



City of PARKSVILLE

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

Telephone: (250) 248-6144 Fax: (250) 248-6650

www.parksville.ca

SPECIAL COUNCIL MEETING AGENDA

WEDNESDAY, JULY 15, 2009 - 6:00 P.M.

1. **ADOPTION OF MINUTES**

- a) of the special meeting of Council held July 6, 2009 - Pages 1 to 8

Recommendation: THAT the minutes of the special meeting of Council held July 6, 2009 be adopted.

2. **APPROVAL OF AGENDA**

3. **PRESENTATIONS**

4. **DELEGATIONS**

5. **UNFINISHED BUSINESS**

6. **CORRESPONDENCE**

- a) Regional District of Nanaimo - Northern Community Sewer LS Apportionment Amendment Bylaw No. 889.51 - Page 9 to 10

This bylaw proposes to amend the apportionment date of the Northern Community Sewer Local Service Area. As part of the approval process the district requires the City's consent to this bylaw.

Recommendation: THAT the Council of the City of Parksville consents to the adoption of "Northern Community Sewer LS Apportionment Amendment Bylaw No. 889.51", and the Regional District be notified accordingly.

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

8. **REPORTS**

- a) Committee of the Whole - July 6, 2009 - Pages 11 to 12

- (1) Director of Community Planning - Consideration of Outstanding Housing Proposals with Respect to Affordable Housing

This report brings forward outstanding affordable housing requests that are ready for Council decision now that an overall City policy and Development Cost Charges waiver have been considered.

Recommendation: THAT the report from the Director of Community Planning dated June 25, 2009 for the reconciliation of outstanding affordable housing proposals be received;
AND THAT Council consider the affordable housing policy along with the development cost charges exemption bylaw to constitute the City's participation in affordable housing;
AND FURTHER THAT Council consider that all outstanding requests (noted below) for City participation in affordable housing that exceed this policy, be denied.

Proposal to construct and operate an affordable housing project on Lots 1 and 2, District Lot 123, Nanoose District, Plan 4091 [1350 Greig Road];

Consideration of support for motel conversion to affordable housing at Lot 1, District Lot 89, Nanoose District, Plan 5722, except Parts in Plans 10153 and VIP52582 [272 Island Highway West];

Consideration of a long term lease on behalf of the Oceanside Affordable Housing Society of 183 McVickers Street or determine an alternate site, if available, through the transfer of property title of the land or the air rights to the Oceanside Affordable Housing Society.

(2) Executive Assistant - 2009 Beer Garden Applications

Under the provisions of the City's Special Events Policy organizations proposing to hold an event on municipal property, streets or parks are required to apply for a special events permit. All events covered in the policy must be approved by Council and event organizers must fulfill the requirements outlined in the policy.

Recommendation: THAT the following organizations be permitted to conduct a beer garden special event in the Community Park Lacrosse Box at the specified time and dates outlined in the applications attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Beer Garden Special Event Application":

District 69 Mixed Slo-Pitch Playoffs – Saturday, July 25 and Sunday, July 26, 2009, 12:00 PM till 6:00 PM;

Parksville Lions Club – August 1, 2, and 3, 2009, 12:00 PM till 6:00 PM;

AND THAT the approval be granted on condition that the organizers ensure that any temporary food concessions associated with the event are in compliance with Community Park Food Concessions Policy No. 3.18;

AND FURTHER THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions forms attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Beer Garden Special Event Application".

(3) Executive Assistant - 2009 Beer Garden Applications

Under the provisions of the City's Special Events Policy organizations proposing to hold an event on municipal property, streets or parks are required to apply for a special events permit. All events 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 June 30, 2009 regarding a beer garden application for August 2, 2009 at the Oceanside Overdrive Car show, be received;

**AND THAT the Beer Garden Event Application received from the Oceanside Overdrive Car Show for a beer garden in conjunction with the car show August 2, 2009 from noon to 4:00 p.m., be denied;
AND FURTHER THAT the Oceanside Overdrive Car Show organizers be advised that they may want to contact the Parksville Lions Club who are conducting a Beer Garden Event in conjunction with a baseball tournament August 1, 2, and 3, 2009 in the Community Park, to determine if they can merge these events.**

