount in excess of the Settlement negotiated by the Commission will not be recoverable under this Indemnity, and the Commission will only be responsible for legal fees and costs up to the time when the Settlement could have been made.

- 9.7 In respect of any claim or action which is founded upon any of the acts specified in section 8.2, the Agency will defend or negotiate a settlement and pay any compensation or other payment under any such settlement or any judgment.

10.0 COMMUNICATIONS

- 10.1 The Agency must provide the Commission with one of the following:
- (a) a telephone number which allows the Commission to communicate with the Agency; or
 - (b) proof that the First Responders can be efficiently dispatched by the Commission.

11.0 RELATIONSHIP

- 11.1 No partnership, joint venture, agency or other legal entity will be created by or will be deemed to be created by this Agreement or any actions of the Parties pursuant to this Agreement.

12.0 MONEY

- 12.1 The Agency will not in any manner whatsoever commit or purport to commit the Commission to the payment of money to any person, firm or corporation.

13.0 ASSIGNMENT

- 13.1 The Agency will not assign, directly or indirectly, this Agreement or any right under this Agreement.
- 13.2 The Agency will not sub-contract the provision of the Services.

14.0 NON-WAIVER

- 14.1 No term or condition of this Agreement and no breach by the Agency of any such term or condition will be deemed to have been waived unless such waiver is in writing signed by the Commission.

- 14.2 The written waiver by the Commission of any breach by the Agency of any term or condition of this Agreement will not be deemed to be a waiver of any other provision or any subsequent breach of the same or any other provision of this Agreement.

15.0 APPROVALS

- 15.1 This Agreement does not operate as a permit, license, approval or other statutory authority which the Agency may be required to obtain from the Province of British Columbia or any of its agencies in order to provide the Services.
- 15.2 Nothing in this Agreement is to be construed as interfering with the exercise by the Province of British Columbia or its agencies of any statutory power or duty.

16.0 TERMINATION

- 16.1 The Commission may terminate this Agreement immediately on giving written notice of termination to the Agency for the Agency's failure to comply with the terms and conditions of this Agreement; and both Parties may terminate the Agreement on giving thirty (30) days' written notice of termination to the other Party.

17.0 NOTICES

- 17.1 Any written communication must be mailed, personally delivered or faxed to the following address:

if to the Commission:

Director, First Responder Services
Emergency and Health Services Commission
302 – 2955 Virtual Way
Vancouver BC V5M 4X6
Fax: (604) 660-6702

if to the Agency:

Name: _____

Title: _____

Address: _____

Fax Number: _____

17.2 Any written communication from a Party will be deemed to have been received by the other Party on the third business day after mailing in British Columbia; on the date of personal delivery if personally delivered; or on the date of transmission if faxed.

17.3 Any Party may, from time to time, notify the other Party in writing of a change of address and, following the receipt of such notice, the new address will, for the purposes of section 17.1 of this Agreement, be deemed to be the mailing address of the Party giving notice.

18.0 EXECUTION

18.1 The Director, First Responder Services, is authorized to enter into and execute this Agreement on behalf of the Commission.

18.2 The Agency represents and warrants that it has authorized the signatory who has signed this Agreement on its behalf to enter into and execute this Agreement on its behalf without affixing the Agency's common seal.

19.0 MISCELLANEOUS

19.1 All of the provisions of this Agreement in favour of the Commission, either at law or in equity, will survive any expiration or sooner termination of this Agreement.

19.2 This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

19.3 No amendment or modification to this Agreement will be effective unless it is in writing and duly executed by the Parties.

- 19.4 If any provision of this Agreement or the application to any person or circumstance is invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to any other person or circumstance will not be affected or impaired thereby, and will be enforceable to the extent permitted by law.
- 19.5 Each of the Parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments and assurances whatsoever for the better or more perfect and absolute performance of the terms and conditions of this Agreement.
- 19.6 Time will be of the essence in this Agreement.
- 19.7 The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.
- 19.8 Any reference to a statute in this Agreement, whether or not that statute has been defined, includes all regulations at any time made under or pursuant to that statute and any amendments to that statute.
- 19.9 In this Agreement, wherever the singular or neuter is used it will be construed as if the plural or masculine or feminine, as the case may be, had been used where the context so requires.
- 19.10 This Agreement will enure to the benefit of and be binding upon the Parties and their successors and permitted assigns.
- 19.11 This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement.

