

City of Parksville

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COUNCIL MEETING AGENDA

MONDAY, OCTOBER 5, 2009

Immediately following the adjournment of the Committee of the Whole Meeting

1. **PUBLIC HEARING**

- a) "Zoning and Development Amendment Bylaw, 2009, No. 2000.75" - the purpose is to amend the Resort Area Tourist Accommodation RA-A zone to include Fairground and Amusement Arcade or Games Room used on Lot A, District Lot 123, Nanoose District, Plan VIP75416 (1000 Resort Drive) to facilitate an electric bumper cars ride and games room.

2. **ADOPTION OF MINUTES**

- a) of the meeting of Council held September 21, 2009 - Pages 1 to 4

Recommendation: THAT the minutes of the meeting of Council held September 21, 2009 be adopted.

3. **APPROVAL OF AGENDA**

4. **PRESENTATIONS**

5. **DELEGATIONS**

6. **UNFINISHED BUSINESS**

7. **CORRESPONDENCE**

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

9. REPORTS

a) Committee of the Whole - September 21, 2009 - Page 5

(1) Frank Frawley - Chestnut Street Speed Limit

Delegation from September 21 with a request to have a reduced speed limit on Chestnut Street from Hirst Avenue to Despard Avenue.

Recommendation: THAT the request to have a reduced speed limit on Chestnut Street from Hirst Avenue to Despard Avenue be referred to Staff for review and recommendation.

(2) Director of Community Planning – Zoning Amendment Application [451, 461 and 465 Hirst Avenue West]

This is a follow up report for a rezoning application that, if approved, would facilitate a 41 unit multifamily development consisting of three duplexes and two apartment buildings.

Recommendation: 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 October 5, 2009 Committee of the Whole Meeting.

b) Communications Officer - Torch Relay Celebrations - November 1, 2009 - Pages 6 to 11

Approval is being sought for the additional funds required for the Torch Relay community celebrations to be held in Parksville on November 1, 2009.

**Recommendation: THAT the report from the Communications Officer dated October 1, 2009, regarding Olympic Torch Relay Celebrations for the City of Parksville be received;
AND THAT funding for community torch relay activities on November 1 be provided from Council contingency at a cost not to exceed \$4,000.00.**

c) Director of Community Planning - Renewal of the Advisory Design Panel - Lack of Qualified Respondents - Pages 12 to 16

The Advisory Design panel is an advisory committee established by Council. Members are appointed for a term specified at the time of appointment, but not to exceed the term of Council. On March 30, 2009, Council Resolution #09-075 renewed the Advisory Design Panel mandate and current terms of reference, appointed current Panel members and directed Staff to re-advertise for one new candidate to fill the current Advisory Design Panel vacancy.

Recommendation: THAT the report from the Director of Community Planning dated September 28, 2009 regarding renewal of the Advisory Design Panel – lack of qualified respondents be received for information.

d) Director of Community Planning - Consideration of Expansion of the Downtown Revitalization Tax Exemption Bylaw Area - Pages 17 to 33

In response to Council Resolution #09-188 Staff has reviewed the impact of the existing tax exemption bylaw and is reporting on the perceived effect of expanding the geographic area subject to the Bylaw.

Recommendation: THAT the report from the Director of Community Planning dated September 15, 2009 regarding consideration of expansion of the Downtown Revitalization Tax Exemption Bylaw area be received;

AND THAT the current tax revitalization bylaw be maintained.

- e) Director of Community Planning - Consideration of a Proactive Program to Control Scotch Broom - Pages 34 to 36

A Council resolution directed Staff to review options for Scotch Broom control. At this time the City does manage Scotch Broom to some degree, based on resources available. Action is taken with respect to private properties on a complaint basis. Any change to the status quo would require additional resources.

Recommendation: THAT the report from the Director of Community Planning dated September 14, 2009 regarding consideration of a proactive program to control Scotch Broom be received;

AND THAT the current practices with respect to Scotch Broom remain.

- f) Fire Chief - Pandemic Influenza Policy and Procedure Update For Emergency Plan - Pages 37 to 64

The City is responsible for the health and welfare of Staff in order to maintain adequate daily operations and should continue to inform, train and protect all Staff in order to ensure that adequate levels of service to the public can be maintained.

Recommendation: THAT Council approve the Pandemic Influenza Exposure Control Plan, Pandemic Influenza Guidelines Policy 9.15, Pandemic Immunization Policy 9.16, Office Sanitization Plan During Pandemic Influenza Policy 9.17, Self Quarantine of Staff Members During Pandemic Influenza Policy 9.18, Restricting Public Access to City Hall, Public Works and Fire Hall During Pandemic Influenza Policy 9.19, Restricting Staff Access to Worksites During Pandemic Influenza Policy 9.20, Working From Home/Telecommuting Policy 7.18 and the Communications Strategy to be implemented at identified stages of an outbreak of pandemic influenza;

AND THAT up to \$2,000.00 be made available to support, if necessary, the purchase of vaccinations and/or cleaning supplies to reduce the spread of pandemic influenza;

AND THAT up to \$5,000.00 be made available if necessary, to pay for antiviral medications purchased by Staff critical to the operation of the City as outlined in the City of Parksville Critical Task List or their immediate family that provide a paid receipt to the City.

- g) Executive Assistant - Silver Spur Riding Club - Annual Equestrian Toy Ride - Page 65 to 71

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 Silver Spur Riding Club be permitted to hold an Equestrian Toy Ride on Sunday November 15, 2009 between the hours of 11:30 a.m. and 12:30 p.m. following a designated route through City streets as indicated on the map attached to Event Application Form (1B);

AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form dated September 16, 2009 attached to the report from the Executive Assistant dated September 18, 2009 entitled "Silver Spur Riding Club - Annual Equestrian Toy Ride".

- h) **Grant-In-Aid Select Committee - Fall 2009 Grant-In-Aid Applications - Pages 72 to 73**
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 2008 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 the allocation of the \$2,500.00 budgeted funds for the applications received by the fall deadline.

Recommendation: THAT the Grant-In-Aid applications received for the period ending August 28, 2009 be approved as follows:

Name of Organization	Approved
Arrowsmith Potters' Guild	300.00
Arrowsmith Search and Rescue	425.00
Oceanside Community Arts Council	200.00
Oceanside Volunteer Association	150.00
Parksville & District Association for Community Living	900.00
Parksville Garden & Parkland Society	325.00
Parksville Seniors Activity & Drop in Centre Society	200.00
Total	\$2,500.00

AND THAT \$2,500.00 be allocated from the 2009 Grants-In-Aid budget.

10. BYLAWS

- a) **"Water Service System Amendment Bylaw, 2009, No. 1320.15"**
Staff were directed to prepare the appropriate bylaw to implement, effective October 2009, the proposed 3 year tiered block rate model for water usage.
- (i) **Recommendation: THAT "Water Service System Amendment Bylaw, 2009, No. 1320.15" be adopted.**
- b) **"Sanitary Storm Sewerage System Amendment Bylaw, 2009, No. 1319.7"**
Staff were directed to prepare the appropriate bylaw to implement, effective October 2009, the proposed flat rate model for sanitary sewer usage.
- (i) **Recommendation: that Sanitary Storm Sewerage System Amendment Bylaw, 2009, No. 1319.7" be adopted.**
- c) **"Zoning and Development Amendment Bylaw, 2009, No. 2000.76" - Pages 74 to 76**
'Housekeeping amendments' to the home occupations regulations in order to keep the regulations current and provide greater clarity.
- (i) **Recommendation: THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.76" be read a first time.**
- (ii) **Recommendation: THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.76" be read a second time; AND THAT "Zoning and Development Amendment Bylaw, 2009, No. 2000.76" be advanced to a public hearing.**

11. **NEW BUSINESS**

12. **NOTICE OF MOTION**

- a) Councillor Greir - Cyclone Taylor Cup - From September 21, 2009 Regular Meeting of Council

Recommendation: THAT the City financially support the Cyclone Taylor Cup in the amount of \$5,000.00

- b) Councillor Powell-Davidson - Agenda's Posted in Newspaper - From September 21, 2009 Regular Meeting of Council

Recommendation: THAT staff be directed to post agendas in the newspaper on Fridays prior to Council and Committee of the Whole meetings.