- b) Manager of Engineering - Tender Pre-Qualifications for the Waterfront Walkway - Pages 13 to 14
Selection from the pre-qualification list of companies to bid on the Capital Works Project: Waterfront Walkway

Recommendation: THAT Barnes Landscape Contractors Ltd.; CMF Construction Ltd.; Easy Living Holdings Ltd.; Fournier Excavating Ltd.; Hub Excavating Ltd.; Island West Coast Developments Ltd.; Locar Industries Ltd.; Triple H Construction; SupErb Construction Ltd.; and Windley Contracting Ltd. be invited to submit bids for the Waterfront Walkway Project.

- c) Director of Community Planning - Consideration of Removal of Redundant Statutory Right of Way [280 Island Highway East] - Pages 15 to 25
A statutory right of way was registered on the Thrifty's food site permitting the City access to a utility on the site. The development of the new site will involve the relocation of the utility which makes the easement redundant.

Recommendation: THAT the removal of the statutory right of way discharge over Lot 1, District Lot 4, Nanoose District, Plan VIP86650 [280 Island Highway East] be granted.

- d) Director of Community Planning - Deputy Approving Officer Appointment - Pages 26 to 27
The appointment of a Deputy Approving Officer is a requirement under the Community Charter and the City has been without a Deputy Approving Officer since the departure of the Director of Engineering and Operations.

Recommendation: THAT Fred Manson, Chief Administrative Officer, be appointed Deputy Approving Officer.

9. BYLAWS

- a) "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" - Page 28
To rescind third reading of July 6, 2009 and read a third time as amended (include definition of affordable housing).

(i) **Recommendation: THAT third reading of "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" given July 6, 2009 be rescinded;
AND THAT "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" be amended to include the definition of "Affordable Housing";**

AND THAT "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" be read a third time as amended.

- b) "Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.2" - Pages 29 to 32
To add Objectives and Policies for Revenue Sources, Tax Classes and Permissive Tax Exemptions to form part of this bylaw.
- (i) **Recommendation: THAT "Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.2" be read a first time.**
- (ii) **Recommendation: THAT "Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.2" be read a second and third time.**

10. NEW BUSINESS

11. NOTICE OF MOTION

- a) Councillor Lefebvre - Downtown Revitalization - From July 6, 2009 Special Meeting of Council

**Recommendation: 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.**

- b) Mayor Ed Mayne - Access to Businesses on the South Side of Highway 19A Immediately West of the Englishman River Bridge - From July 6, 2009 Special Meeting of Council

**Recommendation: WHEREAS the recent improvements to Highway No. 19A immediately west of the Englishman River Bridge have had a negative impact on the businesses along the south side of the Highway by restricting access by west bound vehicles;
AND WHEREAS there has been no apparent history of traffic related incidents along that section of Highway 19A to warrant the restricted access;
NOW THEREFORE BE IT RESOLVED that staff be directed to review the technical issues of the signage and traffic configuration currently restricting such access and provide Council with alternatives and a recommended course of action.**

12. SPECIAL BUSINESS (Closed/In Camera)

13. ADJOURNMENT

ooOOoo

TO BE ADOPTED



4629.

July 6, 2009

CITY OF PARKSVILLE

Minutes of the special meeting of Council held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, July 6, 2009 at 6:00 p.m.

PRESENT: His Worship Mayor E. F. Mayne

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

Staff: G. Jackson, Acting Chief Administrative Officer
L. Kitchen, Deputy Corporate Administrator
D. Banks, Fire Chief
L. Butterworth, Director of Finance

1. ADOPTION OF MINUTES

09-161 Lefebvre – Powell-Davidson
THAT the minutes of the Public Hearing held June 15, 2009 be adopted. CARRIED.

09-162 Lefebvre - Greir
THAT the minutes of the regular meeting of Council held June 15, 2009 be amended to show representation from the gallery by Charlie Stone and Egan Kuhn prior to approval of the Development Variance Permit and Development Permit Amendment for Corfield Glades Ltd. at 500 Corfield Street;
AND THAT the minutes of the regular meeting of Council held June 15, 2009 be adopted as amended. CARRIED.