19.12 This Agreement may be executed in counterpart, which when taken together will constitute one and the same Agreement. This Agreement may be executed by the exchange of signed counterparts by facsimile transmission or electronically in PDF or similar secure format.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first written.

Director, First Responder Services
THE EMERGENCY AND HEALTH
SERVICES COMMISSION

)
)
)
)
)
)

Name: _____
Title: Director, First Responder
Services

Duly Authorized Signature of
THE AGENCY

)
)
)
)
)
)

Name: _____
Title: _____

August 24, 2009

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER

FROM: AMANDA HAYWOOD, EXECUTIVE ASSISTANT

SUBJECT: PARKSVILLE DOWNTOWN BUSINESS ASSOCIATION - STREET HOCKEY CHALLENGE - OUR FILE: 8100-01

ISSUE:

Parksville Downtown Business Association would like to hold a "Street Hockey Challenge" on Morison Avenue, from Home Hardware to McMillan Street - Sunday, September 20, 2009 from 9:00 a.m. until 4:00 p.m.

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 Event Application Form (1A) from the Parksville Downtown Business Association including the Terms and Conditions signed August 20, 2009.*

BACKGROUND:

A request has been received from the Parksville Downtown Business Association to hold a Street Hockey Challenge on Morison Avenue (from Home Hardware to McMillan Street) on September 20, 2009 to stimulate the downtown core and create community harmony and business relationships.

A road closure has been requested and the organizers will be putting up road blocks indicating the closure and are in the process of contacting all businesses that will be affected by this closure.

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 application and determined that there are no scheduling conflicts and the above issues will be properly handled.

The RCMP and Engineering & Operations were consulted on this application and no concerns have been expressed. The Fire Department has no issues as long as the provisions of the Terms and Conditions (mainly access in case of an emergency) are maintained throughout the event.

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 owner of the Community Park and the road authority of the City Streets, 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.

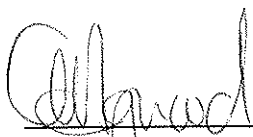
RECOMMENDATION:

THAT the report from the Executive Assistant dated August 24, 2009 entitled "Parksville Downtown Business Association - Street Hockey Challenge" be received;

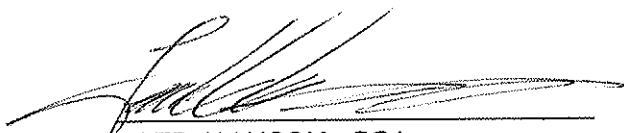
AND THAT Parksville Downtown Business Association be granted permission to hold a "Street Hockey Challenge" special event on Morison Avenue, from Home Hardware to McMillan Street, on Sunday, September 20, 2009 from 9:00 a.m. until 4:00 p.m.;

AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form signed August 20, 2009 attached to the report from the Executive Assistant dated August 24, 2009 entitled "Parksville Downtown Business Association - Street Hockey Challenge".

Respectfully submitted,



AMANDA HAYWOOD
Executive Assistant

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

FRED MANSON, CGA
Chief Administrative Officer

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City of Parksville

EVENT APPLICATION FORM (1A)

(Application to Hold a Stationary Event Held at Venue Other than in a City Park)

Date of Application: August 20/09 Name of Event: "Street Hockey Challenge"
 Name of Organization: PABA Phone: 927-2103
 Contact Name: Shawn Backhuizen Bus. Phone: 927-2103
 Mailing Address: 181 Beachside Dr. Fax: 250-947-2100
Parksville BC Postal Code: V9P 2H5 E-Mail: gmc@beachclubbc.com
 Alternate Contact: Anthony Vassellisin Phone: 250-248-2545
ext. 222

Facility(ies) Required: Morrison Avenue from Home
Hardward to MacMillan
 Date(s) Requested: Sept. 20 Hours of Use: 9-4
 Anticipated Number in Attendance: 100
 (Note: Please provide a list of any other groups coming under the umbrella of this event)
 Purpose of Use: to stimulate the downtown core
and create community harmony and business
relationships
 Road Closure Requested: Yes ☒ No ☐ Details: please see above
 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: _____

City of Parksville

TERMS AND CONDITIONS FOR USE OF CITY OF PARKSVILLE FACILITIES

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.