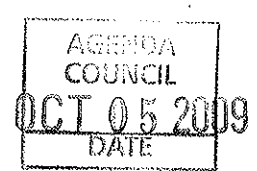
13. **SPECIAL BUSINESS (Closed/In Camera)**

Pursuant to Sections 90 (1) (c) of the *Community Charter* Council proceed to a closed meeting to consider an items relating to personnel.

14. **ADJOURNMENT**

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TO BE ADOPTED



4654.

September 21, 2009

CITY OF PARKSVILLE

Minutes of the meeting of Council held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, September 21, 2009 at 6:39 p.m.

PRESENT: His Worship Mayor E. F. Mayne

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

Staff: F. Manson, Chief Administrative Officer
L. Butterworth, Director of Finance
B. Russell, Manager of Current Planning
M. Squire, Manager of Engineering
A. Haywood, Recording Secretary

1. ADOPTION OF MINUTES

09-224 Patterson - Lefebvre
THAT the minutes of the meeting of Council held September 9, 2009 be adopted.
CARRIED.

2. APPROVAL OF AGENDA

09-225 Powell-Davidson - Lefebvre
THAT the September 21, 2009 Council meeting agenda be approved.
CARRIED.

3. PRESENTATIONS - Nil

4. DELEGATIONS - Nil

5. UNFINISHED BUSINESS - Nil

6. CORRESPONDENCE - Nil

7. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE - Nil

8. REPORTS

a) Committee of the Whole – September 9, 2009

09-226 THAT the report of the Committee of the Whole meeting held September 9, 2009 be received and the following recommendations considered:

PAGE

1

(1) Deputy Corporate Administrator - Permissive Taxation Exemptions for 2010

Lefebvre - Powell

THAT the report from the Deputy Corporate Administrator dated September 2, 2009 entitled "2010 Permissive Taxation Exemption Applications", be received;

AND THAT the properties contained in the list entitled "Permissive Taxation Exemption Applications 2010", attached to the Deputy Corporate Administrator's report dated September 2, 2009, be considered for permissive taxation exemption for the municipal portion of their taxes in the 2010 calendar year;

AND FURTHER THAT the necessary bylaw be forwarded to Council for reading consideration. CARRIED.

b) Director of Finance - 2009 - 2010 Water and Sanitary Sewer Utility Rates

Main Motion:

Lefebvre - Powell

09-227 THAT the report from the Director of Finance dated September 11, 2009 entitled "2009-10 Water and Sanitary Sewer Utility Rates", be received;

AND THAT the 2009-10 Water Utility Rates amendment bylaw be forwarded to Council for consideration

AND THAT the 2009-10 Sanitary and Storm Sewerage Utility Rates amendment bylaw be forwarded to Council for consideration.

Motion as Amended:

Powell - Patterson

09-227 THAT the report from the Director of Finance dated September 11, 2009 entitled "2009-10 Water and Sanitary Sewer Utility Rates", be received;

AND THAT the 2009-10 Water Utility Rates amendment bylaw be forwarded to Council for consideration

AND THAT the 2009-10 Sanitary and Storm Sewerage Utility Rates amendment bylaw be forwarded to Council for consideration.

AND FURTHER THAT Staff be directed to explore options for a per capita adjustment for large and extended families by the November 2, 2009 Council meeting. CARRIED.

c) Director of Community Planning - Follow Up Report on Home Based Business Regulations Update

Greir - Lefebvre

09-228 THAT the report from the Director of Community Planning dated September 14, 2009 entitled, "Follow-Up Report on Home Based Business Regulations Update" be received for information. CARRIED.

d) **Director of Community Planning - Informational Report - Historical Plaque Program Phase 2.1 - Cultural History Plaque for the Train Station**

Lefebvre - Powell-Davidson
09-229 THAT the report from the Director of Community Planning dated September 10, 2009 entitled "Historical Plaque Program Phase 2.1 - Cultural History Plaque for the Train Station", be received. CARRIED.

e) **Manager of Engineering - Parksville Waterfront Walkway - Community Park to McMillan Street**

Powell - Burger
09-230 THAT Council award the tender for the "Parksville Waterfront Walkway (Community Park to McMillan Street)", in the amount of \$872,411.09 including GST, to SupErb Construction Ltd. CARRIED.

9. BYLAWS

a) **"Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453"**

Lefebvre - Powell
09-231 THAT "Downtown Business Improvement Area Establishment Bylaw, 2009, No. 1453" be adopted. CARRIED.

b) **"Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448.1"**

Lefebvre - Burger
09-232 THAT Development Cost Charges Waiver for Eligible Developments Amendment Bylaw, 2009, No. 1448.1" be adopted. CARRIED.

c) **"Permissive Taxation Exemption Bylaw, 2009, No. 1456"**

Powell - Powell-Davidson
09-233 THAT "Permissive Taxation Exemption Bylaw, 2009, No. 1456" be read a first time. CARRIED.

Lefebvre - Powell
09-234 THAT "Permissive Taxation Exemption Bylaw, 2009, No. 1456" be read a second and third time. CARRIED.

Councillors Patterson and Powell-Davidson were opposed to the motion.

d) **"Water Service System Amendment Bylaw, 2009, No. 1320.15"**

Lefebvre - Powell
09-235 THAT "Water Service System Amendment Bylaw, 2009, No. 1320.15" be read a first time. CARRIED.

Powell-Davidson - Burger
09-236 THAT "Water Service System Amendment Bylaw, 2009, No. 1320.15" be read a second and third time. CARRIED.

e) **"Sanitary Storm Sewerage System Amendment Bylaw, 2009, No. 1319.7"**

09-237 Lefebvre - Patterson
THAT Sanitary Storm Sewerage System Amendment Bylaw, 2009, No. 1319.7"
be read a first time. CARRIED.

09-238 Powell - Powell-Davidson
THAT "Sanitary Storm Sewerage System Amendment Bylaw, 2009, No. 1319.7"
be read a second and third time. CARRIED.

10. NEW BUSINESS - Nil

11. NOTICE OF MOTION

a) **Councillor Greir - Cyclone Taylor Cup Financial Support**

Councillor Greir gave notice that he will be bringing forward a motion at the October 5, 2009 Council meeting to have the City financially support the Cyclone Taylor Cup in the amount of \$5,000.00.

b) **Councillor Powell-Davidson - Agenda's Posted in Newspaper**

Councillor Powell-Davidson gave notice that she will be bringing forward a motion at the October 5, 2009 Council meeting for the consideration of posting the agendas in the paper on Fridays.

12. SPECIAL BUSINESS

09-239 Lefebvre - Powell-Davidson
Pursuant to Sections 90 (1) (c) and (e) of the *Community Charter* Council
proceed to a closed meeting to consider items relating to personnel and
acquisition of land. CARRIED.

Time 7:45 p.m.

Council reconvened at 9:00 p.m.

13. ADJOURNMENT

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

The meeting adjourned at 9:00 p.m.

Certified Correct.

Mayor



Corporate Officer

September 22, 2009

REPORT TO: MAYOR AND COUNCIL

FROM: COMMITTEE OF THE WHOLE

SUBJECT: SEPTEMBER 21, 2009 MEETING RECOMMENDATION

The following items were considered by the Committee of the Whole at its special meeting held Monday, September 21, 2009:

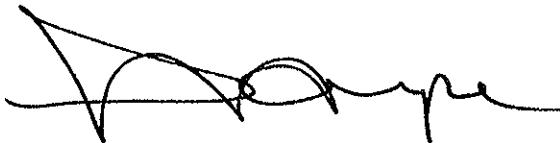
RECOMMENDATIONS

(1) Frank Frawley - Chestnut Street Speed Limit

THAT the request to have a reduced speed limit on Chestnut Street from Hirst Avenue to Despard Avenue be referred to Staff for review and recommendation.

(2) Director of Community Planning – Zoning Amendment Application [451, 461 and 465 Hirst Avenue West]

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 October 5, 2009 Committee of the Whole Meeting.



MAYOR ED MAYNE, Chair
COMMITTEE OF THE WHOLE



October 1, 2009

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER
FROM: DEBBIE TARDIFF, COMMUNICATIONS OFFICER
SUBJECT: TORCH RELAY CELEBRATIONS - NOVEMBER 1, 2009

ISSUE

Torch relay and community celebration in the Community Park on November 1, 2009.

EXECUTIVE SUMMARY

Approval is being sought for the additional funds required for the Torch Relay community celebrations to be held in Parksville on November 1, 2009.