09-163 Lefebvre - Greir
THAT the minutes of the special meeting of Council held June 22, 2009 be adopted. CARRIED.

2. APPROVAL OF AGENDA

09-164 Powell-Davidson - Patterson
THAT the July 6, 2009 Council meeting agenda be approved. CARRIED.

3. PRESENTATIONS - Nil

4. DELEGATIONS

- a) Bob Hawkes from the Parksville Curling Club spoke to Council about their application for a temporary change to the liquor licence in area and capacity to accommodate bonspiels and special events that occur from August 7, 2009 to March 20, 2010.

PAGE

1

5. UNFINISHED BUSINESS - Nil

6. CORRESPONDENCE - Nil

7. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE - Nil

8. REPORTS

a) Committee of the Whole – June 22, 2009

09-065 Lefebvre - Greir
THAT the report of the Committee of the Whole meeting held June 22, 2009 be received;
AND THAT the following recommendations be approved:

(1) **Director of Finance - Amendment to 2009 Requirements for Revenue Policy Disclosure**

THAT the report from the Director of Finance dated June 15, 2009 regarding an Amendment to the 2009 Requirements for Revenue Policy Disclosure be received;

AND THAT the set of Objective and Policies relating to the City of Parksville's source of revenues, taxation classes and permissive tax exemptions as detailed in Appendix I attached to the above report from the Director of Finance be approved;

AND FURTHER THAT staff be directed to bring forward for Council's approval an amendment to the "Five Year Financial Plan Bylaw, 2009 – 2013, No. 1451" to add Appendix I as a schedule to the bylaw.

(2) **Manager of Engineering - Information Report on the State of Municipal Infrastructure**

THAT the report from the Manager of Engineering entitled "State of Municipal Infrastructure - Annual Review" be received by Council for information and published on the City's Web Page.

(3) **Communications Officer - Logo Identity and Branding for the City of Parksville**

THAT the report from the Communications Officer dated June 16, 2009, regarding logo identity and branding for the City of Parksville be received;
AND THAT Council direct staff to discontinue using the current "P" logo and approve the use of the new City of Parksville logo proposed in the report from the Communications Officer dated June 16, 2009;

AND FURTHER THAT staff be directed to develop a graphics standards manual and implement graphics standards in the use of the new logo.

(4) **Director of Community Planning - Community Tourism Program Funds - Vehicular Way-Finding Signs**

THAT the report from the Director of Community Planning dated February 20, 2009 regarding design development of downtown revitalization details be received for information.

(5) **Director of Community Planning - Consideration of Permitting Business Names on Downtown Banners**

THAT the report from the Director of Community Planning dated June 15, 2009 regarding the consideration of permitting business names on downtown banners be received;
AND THAT Council approve the Downtown Business Association's request to enter into a corporate sponsorship with downtown business owners who wish to provide banners and have their name appear on the banners.

(6) **Director of Community Planning - Implementation of an Accessibility Upgrade Incentive Program**

THAT the report from the Director of Community Planning dated June 11, 2009 regarding the implementation of an accessibility upgrade incentive program be received;
AND THAT the proposed accessibility upgrade incentive program be referred to Parksville's Measuring Up Committee for comment;
AND FURTHER THAT upon receipt of comment that a subsequent Staff report be prepared further advising Council on the implementation of accessibility upgrade incentive program.

(7) **Director of Community Planning - Implementation of Updated Home Based Business Regulations**

THAT the report from the Director of Community Planning dated June 11, 2009 regarding the implementation of updating the home occupations regulations be received;
AND THAT staff prepare an amendment bylaw to amend Zoning and Development Bylaw, 1994, No. 2000 in order to update the home occupations regulations.

(8) **Director of Community Planning - Development Permit [1480 Industrial Way]**

THAT the report from the Director of Community Planning dated June 9, 2009 for the issuance of a Development Permit at 1480 Industrial Way be received;
AND THAT a Development Permit be issued to B.G.R. HOLDINGS INC., (INCORPORATION NO. 329774) to permit 16 additional mini storage buildings and implementation of the overall site plan on Lot 2, Block 564, Nanoose District, Plan 42530 (1480 Industrial Way);
AND FURTHER THAT a landscaping bond in the amount of \$2,740.00 be received prior to the issuance of the permit.