PDBA

Printed Name of Authorized Representative

SHAUNA BROOKHUIZEN

Name of Organization

Signature

Date Signed

AUGUST 20/09

Report to Council

September 1, 2009

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER
FROM: AMANDA HAYWOOD, EXECUTIVE ASSISTANT
SUBJECT: 2009 FALL GRANT-IN-AID APPLICATIONS

ISSUE:

Financial grant-in-aid applications from community groups and organizations.

EXECUTIVE SUMMARY:

Under the provisions of the City's Grant-In-Aid Application policy the City of Parksville may provide direct financial assistance to community groups and organizations for events and projects that will benefit the citizens and visitors of the municipality contingent upon provisions being included in the annual operating budget. The 2009 budget for this purpose is \$5000. As provided under the policy the award of grants is split into a spring and fall intake. The deadline for fall intake was August 28, 2009. The purpose of this report is to establish a Grant-in-Aid Select Committee to review the applications received by fall deadline.

REFERENCE:

*Grant-In-Aid Application Policy No. 3.26.
Newspaper advertising of July 14 & 21, 2009 and City website notification.
Seven (7) Grant-In-Aid applications.*

BACKGROUND:

On February 7, 2000, Council adopted Policy No. 3.26 to provide direct financial assistance to community groups and organizations for events and projects that will benefit the citizens and visitors of the municipality, contingent upon provisions being including in the annual operating budget. The community groups and organizations in the arts, cultural, recreational or social services field are eligible to apply for direct financial assistance based on predetermined criteria.

Policy No. 3.26 provides for two application submission dates of March 1st and September 1st with one-half of the annual budget allocation available for each submission date. The Policy requires that all grant applications be forwarded to a Grant-In-Aid Select Committee for review and recommendation to Council as to whether grants should be approved and the amount, subject to funding availability. Council is not obligated to allocate all or any budgeted funds. In the event the \$2,500.00 budget is not fully allocated during the first annual submission, the remaining funds can be considered for allocation at the second annual submission date of August 28, 2009.

OPTIONS:

1. Appoint a Grant-In-Aid Select Committee to review and make recommendations to Council as to whether grants should be approved and the amount subject to availability.
2. Not appoint a Grant-In-Aid Select Committee to review and make recommendations to Council as to whether grants should be approved and the amount subject to availability.

ANALYSIS:

Option 1 is a requirement of Policy No. 3.26. Option 2 would require the Policy to be amended to reflect how Council wishes to consider the Grant-In-Aid applications.

SUSTAINABILITY/ENVIRONMENTAL IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Award of the \$2500 of the \$5000 provided for grants-in-aid in the 2009 budget

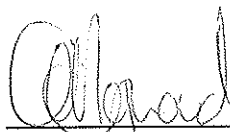
RECOMMENDATION:

THAT the report from the Executive Assistant dated September 1, 2009 entitled "2009 Fall 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 funds for the submissions received for the period ending August 28, 2009;

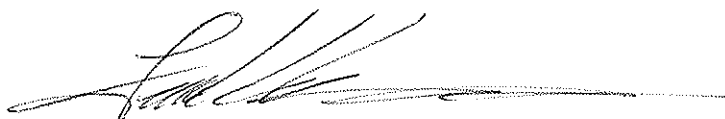
AND THAT the Grant-In-Aid Select Committee be comprised of the Chief Administrative Officer and two Councillors appointed by the Mayor.

Respectfully submitted,



AMANDA HAYWOOD
Executive Assistant

CHIEF ADMINISTRATIVE OFFICER:



F. C. MANSON, CGA
Chief Administrative Officer

Fall 2009 Application Requests

Organization	Fall 2009 Requested	Spring 2009 Approved	2008 Approved	2007 Approved	2006 Approved	2005 Approved
Arrowsmith Potters' Guild	600.00					450.00
Arrowsmith Search and Rescue	1,000.00					
Ballenas Secondary Dry Grad Committee		300.00	250.00	0.00	250.00	200.00
Bike for Your Life Vancouver Island Society			0.00			
Errington Therapeutic Riding Association (ETRA)**				0.00		
District 69 Citizens On Patrol (Speed Watch)			400.00	577.58		
District 69 Family Resource Association (FRA)			700.00	400.00	250.00	200.00
Mid Vancouver Island Habitat Enhancement Society				200.00		
Mount Arrowsmith Pipe Band Association			300.00			
The Nature Trust of BC (Brant Festival)		0.00	250.00		250.00	750.00
Oceanside Community Arts Council	246.10	0.00	300.00			
Oceanside Community Response Network		300.00		300.00	500.00	
Oceanside Volunteer Association	500.00		300.00	300.00		250.00
Oceanside's Food Forethought			300.00			
Parksville & District Assoc. for Community Living	2,500.00	500.00	600.00	800.00	800.00	
Parksville & District Historical Society			650.00	400.00	650.00	
Parksville & District Musical Association		200.00	200.00	200.00		200.00
Parksville Curling Club			300.00	250.00	250.00	
Parksville Garden & Parkland Society	1,000.00			250.00		
Parksville RCMP Community Consultative Group			300.00			
Parksville Seniors Activity & Drop in Centre Society	200.00	200.00				200.00
Royal Canadian Air Cadets (893 Beaufort Squadron)			350.00		800.00	
Vancouver Island Opera (former Oceanside Lyric Ensemble)		200.00	100.00	600.00		300.00
Total	\$6,046.10					

CITY OF PARKSVILLE

POLICY

SUBJECT: <i>Grant-In-Aid Applications</i>	POLICY NO:	3.26
	RESO. NO:	00-40
	CROSS REF:	
<hr/>		
EFFECTIVE DATE: February 7, 2000	APPROVED BY:	Council
<hr/>		
REVISION DATE: November 6, 2000	RESO. NO:	00-390
	RESO. NO:	
	CROSS REF:	
	PAGE 1 OF 4	

PURPOSE

The City of Parksville may provide direct financial assistance to community groups and organizations for events and projects that will benefit the citizens and visitors of the municipality contingent upon provisions being included in the annual operating budget.

POLICY

Eligibility

Community groups and organizations in the arts, cultural, recreational or social services field may apply for direct financial assistance from the City based on the following criteria:

1. The group or organization is not commercial in nature.
2. The group or organization is incorporated either under the *Societies Act* of BC or under any Federal act as a charitable organization, or in the event the funding applied for is equal to or less than \$500.00, it is an unincorporated group with demonstrated objectives that are charitable in nature.
3. The group or organization has demonstrated sound financial and administrative management.
4. There is a demonstrated financial need.
5. The group or organization has a demonstrated track record of community service.

6. The majority of the members of the group or organization reside in the municipality.
7. The financial assistance is for an event or project to be held within the municipal boundaries, except for individuals or groups representing international, national or Western Canadian events where the individual or team is the current Provincial champion.
8. Applications for financial assistance for commitments or expenses incurred prior to the approval of the application will not be considered.
9. Groups or organizations will only be considered for funding twice in a calendar year providing they can demonstrate that a special project or event will occur after having received previous funding in the same calendar year.

Applications

Groups or organizations wishing to apply for funding assistance are requested to obtain a copy of Grants-In-Aid Policy No. 3.26 and an application form to ensure their submission will meet all the necessary criteria.

There shall be two application submission dates of March 1st and September 1st with one-half of the annual budget allocation available for each submission date. For the year 2000 only, the application deadline will be March 31st. An advertisement shall be placed in a local newspaper at least one month prior to both deadline submission dates. Submissions received after the March 1st deadline will not be considered and may be referred by the Grants-In-Aid Select Committee to the second annual submission date of September 1st for consideration. Submissions received after the September 1st deadline will not be considered or referred to the next calendar year for consideration.

All applications shall be submitted with the following information and documentation:

1. The adopted Constitution of an unincorporated group. In the case of a body corporate, a copy of its incorporation documents setting forth its objectives and goals.
2. The service the organization provides to the community.
3. The amount of financial assistance required.
4. The benefits in the community to result from the grant.
5. The degree of other community support or sponsorship.
6. A detailed proposed budget for the year the grant is requested detailing all revenues and expenditures, including a detailed list of all other grants and donations.