BACKGROUND

The City of Parksville is designated as a torch relay community. The torch will come through Parksville on Sunday, November 1, the third day of an across Canada tour for the Olympic torch which begins in Victoria on October 30 and ends in Vancouver on February 12, 2010. This event provides an opportunity for the City of Parksville to host a community celebration for residents.

As well, the torch celebration is an occasion to showcase Parksville to the world. The Community Park is the jewel of Parksville with beach and beautiful mountain vistas and despite what could be a cold, blustery morning, we are confident that residents, particularly families with children will come out to see the Olympic torch and participate in activities. We also expect attendance from residents from surrounding areas as well. For many, this will be the only opportunity in our lifetime to see the Olympic flame.

Nanaimo is a celebration community with a series of events scheduled for October 31. From Parksville the torch travels to Coombs/Whiskey Creek, Port Alberni for afternoon celebrations, then to Ucluelet and Tofino for the evening. The relay starts in Qualicum Beach at 6 am on Monday, November 2 on its way up Island along Highway 19A.

Because November 1 is just the start of the third day of the relay across Canada, we anticipate that there will still be an interest in national and regional media coverage. The relay will provide an opportunity for residents and visitors to feel involved and engaged with the Olympics and provide an opportunity for Parksville to showcase the only indoor live site on Vancouver Island which will be located at the Parksville Community and Conference Centre from February 12 to 28 and March 12-21, 2010. The Live Site at the PCCC will broadcast live

Olympic and Paralympic events, intended to capture the enthusiasm of the public by creating an atmosphere where people would want to gather and celebrate in the "largest living room" on Vancouver Island.

It should also be pointed out that as part of the ongoing banner program; the City has purchased torch relay and Olympic banners for 19A and Alberni Highway. The banners will be installed in mid October and will remain in place until after the Paralympic Winter Games in March 2010.

Torch relay in Parksville

The torch arrives at the Orange Bridge, east Parksville on Sunday morning, November 1. For security reasons, the schedule is still confidential as are the names of the torchbearers chosen for Parksville. It is expected that the detailed route will be provided to the media and public one to two weeks in advance of the arrival of the Olympic Flame in Parksville. We do know that the torch will travel to the Parksville Curling Rink for a team morning break and from the park will travel up the Alberni Highway on its way to the west coast.

The Parksville Curling Rink is a collection point and morning break site which means that the torch will be in the Community Park for about one-half hour. The Parksville Curling Club has agreed to provide their facilities and adjacent property for the torchbearers, relay team, personnel and convoy vehicles.

Planning for community activities has been underway for about six months now; plans for Parksville activities as well as an attempt to coordinate our activities with other RDN communities on the route. Original plans included for activities on 19A. Once the torch left the Community Park, all activities would move up to Highway 19A and that a portion of the highway would be closed to traffic from 9 am to noon. Upon research and meetings with the Oceanside RCMP, it has been recommended that all activities be located in the Community Park. The RCMP will supply security for the Olympic torch in the Park and for a designated photo area. However, the RCMP has advised that they do not have the resources to secure Highway 19A other than to assist with street closures as the torchbearers pass by. Cost for staff to secure and control traffic for the morning would be about \$2,000.

Locating all activities to the Community Park from 8.30 am to noon will be less disruptive to businesses on Highway 19A and provide a gathering place for people, rather than moving them from the park part way through the morning. A large tent with tables, chairs and heaters will be set up for the Shrine pancake breakfast and the variety of children's activities planned for the morning. Street races for all ages will be organized by the Oceanside Running Club Association (ORCA) and hockey games are being organized that include a game with the Oceanside Generals as well some younger teams. These games would be played in the lacrosse box.

The City of Parksville applied for and received a grant for \$8,000 from the Ministry of Tourism, Arts and Culture to assist with the cost of our torch relay activities. At this time, planned activities include hockey games, street races for all ages including elite runners, a pancake breakfast, children's crafts and entertainment, music, medals, and opportunities for

photographs with the Olympic torch. A budget has been developed for a City of Parksville hosted event which totals \$12,000. This budget includes assistance from Lewis & Sears Event Management, required to manage the logistics of the event.

To date, work has been done to secure donations for snacks for the runners and further research is underway to determine what other materials or services could be donated to the event. Acknowledgement of these donations is limited to after the torch has passed through Parksville. As well, we will involve the local schools in the celebration.

Event and site plans have been requested by VANOC, Ministry of Tourism and the Oceanside RCMP and should be completed the first week in October.

Promotion of the torch relay and Parksville's activities will be coordinated by the regional committee as joint promotion. In addition, we will promote the City's activities with information listed on the City's website, news releases, and limited advertising.

OPTIONS

1. Approve the request for \$4,000.
2. Refer back to staff with specific direction from Council.

ANALYSIS

1. As a City of Parksville organized event, this celebration is different than many other activities and events throughout the year in Parksville that are organized by services clubs or the Chamber of Commerce. This event provides the City with the opportunity to host a community event for its citizens to celebrate together, the spirit of the Olympics. As well this event will present an opportunity for the City to promote and generate interest in Parksville's local live site as well as the upcoming Olympics/Paralympics.
2. Refer back to staff with specific direction from Council.

FINANCIAL IMPLICATIONS

A grant of \$8,000 was awarded by the Ministry of Tourism, Arts and Culture, intended to assist with the funding of our community celebration. The budget which totals \$11,900 has been prepared as a barebones budget that includes rentals, signage, advertising, honorariums for bands, overnight security, contracted children's activities, medals for runners and young hockey players, event planning assistance, etc. Some of the items in the budget (a portion of the event management cost and medals) are not eligible grant costs.

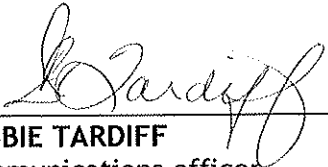
October 1, 2009
Torch Relay Celebrations

-3-

RECOMMENDATION

THAT the report from the Communications Officer dated October 1, 2009, regarding Olympic Torch Relay Celebrations for the City of Parksville be received:

AND THAT funding for community torch relay activities on November 1 be provided from Council contingency at a cost not to exceed \$4,000.00



DEBBIE TARDIFF
Communications officer

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



FRED MANSON
Chief Administrative Officer

I:\Users\Debbie\General\2010\Torch Relay Council Report Oct09

City of Parksville - Torch Relay Proposed Budget for November 1

Site

Rentals (tent, table, chairs, heaters)	3500	40X40 tent with seating for 130
Event signage	150	
Photo op station - cutouts	250	
Photographer	350	
	4250	4250

Race and Hockey Games

Medals	1600	
Clock rental	150	
Banner - start/finish	100	
Rentals - megaphone, tent, tables, chairs	250	
First aid	150	
Posters	50	
	2300	2300

Entertainment

Honorarium for bands	300	to be confirmed
Face painting, balloon creations	800	
Kids crafts	300	
Shrine clowns	250	to be confirmed
	1650	1650

Refreshments

Pancake breakfast		\$600 minimum charge for 100
Volunteers breakfast (20 @ \$6)	120	
Table cloths	65	
	185	185

Miscellaneous

Hand held flags	350	
Overnight security	275	
Advertising	350	
Rain ponchos for volunteers (20)	40	
Lewis & Sears - event management	2500	
	3515	3515

Total cost of event **11900**

Grant from Ministry of Tourism **8000**

Request from Council **\$4,000**

Note: Non eligible grant costs -
medals (\$1600), Lewis & Sears (\$1700)



The 2010 Olympic Torch Relay | The Route | Celebration Communities | Provincial and Territorial Routes | Torchbearers

This map shows the general path of the Olympic Torch Relay route and notes the communities and places of interest where torchbearers will carry the Olympic Flame. The flame will be transported by car, ferry or plane between the communities. The Olympic Torch Relay route may be updated and further details including street level routes and timings will be added closer to the Olympic Flame's arrival in each community.



PAGE 1

COUNCIL REPORT



September 28, 2009

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

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

SUBJECT: RENEWAL OF THE ADVISORY DESIGN PANEL – LACK OF QUALIFIED RESPONDENTS

ISSUE:

Re-advertising for one new candidate to fill the design panel vacancy did not attract any respondents with qualifications meeting Council's terms of reference.

EXECUTIVE SUMMARY:

The Advisory Design panel is an advisory committee established by Council. Members are appointed for a term specified at the time of appointment, but not to exceed the term of Council. On March 30, 2009, Council Resolution #09-075 renewed the Advisory Design Panel mandate and current terms of reference, appointed current Panel members and directed Staff to re-advertise for one new candidate to fill the current Advisory Design Panel vacancy.