CARRIED.

- b) **Accountant - Review of Letters of Credit Policy No. 6.4**
- 09-166 Greir – Powell-Davidson
THAT the report from the Accountant dated June 16, 2009 regarding the review of Letters of Credit Policy No. 6.4, be received;
AND THAT the amended "Letters of Credit Policy No. 6.4" as attached to the report from the Accountant dated June 16, 2009, be approved. CARRIED.
- c) **Director of Community Planning - Consideration of City Policy with Respect to Affordable Housing**
- 09-167 Lefebvre - Greir
THAT the report from the Director of Community Planning dated June 25, 2009 be received;
AND THAT Council adopt the policy which permits the waiving of development permit and building permit application fees associated with applications for developments [or that portion thereof] intended to provide affordable housing which meets the City's definition of affordable housing as contained in "Zoning and Development Amendment Bylaw, 2008, No. 2000.62". CARRIED.
- d) **Director of Community Planning - Unsightly Lots [715, 722, 723 and 746 Doehle Avenue]**
- Withdrawn as the lots cited have been cleaned up.*
- e) **Director of Community Planning - Consideration for Temporary Change to the Liquor Licence for the Parksville Curling Club [193 Island Hwy East]**
- 09-168 Greir - Burger
THAT Council advise the Liquor Control and Licensing Branch that Council has no objection to the application for temporary expansion of the licensed area and change of hours for the Parksville Curling Club, for the arena building on Parcel B, except Plan 29279 and VIP52582 Parcel B DD349031 (193 Island Highway East). CARRIED.
- f) **Deputy Corporate Administrator - Appointment of Bylaw Enforcement Officer in Accordance with Section 264 of the Community Charter**
- 09-169 Lefebvre - Burger
THAT the report from the Deputy Corporate Administrator dated June 26, 2009 entitled "Appointment of Bylaw Enforcement Officer in Accordance with Section 264(1)(b) of the Community Charter", be received;
AND WHEREAS Section 264 of the Community Charter provides for the designation from time to time of a Bylaw Enforcement Officer;
AND WHEREAS Section 2 of City of Parksville Bylaw Enforcement Officer Bylaw, 1991, 1073 provides for the appointment, from time to time, of a Bylaw Enforcement Officer;
NOW THEREFORE the Municipal Council of the City of Parksville hereby appoints Aaron Dawson as Bylaw Enforcement Officer, in accordance with Section 264(1)(b) of the Community Charter to investigate and enforce all municipal bylaws for the term of his employment as "Bylaw Compliance Officer" with the City of Parksville. CARRIED.

Councillors Greir and Powell-Davidson declared conflicts of interest and left the meeting at 6:23 p.m.

g) Deputy Corporate Administrator - Review of Corporate Policy Manual Section 9 - Fire Department Policies

09-170 Lefebvre - Burger
 THAT the report from the Deputy Corporate Administrator dated June 24, 2009 entitled "Review of Corporate Policies Applicable to the Fire Department", be received;

AND THAT the following Corporate Policies remain current:

- a) 9.1 Auto Extrication Rescue Calls
- c) 9.6 Use of Fire Department Vehicles
- d) 9.9 Fire Safety Inspections
- e) 9.13 Alcohol Consumption at the Fire Hall

AND THAT the following Corporate Policies be reviewed and brought forward to Council for consideration:

- f) 9.3 Emergency/Natural Disasters and Employee Response

AND FURTHER THAT Corporate Policy No. 9.2 "Fire Department Stipends" be amended as follows:

Under Purpose, add the words "and performing certain facilities and equipment maintenance, upkeep and development activities."

Under Policy, by replacing points 1, 2, 3 and 4 with the following:

1. The Fire Chief, or designate, may approve the payment of a stipend based on one working day (approximately 8 hours) for authorized activities. Authorized activities taking less than one working day, the stipend will be pro-rated at the discretion of the Fire Chief or designate.

Examples of authorized activities include, but are not limited to training other than regularly scheduled weekly practices, specific maintenance activities like annual hose testing, and specific facilities activities like Training Ground maintenance.