7. Financial statements from the fiscal year immediately preceding the year for which the grant is requested.
 - (i) signed by two directors in the event that the applicant is an unincorporated body and the funding requested is equal to or less than \$500.00; or
 - (ii) as required by the *Societies Act* or other incorporating legislation; however, in the event that the funding requested by a body corporate is greater than \$5,000.00, then the financial statements must be reviewed and/or audited by an independent and qualified accountant.
8. If the applicant has received funding from the City in the past, the applicant must submit an evaluation of the use of the funds received. Failure to provide an evaluation of past funding amounts will result in the current grant request not being considered.
9. Will not be accepted from any group or organization that is overdue on money or any other obligation owed to the City.

Incomplete applications will be returned. Returned applications which are not resubmitted by the advertised deadline in corrected form will not be considered for funding. By way of example only, applications which are not signed, do not evidence an incorporation number or do not have the proper financial statements or accounting for previous funds will be rejected.

Criteria

In order of preference:

- Activities are consistent with the aims, objectives and standards of the City.
- Applications providing programs for youth and/or seniors.
- Applications with at least 50 per cent of required funding coming from sources outside the funds sought from the City.
- Organization has a large number of volunteers and a broad base of community support.
- Activity/program is accessible to a large portion of the community's residents.
- Contributions toward travel expenses from individuals or teams will be considered only for travel prior to attending international, national or Western Canadian events where the individual or team is the current Provincial champion.
- Non-profit societies operating at regional, Provincial or Federal levels and conducting fundraising by means of tag days, mail outs or door-to-door campaigns will not be eligible for a grant-in-aid from the City.

- Organizations which receive a fee for service from the City are not eligible for grant funding under this policy unless the application is for a program other than the fee for service program.

Procedure

All grant applications will be forwarded to the Grants-In-Aid Select Committee for review. Incomplete applications will not be forwarded for consideration. The Select Committee will review each application and make recommendations to Council as to whether grants should be approved and the amount subject to funding availability. Council is not obligated to allocate all or any budgeted funds.

Payment

Applicants are advised that grants will not be continued from year to year. Renewals are not automatic nor is any increase in funds.

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CITY OF PARKSVILLE



BYLAW NO. 1453

DOWNTOWN BUSINESS IMPROVEMENT AREA ESTABLISHMENT

WHEREAS Section 215 of the *Community Charter* provides Council with the authority to establish, by bylaw, a business improvement area (the "BIA") and grant money to an applicant for the purpose of planning and implementing a Business Promotion Scheme;

AND WHEREAS the Council of the City of Parksville has received a petition for a business improvement area service as required under Section 212 of the *Community Charter* and the petition is sufficient under the provisions of Division 5 of Part 7 of the *Community Charter*.

AND WHEREAS the Council of the City of Parksville has been notified that the owners of certain properties in the downtown area of the City have formed the Parksville Downtown Business Association (the "Association") and the Association has submitted an application for a grant of money under Section 215 of the *Community Charter*.

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

1. DESIGNATION OF AREA

Those lands within the area shown outlined on the map attached to and forming part of this bylaw as Schedule "A" are designated as a Business Improvement Area within the meaning of Section 215 of the *Community Charter* and shall be known as the Parksville Downtown Business Improvement Area.

2. GRANT

- (1) Council is hereby empowered to grant to the Association for the term of this bylaw, money not exceeding the following amounts:

For the calendar year 2010 - \$150,000.00

For the calendar year 2011 - \$150,000.00

For the calendar year 2012 - \$150,000.00

For the calendar year 2013 - \$150,000.00

For the calendar year 2014 - \$150,000.00

- (2) These monies shall be paid to the Association on or before the first day of August in each year.
- (3) An advance payment equal to 25% of the current year grant amount may be provided to the Association prior to Council approval of the annual budget for each of the years included in this bylaw. The amount of the grant made following Council approval of an annual budget shall be adjusted to take into account any such advanced payment.

3. EXPENDITURE

- (1) The money granted under Section 2 of this bylaw shall be expended only by the Association, only in accordance with the conditions and limitations set out in this bylaw and only for the following Business Promotion Scheme:
 - (a) Marketing and promotions, events, advertising, holiday lighting, communication with downtown business owners and tenants on issues and opportunities;
 - (b) Improving or beautifying sidewalks, public art structures, murals, seating areas, flowers, banners in the business improvement area;
 - (c) The removal of graffiti from buildings and other structures, creation or support of anti-litter and anti-vandalism projects in the business improvement area; and
 - (d) Encouraging business in the business improvement area
- (2) The Association shall not incur any indebtedness or other obligations related to the Business Promotion Scheme beyond each calendar year.