REFERENCES:

Please refer to the attached 'Terms of Reference for the Advisory Design Panel' document.

BACKGROUND:

The panel is currently made up of four voting members. It is one member short of the composition set by the Terms of Reference. Fifty percent of the voting members must reside within the City of Parkville and must be registered architects, registered landscape architects or have a master's level degree in a planning or design related faculty. The volunteer panel has met monthly since its first meeting in January 11, 2007. The meetings are open to the public.

The panel reviews all development permit applications and other matters referred by Council. Panel members make recommendations based on the best interests of the community at large, making recommendations based on form and character guidelines and various consultant crafted urban design studies commissioned by the City's Planning Department, providing an opinion to Council. Current Advisory Design Panel membership is as follows:

- Lafoy, Manley, MAIBC - Chair
- Galdames, Ruben, Architect
- Locke, Lindsay H., MAIBC
- Taylor, Larrie, MAIBC

Staff advertised the opening for a member on Advisory Design Panel in local newspapers, with an application deadline of April 30, 2009. The newspaper advertisement did not attract any respondents with qualifications meeting Council's terms of reference.

Staff also advertised the opening for a member on the Advisory Design Panel through the component organizations of the architectural design profession. Requests for qualified Panel members were sought through both the British Columbia Society of Landscape Architects (BCSLA) and the Architectural Institute of British Columbia (AIBC). One Registered Landscape Architect candidate was put forward by the Society, who later withdrew due to a perceived conflict of interest. No Registered Architect candidates were put forward by the Architectural institute.

OPTIONS:

Council may:

1. Accept this report for information and maintain the current Advisory Design Panel membership.
2. Provide additional direction to Staff.

ANALYSIS:

1. As the current panel membership includes sufficient candidates to form a quorum, the Advisory Design Panel is able to function without a fifth member. Meeting scheduling may be affected by member absences.
2. Additional direction from Council will not affect the normal operation of the Advisory Design Panel.

FINANCIAL CONSIDERATIONS:

The Advisory Design Panel is an unpaid group of volunteers. There is Staff time associated with meetings, preparation, set up and maintenance. There is the cost of the advertisements should Council decide advertising is warranted.

RECOMMENDATION:

That the report from the Director of Community Planning dated September 28, 2009 regarding renewal of the Advisory Design Panel – lack of qualified respondents be

received for information.

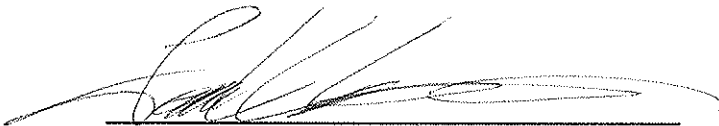


G. A. JACKSON

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Attachments

Planning/0540-20/ADVISORY DESIGN PANEL/2009/Agenda/Report-2.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



F. MANSON, C.G.A.

ADVISORY DESIGN PANEL TERMS OF REFERENCE

INTRODUCTION

Advisory committees are established to assist Council by providing for public input on municipal matters. These committees are advisory in nature and function within the parameters set out in their Terms of Reference. The public is welcome to observe the meetings of any advisory committee.

PURPOSE

The purpose of the Advisory Design Panel is to consider design matters and report its findings and opinions to Council. The Committee shall report its findings and opinions to Council in accordance with these Terms of Reference.

REFERRAL OF MATTERS AND REPORTING

The Advisory Design Panel will review all Development Permit applications and any other matters referred to it by Council.

Consideration of each matter assigned to the Panel by Council shall result in a formal motion in which a recommendation to Council is made. Council is in no way bound to the advice or recommendations of the Advisory Design Panel.

MEMBERSHIP

Composition

The Panel shall be appointed by Council. The Panel is comprised of a maximum of five (5) voting members as follows:

- o At least 50% of the voting members shall reside within the City of Parksville.
- o At least 50% of the voting members shall be architects [either formerly registered with AIBC or eligible for registration with AIBC], landscape architects [either formerly registered with the BCSLA or eligible for registration with the BCSLA], or persons holding a Master's level degree in a design related faculty.

Appointment and Term

- a) Members shall be appointed for a term specified at the time of appointment, but not to exceed the term of Council.
- b) Council may rescind an appointment at any time and members may resign at any time by providing written notice to the Committee Chair with copy to the City's Corporate Officer.
- c) Appointments to fill interim vacancies shall be for the remainder of the term only.
- d) Members may stand for re-appointment, but first consideration will be given to persons who have not already served.

REMUNERATION AND EXPENSES

Members of the Commission shall serve without remuneration.

PANEL RESPONSIBILITIES AND CONDUCT

Panel members have a responsibility to make recommendations based on the best interests of the community-at-large. In providing its opinion to Council, the Committee shall have due regard for applicable statutes, the bylaws and policies of the City, and their respective professional associations.

Members shall conduct themselves and declare any conflicts of interest in accordance with the Meeting Procedures Bylaw and the *Community Charter*. Members shall not speak on behalf of the Panel or represent themselves as having any authority beyond that delegated by Council.

Any member who fails to attend 3 consecutive meetings, except for reasons of illness, shall cease to be a member and the appointment shall be terminated.

MEETINGS AND PROCEDURES

A majority (3) of the Advisory Design Panel members shall be deemed to be a quorum.

Meetings will be set on a monthly basis, and may be increased as required.

Robert's Rules of Order shall govern the conduct of the meetings.

The Chair will be elected annually by the voting members of the Panel.

The Chair shall be a voting member of the Panel.

Minutes of all meetings shall be kept and made available to the public, in the Municipal office, during normal business hours.

Minutes shall be taken by City Staff.

The Panel shall conduct its meetings in accordance with the *Community Charter*, the *Council Procedure Bylaw* and the *City's Agenda Procedures Policy*. An orientation session respecting meeting procedures and rules will be provided by the Director of Community Planning and Building.

PUBLIC REPRESENTATION

Applicants of the files to be reviewed by the Panel will be required to make a presentation to the Panel ahead of the Panel's deliberation.

STAFF SUPPORT AND OTHER RESOURCES

- a) Secretarial support will be provided by the Planning Department on an on-going basis.
- b) Professional and technical advice may be provided by the Planning Department Liaison, or their designate.

March 23, 2009

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COUNCIL REPORT



September 15, 2009

REPORT TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER
FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING
SUBJECT: CONSIDERATION OF EXPANSION OF THE DOWNTOWN REVITALIZATION TAX EXEMPTION BYLAW AREA

Issue:

Consideration of expansion of the Downtown Tax Exemption Bylaw area.

Executive Summary:

In response to Council Resolution #09-188 Staff has reviewed the impact of the existing tax exemption bylaw and is reporting on the perceived effect of expanding the geographic area subject to the Bylaw.

References:

Map indicating existing area and proposed expansion area;
Downtown Revitalization Tax Exemption Bylaw 1433;
List of Permit Values/Locations since 2007 for the Bylaw Area.

Background:

At the July 15, 2009 Council meeting the following resolution was passed:

"09-188 WHEREAS the Strategic Plan has identified Downtown Revitalization as a priority in the City of Parksville, and the Downtown Revitalization Tax Exemption Bylaw No. 1433 was adopted in 2007;
AND WHEREAS the Weld and Corfield Street Corridors are recognized as likely redevelopment areas within the downtown core;
NOW THEREFORE BE IT RESOLVED that staff be directed to report back on the implications of expanding the exemption area to include the area bounded by Highway 19A, Jensen Avenue and Corfield Street. CARRIED."

That Staff be directed to report back on the implications of expanding the exemption area to include the area bounded by Highway 19A, Jensen Avenue and Corfield Street.

**CONSIDERATION OF EXPANSION OF
THE DOWNTOWN REVITALIZATION
TAX EXEMPTION BYLAW AREA**

The Bylaw (No. 1433) which was adopted in 2007 has the impact of permitting an exemption to the increased assessed value resulting from new construction and/or improvements. This Bylaw was implemented as part of the downtown revitalization program and involves the area bounded by McMillan, Jensen Avenue West, Highway 19A, the line mid block (North to South) on the block which fronts McCarter and Weld Streets.

Since Bylaw 1433 was passed, 12 building permits for construction within this area have been issued. Two were for single family dwelling alterations that do not qualify for the exemption. It is not known specifically whether any of these were motivated by the tax exemption bylaw. It does not appear so. Instead, it appears that most of the construction pertained to internal upgrades required by a change or expansion in internal business space requirements. None of the owners applied for a tax exemption from these 12 permits.