2. Career members of the Parkville Volunteer Fire Department are not eligible to receive a stipend.

Description	Stipend Amount
Basic Daily /Training Tech.	\$120.00
Instructor	\$160.00
Recruit	\$ 80.00
Duty Officer	\$200 per 24 hour period (Reference PVFD OG #5.01.05)
Company Officers	\$600 per year (including applicable benefits)

CARRIED.

Councillors Greir and Powell-Davidson returned to the meeting at 6:26 p.m.

h) **Executive Assistant - 2009 Special Event Applications**

- 09-171 Greir - Lefebvre
THAT the following organization be permitted use of the picnic shelter in the Community Park for a special event during the specified date and times outlined in the application form attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Special Events Applications":
Sunrise Preschool "35th Anniversary" - Saturday, August 29, 2009;
AND THAT the following organization be permitted use of the Kite Field located in the Community Park for a special event during the specified date and times outlined in the application form attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Special Events Applications":
Harris Mitsubishi "Spyder Crawl Car Show" - Sunday, July 12, 2009;
AND FURTHER THAT approvals for each event be granted on condition that the organizers adhere to their signed Terms and Conditions forms attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Special Events Applications". CARRIED.

Councillor Burger declared a conflict of interest and left the meeting at 6:28 p.m.

i) **Chief Administrative Officer - Lease of City Owned Land to Ms. Nancy Anderson for Portion of Land [201 Pym Street]**

- 09-172 Lefebvre – Powell-Davidson
THAT the report from the Chief Administrative Officer June 26, 2009 entitled "Lease of City Owned Land to Ms. Nancy Anderson for a Portion of 201 Pym Street", be received;
AND THAT the proposed lease agreement with Ms. Nancy Anderson for a portion of Lot 1, District Lot 127, Nanoose District, Plan 37388 [201 Pym Street], as outlined in red on the Schedule A attached to this report, to be used as outdoor daycare activity space, be approved for the period July 1, 2009 to June 30, 2012 at a monthly rental rate of \$125.00 and a three year mutually agreeable option to renew. CARRIED.

Councillor Burger returned to the meeting at 6:30 p.m.

9. **BYLAWS**

a) **"Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448"**

- 09-173 Powell-Davidson - Burger
THAT "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" be read a first time. CARRIED.
- 09-174 Lefebvre - Patterson
THAT "Development Cost Charges Waiver Bylaw for Eligible Developments, 2009, No. 1448" be read a second and third time. CARRIED.

10. COMMITTEE OF THE WHOLE

09-175 Lefebvre – Powell-Davidson
THAT Council resolves into the duly advertised July 6, 2009 Special Committee of the Whole meeting. CARRIED.

Time 6:32 p.m.

Council reconvened at 7:11 p.m.

11. NEW BUSINESS

a) Councillor Chris Burger - Quality of Life Survey

09-176 Burger - Patterson
WHEREAS there has been significant change in the city over the past several years and to date there has been minimal opportunity for Council to gauge the public's perceptions of these changes and/or views regarding the ongoing or proposed future policies Council has for the community;

THEREFORE BE IT RESOLVED that staff be directed to develop a plan for producing, distributing and tabulating a "Quality of Life" survey to be distributed in 2009 to all residents and property owners within the City. CARRIED.

12. NOTICE OF MOTION

- a) Mayor Mayne advised he will be bringing forward a motion at the next meeting of Council regarding access to the Englishman River Motel on the south side of Highway 19A immediately west of the Englishman River Bridge.
- b) Councillor Lefebvre advised he will be bringing forward a motion at the next meeting of Council regarding expanding the area affected by "Downtown Revitalization Tax Exemption Bylaw, 2007, No. 1433".

13. SPECIAL BUSINESS

09-177 Lefebvre - Patterson
THAT Pursuant to Sections 90 (1) (g) of the *Community Charter* Council proceed to a closed meeting to consider items relating to legal issues. CARRIED.

Time 7:28 p.m.

Council reconvened at 8:17 p.m.