4. RECOVERY OF FUNDS

- (1) All of the money granted to the Association pursuant to this bylaw shall be recovered within the Business Improvement Area in the manner set out in this Section.
- (2) For the purpose of recovering the monies granted to the Association under this bylaw in any year in which a grant is made to the Association, there shall be levied annually on all land and improvements within the Business Improvement Area that fall or would fall within Class 5 or Class 6 of the *Assessments - Classes and Percentage Levels Regulation, BC Reg. 438/81*, excluding Federal, Provincial and Municipal owned properties used for government purposes, a rate sufficient to raise the sums set out in Section 2 herein for that year. The levy shall be based on the assessed value of land and improvements for general municipal purposes.

5. CONDITIONS AND LIMITATIONS

Notwithstanding any other provision of this bylaw, no grant shall be made and no grant funds shall be used or spent by the Association, in any year unless the Association:

- (i) Submits an annual budget for approval by the Council on or before March 15th in each year, beginning March 15th, 2010, which outlines all revenues and expenditures related to the Business Promotion Scheme during that calendar year;
- (ii) Accounts for the money granted by Council for the previous calendar year, by submitting financial statements prepared by a professional accountant, at the same time as the annual budget is submitted under this section;
- (iii) Is a Society incorporated and in good standing under the provisions of the *Society Act*, RSBC 1996, created for the purpose of administering the Business Promotion Scheme.

6. INSURANCE

- (1) The Association shall provide and maintain Comprehensive General Liability Insurance acceptable to the City and subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover any person employed

directly or indirectly by the Association as well as any contractor or subcontractor hired by the Association.

- (2) The City shall be added as an additional named insured under the Comprehensive General Liability Insurance policy and shall be primary without any right of contribution from any insurance otherwise maintained by the City
- (3) The Association shall provide the City with a copy of the current Comprehensive General Liability Insurance policy prior to the City providing funding under Section 2 of this bylaw.
- (4) The Association's Comprehensive General Liability Insurance policy shall contain an endorsement requiring that the City be provided with 30 days prior written notice of any change in the policy or its cancellation.

7. INDEPENDENT ENTITY

- (1) The Association is independent from the City of Parksville and shall bear all the responsibility for managing its own affairs; hiring its own employees; and paying all its own expenses, including all salaries, subject to the terms of this bylaw.
- (2) Employees of the Association are not employed by the City of Parksville and as such are not bound by or benefit from the terms and conditions set out in agreements made between the City of Parksville and its employees.
- (3) The Association will not in any manner whatsoever commit or purport to commit the City of Parksville to the payment of any money to any person, firm or corporation.

8. MISCELLANEOUS

- (1) This bylaw shall cease to have effect on the 31st day of December, 2014.
- (2) The Business Improvement Area created by this bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating, or completing necessary works or service for the merged area.

9. CITATION

This bylaw may be cited for all purposes as "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453".