It is possible to expand the boundaries of this area.

Options:

Council may:

1. Direct Staff to Amend Bylaw 1433 in order to expand the geographic area impacted by the bylaw to area bounded by Highway 19A, Jensen Avenue and Corfield Street
2. Maintain the status quo.

Analysis:

1. The subject area for expansion is within the designated downtown core and is zoned for commercial use. The possibility of a tax break may act as an inducement to develop or construct improvements to existing buildings but the history from the current revitalization bylaw does not support this as there has been no significant new construction in the revitalization area. An expansion into this area would be consistent with existing designations. If there is a strong response and new construction results there would be a loss of new tax revenue for the City. The principle and benefits of encouraging downtown revitalization would be needed to be weighed against the loss of tax revenue.
2. Maintaining the status quo may have little impact on downtown revitalization since the property tax savings do not appear to be a significant component in the decisions to go ahead with new construction. New construction that has occurred has occurred near to but outside of the tax revitalization area without a property tax break (173 Weld, Thrifty's), so expanding the area may mean the City is needlessly giving away tax revenues.

Sustainability:

Having a strong downtown core can be considered one of the principals of sustainability.

**CONSIDERATION OF EXPANSION OF
THE DOWNTOWN REVITALIZATION
TAX EXEMPTION BYLAW AREA**

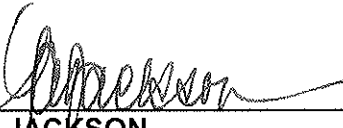
Financial Implications:

The financial implications are impossible to measure because it would wholly depend on new construction in the new area added. The current area for the downtown revitalization tax exemption has yielded no new construction in the two years of the program and so there have been no taxes lost to date and we have no history to estimate the revenue loss for the additional revitalization area. The implications in the end are a reduction of new tax revenues arising from new commercial construction as the current level of taxes are still maintained.

Recommendation:

That the report from the Director of Community Planning dated September 15, 2009 regarding consideration of expansion of the Downtown Revitalization Tax Exemption Bylaw area be received;

And That the current tax revitalization bylaw be maintained.



G. A. JACKSON

GAJ/sh

Planning/6750-01/2009/Agenda/Tax Exemption Bylaw Report-1.

DIRECTOR OF FINANCE COMMENTS:



L. BUTTERWORTH, C.G.A.

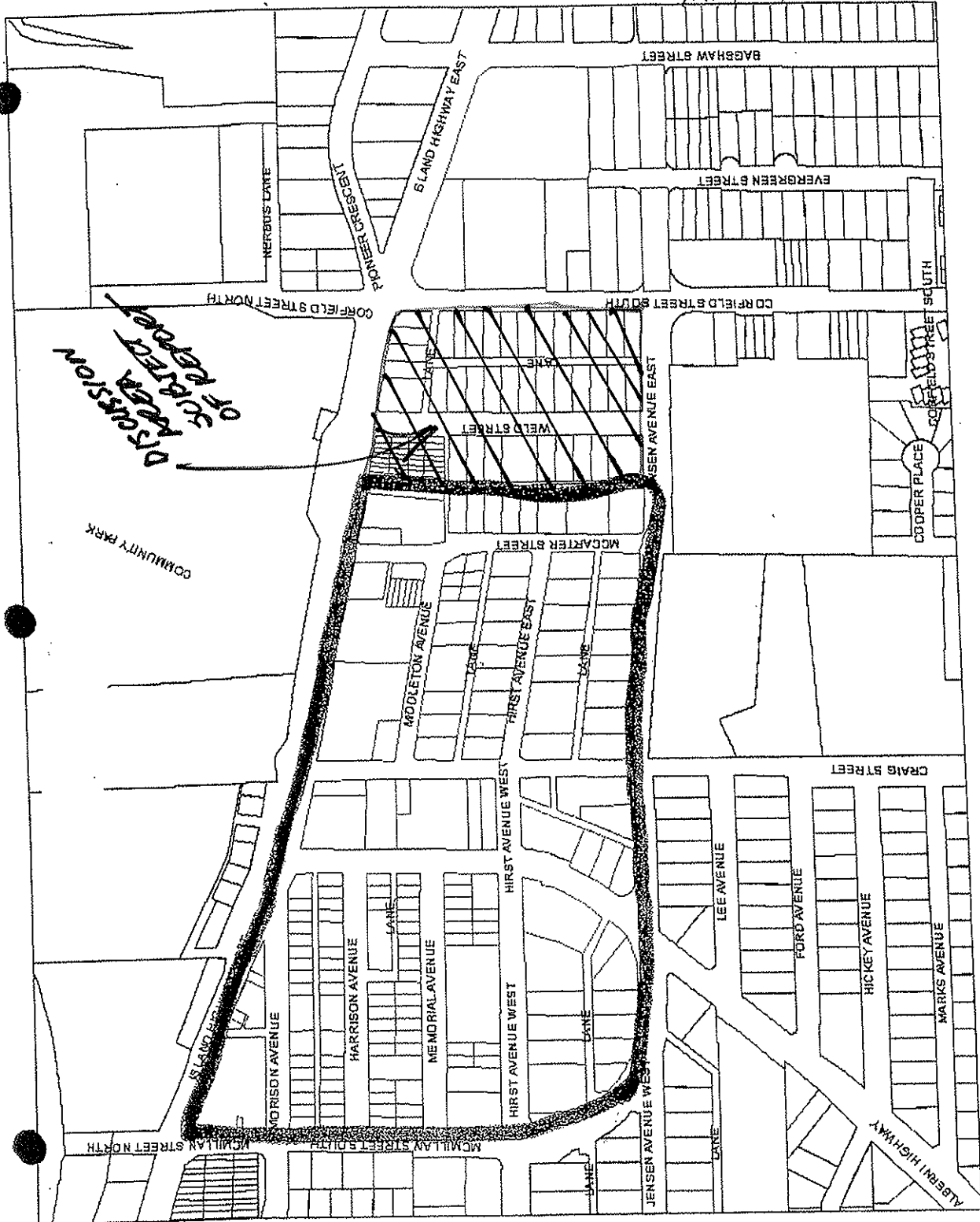
CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



F. MANSON, C.G.A.

SCHEDULE "A"
REVITALIZATION AREA

MAP 'A'



CITY OF PARKSVILLE

BYLAW NO. 1433

DOWNTOWN REVITALIZATION TAX EXEMPTION

WHEREAS under the provisions of Section 226 of the *Community Charter* the Council may by bylaw adopt a tax exemption program for the purpose of encouraging revitalization in a portion of the municipality;

AND WHEREAS the *Community Charter* provides that a revitalization tax exemption program bylaw may only be adopted after notice of the proposed bylaw has been given in accordance with Section 227 of the *Community Charter* and this notice has been given;

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

Title

- 1 This Bylaw may be cited for all purposes as the "Downtown Revitalization Tax Exemption Bylaw , 2007, No. 1433".

Definitions

- 2 In this Bylaw:

Assessed Value has the same meaning as set out in the Assessment Act.

Base Amount means an **assessed value** of land and improvements used to calculate municipal property tax payable with respect to a parcel located in the **Revitalization Area** during the **base amount year**.

Base Amount Year means the calendar year prior to the first calendar year in respect of which an Agreement set out in Schedule "C" (as may be amended from time to time without a requirement to amend this Bylaw) applies to a parcel in the **Revitalization Area**.

Certificate means a Revitalization Tax Exemption Certificate as set out in Schedule "D" (as may be amended from time to time without a requirement to amend this bylaw);

Corporate Officer means the Corporate Officer of the City of Parksville

Revitalization Area means an area designated and shown on Schedule "A"

Program

3. There is established a revitalization tax exemption program which includes the following:
 - (1) Municipal property tax exemptions prescribed by this bylaw in respect of
 - (a) Construction of a new improvement where the development has a construction value in excess of \$10,000.00; or
 - (b) Alteration of an existing improvement where the alteration has a value in excess of \$10,000.00.