14. ADJOURNMENT

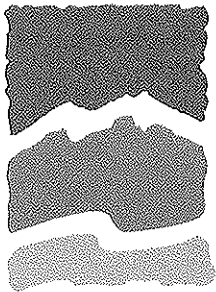
It was moved by Councillor Powell-Davidson and seconded by Councillor Patterson that the meeting adjourn. CARRIED.

The meeting adjourned at 8:17p.m.

Certified Correct.

Mayor


A / Corporate Officer



REGIONAL
DISTRICT
OF NANAIMO

June 24, 2009

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

Attention: John Marsh

Dear Mr. Marsh:

**Re: Northern Community Sewer LS Apportionment Amendment Bylaw
No. 889.51**

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

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

MOVED _____, SECONDED _____, that the Council of the City of Parksville consents to the adoption of "Northern Community Sewer Local Service Apportionment Amendment Bylaw No. 889.51, 2009" and FURTHER that the Regional District be notified accordingly.

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

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

Sincerely,

Maureen Pearse
Sr. Mgr. of Corporate Administration

MMP:nat

Attachments

AGENDA
COUNCIL
JUL 15 2009
DATE
RECEIVED
JUL 02 2009
CITY OF PARKSVILLE

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

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

RDN Website: www.rdn.bc.ca

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.51

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

WHEREAS the Regional District of Nanaimo Board established the Northern Community Sewer Service pursuant to "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993", as amended;

AND WHEREAS the Board wishes to amend the method of apportioning costs by changing the calculation period so that, rather than following the calendar year, it runs from October 1st to September 30th to better harmonize with the budget preparation process;

AND WHEREAS at least two thirds of the service participants have consented to the adoption of this bylaw in accordance with section 802 (2) of the *Local Government Act*;

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

1. Bylaw No. 889 is hereby amended by deleting Section 5 (c) (iii) and replacing it with the following:
 - (iii) Annual service costs shall be apportioned amongst the benefitting areas based on percent use, which shall be measured as a function of sewage flow to be calculated as follows:
 - the annual sewage flow for each benefitting area shall be the average of the preceding three years, where each year starts October 1st and ends September 30th.
 - the annual sewage flow for each benefitting area shall be used to calculate the overall sewage flow for the service and the percent use for each benefitting area.
2. This Bylaw may be cited as "Northern Community Sewer Local Service Apportionment Amendment Bylaw No. 889.51, 2009".

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

Received the approval of the Inspector of Municipalities this ____ day of _____, 20__.

Adopted this ____ day of _____, 2009.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

July 7, 2009



REPORT TO: MAYOR AND COUNCIL

FROM: COMMITTEE OF THE WHOLE

SUBJECT: JULY 6, 2009 MEETING RECOMMENDATION

The following items were considered by the Committee of the Whole at its special meeting held Monday, July 6, 2009:

RECOMMENDATIONS

(1) Director of Community Planning - Consideration of Outstanding Housing Proposals with Respect to Affordable Housing

THAT the report from the Director of Community Planning dated June 25, 2009 for the reconciliation of outstanding affordable housing proposals be received;
AND THAT Council consider the affordable housing policy along with the development cost charges exemption bylaw to constitute the City's participation in affordable housing;
AND FURTHER THAT Council consider that all outstanding requests (noted below) for City participation in affordable housing that exceed this policy, be denied.

Proposal to construct and operate an affordable housing project on Lots 1 and 2, District Lot 123, Nanoose District, Plan 4091 [1350 Greig Road];
Consideration of support for motel conversion to affordable housing at Lot 1, District Lot 89, Nanoose District, Plan 5722, except Parts in Plans 10153 and VIP52582 [272 Island Highway West];
Consideration of a long term lease on behalf of the Oceanside Affordable Housing Society of 183 McVickers Street or determine an alternate site, if available, through the transfer of property title of the land or the air rights to the Oceanside Affordable Housing Society.