READ A FIRST TIME this

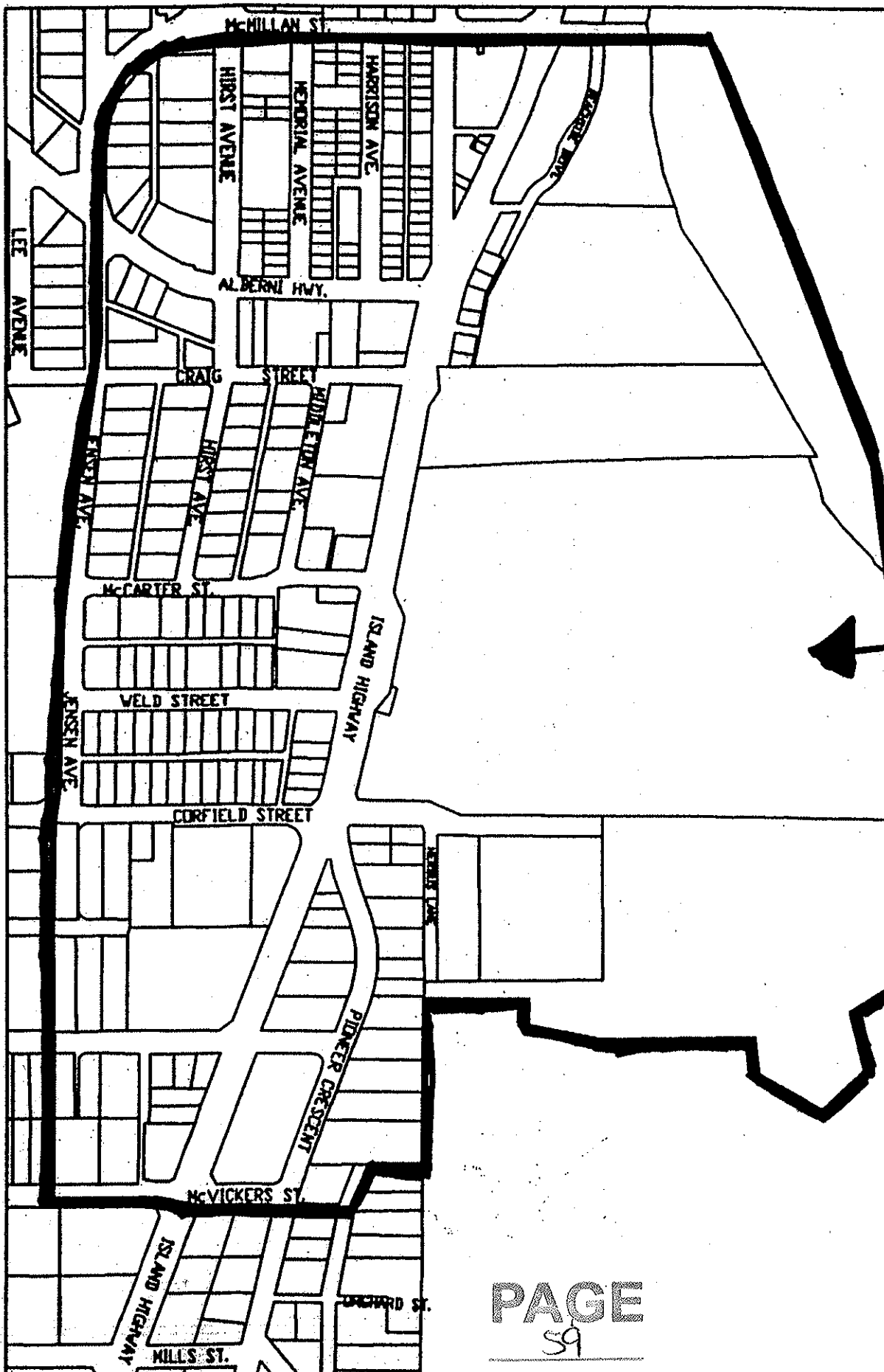
READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

Mayor

Corporate Officer



← BIA

CITY OF PARKSVILLE

BYLAW NO. 2000.75

Text Amendment – amend RESORT AREA TOURIST ACCOMMODATION RA-2A

A BYLAW TO AMEND "ZONING AND DEVELOPMENT BYLAW, 1994, NO. 2000"

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:

(a) Section 245 – RESORT AREA TOURIST ACCOMMODATION RA-2A by:

- i. renumbering Section 245.2 to 245.3 and renumbering the remaining sections accordingly.
- ii. adding a new Section **245.2 Site Specific Permitted Land Uses** as follows:

"In addition to the permitted land uses specified in Section 245.1 of this zone, **Fairground** and **Amusement Arcade or Games Room** are permitted land use on a site specific basis only on the property legally described as Lot A District Lot 123 Nanoose District Plan VIP75416 (1000 Resort Drive)."

2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2009, No. 2000.75".

READ A FIRST TIME this ____ day of ____, 2009

READ A SECOND TIME this ____ day of ____, 2009

PUBLIC HEARING HELD this ____ day of ____, 2009

READ A THIRD TIME this ____ day of ____, 2009

ADOPTED this ____ day of ____, 2009

Mayor

Corporate Administrator