On parcels located within the **Revitalization Area** shown on Schedule "A";

 - (2) The maximum exemption under this bylaw must not exceed the increase in the **assessed value** of land and improvements on the parcel between
 - (a) The year before the construction or alteration began, and
 - (b) The year in which the **certificate** under this bylaw is issued.
 - (3) The maximum term of a revitalization tax exemption is five (5) years.
 - (4) The maximum amount of the exemptions provided under this bylaw is 100% of the municipal property tax payable on the increase in the **assessed value** outlined in subsection (2).
4. This bylaw does not apply to a parcel unless:
 - (1) The parcel is located in the area shown on Schedule "A"; and
 - (2) The property is zoned Downtown Commercial (C-3) under the City's zoning bylaw as amended or replaced from time to time.
 - (3) The owner of the parcel has entered into an agreement with the City substantially in the form of and with the content of the Agreement attached as Schedule "B".

Certificate

5. Once the conditions established under Section 3 and the Agreement set out in Schedule "B" have been met, **certificate** must be issued for the parcel in accordance with the Agreement;
6. The **certificate** must, in accordance with the conditions established in Section 3 and the Agreement set out in Schedule "B", specify the following:
 - (1) The amount of the tax exemption or the formula for determining the exemption;
 - (2) The term of the tax exemption;
 - (3) The conditions on which the tax exemption is provided;
 - (4) That a recapture amount is payable if the **certificate** is cancelled and how that amount is to be determined.

Application

7. If an Owner wants a tax exemption under the bylaw, the Owner must apply to the **Corporate Officer** in writing and must submit the following with the application:
 - (1) Proof that all taxes assessed and rates, charges, and fees imposed on the Lands have been paid, and where taxes, rates, or assessments are payable by installments, proof that all installments owing at the date of the application have been paid;
 - (2) A completed written application in a form prescribed by the City and available from the **Corporate Officer**;

- (3) Description of the new improvements or the alteration of the existing improvement that would be eligible under the bylaw for a municipal tax exemption;
- (4) An application fee in the amount of \$100; and
- (5) A copy of the Agreement duly executed by and on behalf of the Owner.

Recapture Amount

8. In the event that the conditions under which a **certificate** was issued are no longer met by the Owner, as set out in Section 9, the Owner must pay to the City a recapture amount of 100% the foregone property taxes that were exempted under this bylaw

Cancellation of Certificate

9. A **Certificate** will be cancelled if:
 - (1) The Downtown Commercial (C-3) zoning is changed;
 - (2) The Owner breaches any covenant or condition of this bylaw or the Agreement set out in Schedule "B";
 - (3) The Owner has allowed the property taxes to go into arrears to become delinquent; or
 - (4) The property is put to a use that is not permitted in the Downtown Commercial (C-3) zone.

Severability

10. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST TIME this 16th day of July 2007

READ A SECOND TIME this 16th day of July 2007

READ A THIRD TIME this 16th day of July 2007

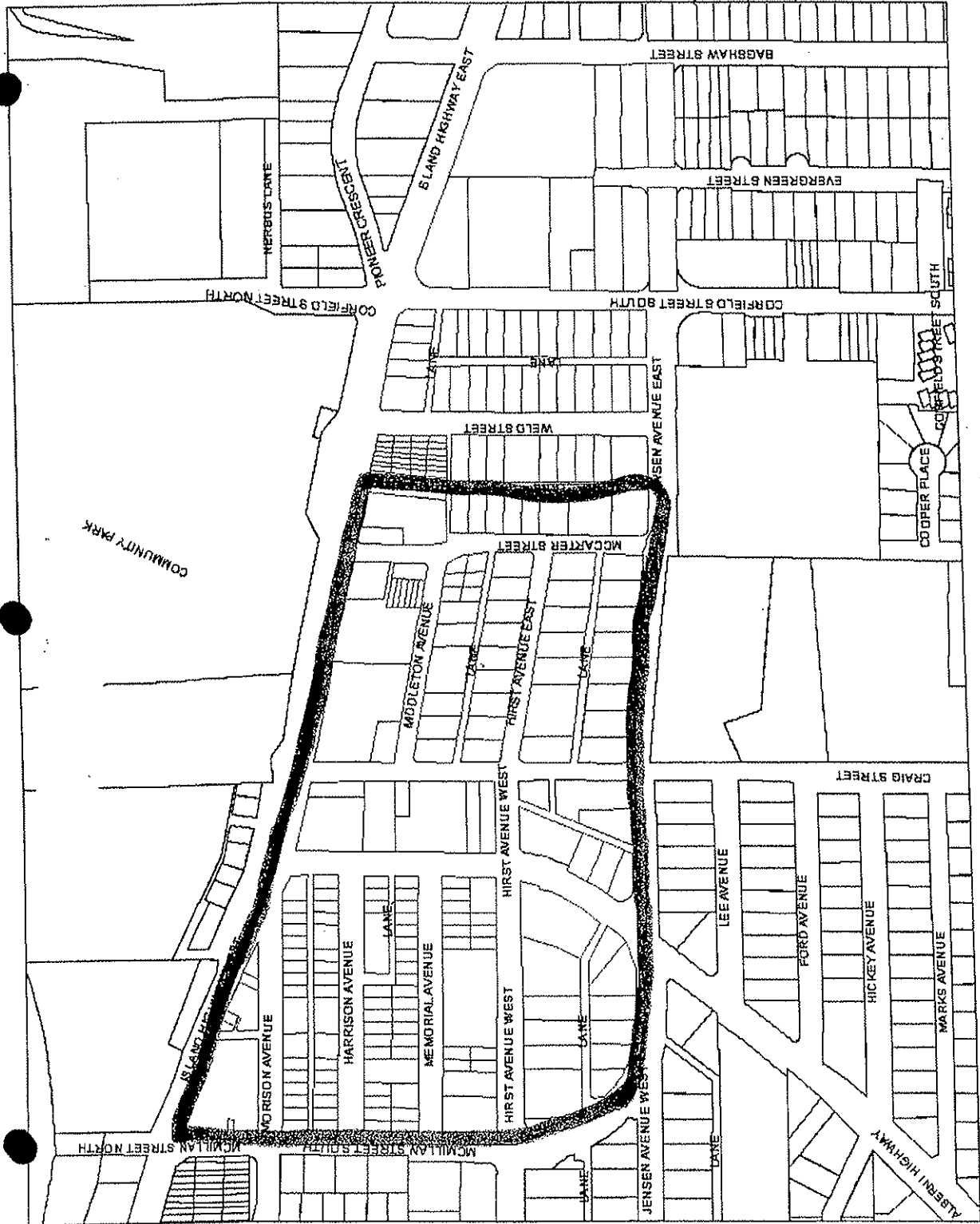
ADOPTED this 20th day of August 2007

Mayor

Corporate Administrator

SCHEDULE "A"
REVITALIZATION AREA

MAP 'A'



SCHEDULE "B"

REVITALIZATION TAX EXEMPTION APPLICATION

Date _____ Receipt No. _____ Application No. _____

Property Owner/Applicant _____

Mailing Address _____

Telephone No. _____ Fax No. _____ Cell No. _____

Subject Property:

Roll No. _____ Civic Address _____

Legal Description _____

Zoning Designation _____

Current Use _____

Current Assessed Value _____

Description of Proposed Revitalization _____

Year(s) Applying For: _____

Value of Construction: _____ Building Permit No. _____

Note: Additional Information may be required.

I hereby certify that the above information is to my knowledge accurate, and that I have received and read the Downtown Revitalization Tax Exemption Bylaw No. 1433 and applicable schedules.

Signature Property Owner/Applicant

Date

SCHEDULE "C"

REVITALIZATION TAX EXEMPTION AGREEMENT

Dated for reference the _____ day of _____, 200__

BETWEEN

(the "Property Owner")

AND

**City of Parksville
PO Box 1390
100 E. Jensen Avenue
Parksville, BC V9P 2H3**

(the "City")

- A. The City has under the Bylaw defined in this Agreement established a revitalization tax exemption program for the purpose of encouraging revitalization of an area of the City.
- B. The Lands that are the subject of this Agreement are located in an area designation by the City's Council as a revitalization area
- C. The Owner is the registered owner of the Lands defined in this Agreement
- D. This Agreement contains the terms and conditions respecting the provision of a municipal property tax exemption under the Bylaw defined in this Agreement.
- E. The Owner and the City wish to enter into this Agreement and register it against the title to the Lands as a covenant under section 219 of the Land Title Act.

IN CONSIDERATOIN of the mutual covenants and agreements contained in this Agreement and the payment by the Owner to the City of the amount of \$10.00 (Ten Dollars), the receipt of which is hereby acknowledged, by the City, the City and the Owner covenant and agree with each other as follows:

DEFINITIONS

1. In this Agreement the following words have the following meanings:

"Agreement" means this Agreement, including the standard charge terms contained in the Agreement, together with the General instrument defined in this Agreement

"Assessed Value" means the recent assessed value of the Lands as determined by the assessment authority in the area in which the Lands are located; if such value is not available then the assessed value means the highest price in terms of money that the real property will fetch under all conditions requisite to a fair sale with the buyer and

seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus as estimated by a real estate appraiser accredited in the jurisdiction in which the Lands are located.

"Bylaw" means City of Parksville Tax Exemption Program, 2007, Bylaw No. 1433 and any amendments to it.

"Dispose" means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, rent or sublet, divest, release or agree to do any of those things.

"General Instrument" means the Form C under the Land Title (Transfer Form) Regulations as amended, and all schedules and addenda to the Form C charging the land and citing the terms and conditions of this Agreement as the "standard charge terms" for the purposes of the Form C;

"Lands" means the lands legally described in Item 2 of the General Instrument and any part into which the Lands are subdivided.

"Owner" means the transferor described in the General instrument and any subsequent owner of the Lands or any parts into which the Lands are subdivided, and includes any person who is a registered owner in fee simple of the Lands from time to time;

TERM

2. The Owner covenants and agrees with the City that the term of this Agreement is:
 - (a) Five years commencing on January 1 of the first calendar year after the calendar year referred to in the reference a date of this Agreement was made.

APPLICABLE IMPROVEMENTS

3. The tax exemption provided for under the bylaw applies in respect of:
 - (a) a construction of a new class 6 improvement, or
 - (b) the alteration of a an existing class 6 improvement

where the value of the construction or alteration as the case may be results in an increase in assessed value in excess of \$10,000.00 on the Lands.

REVITALIZATION TAX EXEMPTION CERTIFICATE

4.
 - (a) Once the Owner has completed the construction of the new improvement or alteration on an existing improvement referred to in Section 3, the City Council must issue a revitalization tax exemption certificate in respect of the new improvement or alteration of an existing improvement, to the Owner for the Lands if the Owner and the Lands are otherwise in compliance with this agreement.
 - (b) A revitalization tax exemption certificate must, in accordance with the Bylaw and this Agreement, specify the following:

- (i) the amount of the tax exemption or the formula for determining the exemption
 - (ii) the term of the exemption
 - (iii) the conditions on which the tax exemption is provided
 - (iv) That a recapture amount is payable if the certificate is cancelled and how that amount is to be determined.
- (c) A revitalization tax exemption certificate or cancellation does not apply to taxation in a calendar year unless it is issued or cancelled, as applicable, on or before October 31, in the preceding year.

TAX EXEMPTIONI

5. So long as a revitalization tax exemption certificate in respect of the Lands has not been cancelled, the lands are exempt, to the extent, for the period and subject to the conditions provided in the certificate, from municipal property taxation.
6. The revitalization tax exemption may be cancelled by the City Council:
- (a) on the request of the Owner,
 - (b) if the C-3 Downtown Commercial zoning is changed;
 - (c) the Owner has allowed the property taxes to go into arrears or to become delinquent
 - (d) the property is put to a use that is not permitted in the C-3 Downtown Commercial zone
 - (e) If any of the conditions of the certificate are not met.
7. To maintain a revitalization tax exemption approval an Occupancy permit must be issued within 24 months of the revitalization tax exemption application being approved.

RECAPTURE

8. In the event that the conditions under which a Revitalization Tax Exemption Certificate was issued are not longer met by the Owner, as set out in Sections 6 and 7, the Owner must pay to the City a recapture amount of the foregone property taxes of the following applicable percentage of the total revitalization tax exemptions obtained under this bylaw"
- (a) Years 1 to 5 – 100%

OWNERS OBLIGATIONS

9. The Owner must pay to the City the cost of all development cost charges and costs of tie-ins of works and services associated with the new improvements or alterations to improvements, to existing storm and sanitary sewers, water mains, water meters, driveways, and other municipal services prior to the issuance of a Revitalization Tax Exemption Certificate.
10. The Owner must comply with:
- (a) all enactments, laws, statutes, regulations and Orders of any authority having jurisdiction, including bylaws of the City; and

- (b) All federal, provincial, municipal and environmental licenses, permits and approvals required under applicable enactments.

OBLIGATIONS OF CITY

- 11. The City must issue a Revitalization Tax Exemption Certificate to the Owner in respect of the Lands once the Owner has applied for and obtained an occupancy permit from the City under the City's Building Regulation Bylaw, in force from time to time, in relation to the new improvements or alterations to an existing improvement, so long as the Owner and the Lands are otherwise in compliance with the Bylaw and this Agreement.

CITY'S RIGHTS AND POWERS

- 12. Nothing contained or implied in this Agreement prejudices or affects the City's rights and powers in the exercise of its functions or its rights and powers under any public and private statutes, bylaws, orders, or regulations to the extent the same are applicable to the Lands, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner.

GENERAL PROVISIONS

- 13. The City of Parksville Revitalization Tax Exemption Bylaw, 2007 No. 1433 and amendments thereto form an integral part of this Agreement.
- 14. It is mutually understood, agreed and declared by and between the parties that the City has made no representations, covenants, warranties, guarantees, promises, or agreements (oral or otherwise), expressed or implied, with the Owner other those expressly contained in this Agreement.
- 15. The Owner covenants and agrees to use best efforts to do or cause to be done, at the expense of the Owner, all acts reasonably necessary to grant priority to this Agreement as a covenant over all charges and encumbrances which may have been registered against the title to the Lands in the Victoria Land Title Office, save and except those specifically approved in writing by the City or in favour of the City.
- 16. The covenants set forth in this Agreement shall charge the Lands pursuant to Section 219 of the Land Title Act and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or parts thereof, and every part to which the Lands may be divided or subdivided, whether by subdivision plan, strata plan, or otherwise.
- 17. The covenants set forth in this Agreement shall not terminate if and when a purchaser becomes an Owner in fee simple of the Lands or any portion thereof, but shall charge the whole of the interest of such purchaser and shall continue to run with the Lands and bind the Lands and all future owners for the time being of the Lands or any portion thereof, except the Owner will be entitled to a partial discharge of this Agreement with respect to any subdivided parcel of the Lands on acceptance of the works and on compliance by the Owner with all requirements under this Agreement with respect to the subdivided portion of the Lands. It is expressly agreed that the obligations of the Owner to transfer the community part and linear park areas under Section 11 of this Agreement is an obligation with respect to every part of the Lands.

18. It is further expressly agreed that the benefit of all covenants made by the Owner herein shall accrue solely to the City and this Agreement may only be modified by agreement of the City with the Owner, or discharged by the City pursuant to the provisions of Section 219 of the Land Title Act and this Agreement. All of the costs of the preparation, execution and registration of any amendments or discharges shall be borne by the Owner.
19. This Agreement shall enure to the benefit of and is binding on the parties and their respective heirs, executors, administrators, successors and assigns.
20. The Owner shall, on the request of the City, execute and deliver or cause to be executed and delivered, all such further transfers, agreements, documents, instruments, easements, statutory rights of way, deeds and assurances, and do and perform or cause to be done and performed, all such acts and things as may be, in the opinion of the City, necessary to give full effect to the intent of this Agreement.
21. Time is of essence of this Agreement.
22. This Agreement constitutes the entire agreement between the Owner and the City with regard to the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written of the City with the Owner.
23. Any notice or other communication required or contemplated to be given or made by any provision of this Agreement shall be given or made in writing and either delivered personally (and if so shall be deemed to be received when delivered) or mailed by prepaid registered mail in any Canada Post Office (and if so, shall be deemed to be delivered on the sixth business day following such mailing except that, in the event of interruption of mail service notice shall be deemed to be delivered only when actually received by the party to whom it is addressed), so long as the notice is addressed as follows:

To the Owner at:

And

To the City at:

**City of Parksville
PO Box 1390
100 E. Jensen Avenue
Parksville, BC V9P 2H3**

Attention: Corporate Officer

Or to such other address to which a party hereto from time to time notifies the other parties in writing.

24. a) No amendment or waiver of any portion of this Agreement shall be valid unless in writing and executed by the parties to this Agreement.
- b) Waiver of any default by a party shall not be deemed to be a waiver of any subsequent default by that party
25. This Agreement is not intended to create a partnership, joint venture, or agency between the Owner and the City.
26. This Agreement shall be construed according to the laws of the Province of British Columbia.
27. A reference in this Agreement to the City or the Owner includes their permitted assigns, heirs, successors, officers, employees, and agents.
28. This Agreement is effective from and after the reference date in this Agreement, but only if this Agreement has been executed and delivered by the Owner executed by the City.
29. The parties intend, by their execution and delivery of this Agreement, to create a covenant granted to the City under Section 219 of the Land Title Act, a contract, and a deed executed and delivered to the City under seal.
30. Unless otherwise expressly provided in this Agreement, the expense of performing the obligations and covenants of the Owner contained in this Agreement, and of all matters incidental to them, is solely that of the Owner.
31. The Owner represents and warrants to the City that:
 - a) all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this Agreement;
 - b) upon execution and delivery on behalf of the Owner, this Agreement constitutes a valid and binding contractual obligation of the Owner;
 - c) neither the execution and delivery, nor the performance, of this Agreement shall breach any other Agreement or obligation, or cause the Owner to be in default of any other Agreement or obligation, respecting the Lands; and
 - d) the Owner has the corporate capacity and authority to enter into and perform this Agreement.

IN WITNESS WHEREOF the parties have affixed their hands and seals and where a party is a corporate entity, the corporate seal of that company has been affixed in the presence of its duly authorized officers effective the day and year first recited above.

MAYOR

CORPORATE OFFICER

OWNER

WITNESS

SCHEDULE 'D'

REVITALIZATION TAX EXEMPTION CERTIFICATE
Section 226 of the Community Charter

In accordance with the City of Parksville Downtown Revitalization Tax Exemption Bylaw, 2007, No. 1433 and in accordance with a Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 20____ (the "Agreement") entered into between the City of Parksville (the "City") and _____ (the "Owner"), the registered owner(s) of the property described below (the "Parcel"):

This **Certificate** certifies that the Parcel is subject to a revitalization tax exemption in an amount equal to any increase in the assessed value of land and improvements on the Parcel for the years _____ through _____.

The Parcel to which the tax exemption applies is in the City of Parksville and is legally described as:

PID _____ Legal Description: _____

The tax exemption is provided on the following conditions:

1. The Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an Assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent; or
4. The Parcel is not put to any use that is not permitted in the Downtown Commercial (C3) zone of the City of Parksville's Zoning Bylaw as amended or replaced from time to time.

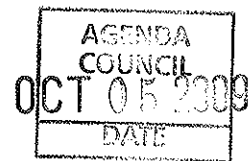
If any of these conditions are not met then the Council of the City of Parksville may cancel this Revitalization Tax Exemption Certificate. It such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City an amount equal to the value of the exemption received after the date of the cancellation of the certificate.

Corporate Officer
City of Parksville

Date _____

Permit #	Address	Application Date	Permit Type	\$ Value	Status
20070215	166 Island Highway East	29/10/2007	Commercial Alteration	70,000	issued
20080279	144 Middleton	05/01/2009	Commercial Alteration	40,000	issued
20080254	151 Hirst	17/11/2008	Single Family Dwelling Alteration	90,000	issued
20080261	156 Hirst	25/11/2008	Single Family Dwelling Alteration	55,000	issued
20090035	100 Jensen Avenue East	29/04/2009	Institutional Alteration	40,000	issued
20090090	149 Jensen Avenue East	24/06/2009	Commercial Alteration	5,400	issued
20090003	121 Craig	09/02/2009	Commercial Alteration	40,000	finalized
20090018	121 Craig	23/03/2009	Commercial Alteration	2,000	finalized
20070212	123 Craig	19/10/2007	Commercial Alteration	20,000	in progress
20070219	123 Craig	31/10/2007	Commercial Alteration	20,000	finalized
20080161	150 Morison	30/07/2008	Commercial Alteration	2,500	issued
20090016	152 Alberni Highway	17/03/2009	Commercial Alteration	107,580.91	issued

COUNCIL REPORT



September 14, 2009

REPORT TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER
FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING
SUBJECT: CONSIDERATION OF A PROACTIVE PROGRAM TO CONTROL SCOTCH BROOM

Issue:

Consideration of a pro active program to control Scotch Broom.

Executive Summary:

A Council resolution directed Staff to review options for Scotch Broom control. At this time the City does manage Scotch Broom to some degree, based on resources available. Action is taken with respect to private properties on a complaint basis. Any change to the status quo would require additional resources.

References:

Property Maintenance Bylaw, 2003, No. 1383

Background:

At the June 15, 2009 Council meeting the following resolution was passed:

"09-152 THAT staff be instructed to review and provide recommendations to Council for the control of Scotch Broom on all property within the City boundaries. CARRIED."

This topic is being addressed in two parts:

1. Pertaining to public, City owned properties;
2. Pertaining to private properties.

It should be noted at the onset that 'control' is a word well chosen, in the sense that 'eradication' of Scotch Broom is a process that would take up to 30 years since Broom is very prolific and has a 30 year lifespan. Some lands which appear not to have broom on them may be harbouring seeds which could germinate upon disturbance of the soil. At this time 'cutting' or 'pulling' offer the only effective means of control as chemicals are not necessarily effective for this purpose, nor is their use considered acceptable for this purpose.

Public Property – There is Scotch Broom on public properties. As within the overall Community, it is scattered all over and there is not one identifiable concentration. It is found on trails, in nature Parks and boulevards predominantly. Maintenance efforts don't target it per se,

CONSIDERATION OF A PROACTIVE PROGRAM TO CONTROL SCOTCH BROOM

but we do end up routinely dealing with it while using the flail mower for cutting and maintenance in general. Broom is not an issue in the groomed parks as it is dealt with through routine maintenance. As directed by Council in 2007, the City participates in the annual "Broombusters" program by providing chipping/pick up services for broom cut by the volunteers in the municipality.

Overall, Staff has not considered the Broom problem significant enough to warrant a more targeted effort or to warrant an expansion in resources.

Private Property - The City's Property Maintenance Bylaw considers Broom a noxious weed. The City tends to get a couple of complaints a year which are handled by Bylaw Compliance under this Bylaw. This year the complaints were successfully resolved under the provisions of this Bylaw, with the cooperation of the property owners. Staff is not proactive in looking for Broom but responds to and handles complaints as with 'unsightly' properties under the Property Maintenance Bylaw.

Options:

Council may:

1. Direct Staff to increase management efforts to remove Scotch Broom on City owned properties;
2. Direct Staff to be proactive in finding and seeking removal of Scotch Broom on private properties;
3. Do both of the above;
4. Maintain the status quo.

Analysis:

1. Scotch Broom is currently managed on City owned property to the extent that the current resources permit. This level is consistent with Staff's perception of what is required. A change to this approach would necessitate the allocation of significantly more Staff resources as the current Staff is already fully engaged.
2. In order to manage resources Bylaw Compliance is a complaint driven function. Although the impact on resources may or may not be large depending on the scope of work desired, it should also be noted that the current property owner responsiveness to complaints under the Property Maintenance Bylaw is low. It is currently a challenge to get compliance with even overt and repeat offenders of this Bylaw. There is a high resource level required for even a low level of compliance.
3. As above; combined.

CONSIDERATION OF A PROACTIVE PROGRAM TO CONTROL SCOTCH BROOM

- 4. Maintaining the status quo will not eradicate Scotch Broom and may even result in its spread over time. Despite this, the presence of Scotch Broom is not creating an obvious issue in City parks. Private property situations can be dealt with, to the extent possible, on private lands subject to a complaint.

Sustainability:

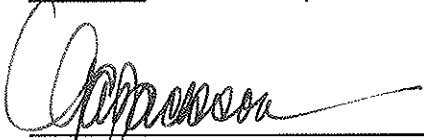
No known implications.

Financial Implications:

Any change to current practice would have an impact on resources. The exact level of increase would need to be established to assign a cost. A program aimed at eradication of all Scotch Broom within City properties could realistically necessitate the hiring of .5 of a full time employee in additional Staff.

Recommendation:

That the report from the Director of Community Planning dated September 14, 2009 regarding consideration of a proactive program to control Scotch Broom be received;
And That the current practices with respect to Scotch Broom remain.




G. A. JACKSON

GAJ/dd

Planning/6440-01-COS/2009/Agenda/Report-Pesticide-3.

MANAGER OF OPERATIONS COMMENTS:



A. METCALF

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



F. MANSON, C.G.A.