(2) Executive Assistant - 2009 Beer Garden Applications

THAT the following organizations be permitted to conduct a beer garden special event in the Community Park Lacrosse Box at the specified time and dates outlined in the applications attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Beer Garden Special Event Application":

District 69 Mixed Slo-Pitch Playoffs – Saturday, July 25 and Sunday, July 26, 2009, 12:00 PM till 6:00 PM;

Parksville Lions Club – August 1, 2, and 3, 2009, 12:00 PM till 6:00 PM;

AND THAT the approval be granted on condition that the organizers ensure that any temporary food concessions associated with the event are in compliance with Community Park Food Concessions Policy No. 3.18;

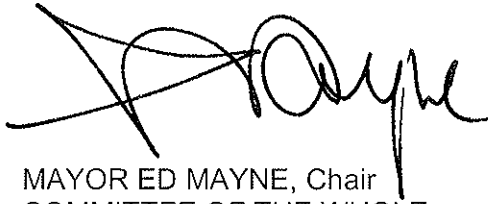
AND FURTHER THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions forms attached to the report from the Executive Assistant dated June 19, 2009 entitled "2009 Beer Garden Special Event Application".

(3) **Executive Assistant - 2009 Beer Garden Applications**

THAT the report from the Executive Assistant dated June 30, 2009 regarding a beer garden application for August 2, 2009 at the Oceanside Overdrive Car show, be received;

AND THAT the Beer Garden Event Application received from the Oceanside Overdrive Car Show for a beer garden in conjunction with the car show August 2, 2009 from noon to 4:00 p.m., be denied;

AND FURTHER THAT the Oceanside Overdrive Car Show organizers be advised that they may want to contact the Parksville Lions Club who are conducting a Beer Garden Event in conjunction with a baseball tournament August 1, 2, and 3, 2009 in the Community Park, to determine if they can merge these events.



MAYOR ED MAYNE, Chair
COMMITTEE OF THE WHOLE

DATE: July 8, 2009

MEMO TO: GAYLE JACKSON, A/CHIEF ADMINISTRATIVE OFFICER

MEMO FROM: MIKE SQUIRE, MANAGER OF ENGINEERING

SUBJECT: TENDER PRE-QUALIFICATIONS FOR
THE WATERFRONT WALKWAY PROJECT
OUR FILE NO. 5330-20-WALK

Issue:

Selection, from the pre-qualification list, of companies to bid on the Capital Works Project: Waterfront Walkway.

Reference:

- Purchasing Guidelines Policy (No. 6.14) – Division Four: Tenders.
- Prequalification Application Form - 2009 Capital Works: Waterfront Walkway Project.

Background:

In accordance with the Purchasing Guidelines Policy (No. 6.14), an 'Invitation to Prequalification' to bid on the Waterfront Walkway, was advertised on the City of Parksville Website and the local newspaper on June 12th and June 16th, 2009. The invitation to Prequalification closed on July 3, 2009.

A total of eleven companies submitted completed prequalification applications prior to the stated deadline.

Options:

1. Select qualifying companies from prequalification list.
2. Reissue Invitation to Prequalification.

Analysis of Options:

1. Eleven companies submitted prequalification forms:

Barnes Landscape Contractors Ltd.

CMF Construction Ltd.

Easy Living Holdings Ltd.

Fournier Excavating Ltd.

Hazelwood Construction Services Inc.

Hub Excavating Ltd.

Island West Coast Developments Ltd.
Locar Industries Ltd.
Triple H Construction
SupErb Construction Ltd.
Windley Contracting Ltd.

Barnes Landscape Contractors Ltd.; CMF Construction Ltd.; Easy Living Holdings Ltd.; Fournier Excavating Ltd.; Hub Excavating Ltd.; Island West Coast Developments Ltd.; Locar Industries Ltd.; Triple H Construction; SupErb Construction Ltd.; and Windley Contracting Ltd. have provided information and/or demonstrated performance considered acceptable to qualify for the above-mentioned capital works projects.

The City has some recent unfavourable experiences with Hazelwood Construction Services Inc. in which the contractor has displayed a lack of regard towards their safety, responsibilities and commitments to the City. It is therefore not recommended this contractor be invited to tender on any capital projects this year.

2. Should Council decide to reissue the Invitation to Prequalification, it is anticipated that this would result in a delayed process and not necessarily change the outcome.

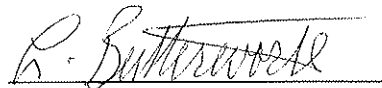
It is recommended that Council support Option 1.

Recommendation:

“That, Council invite Barnes Landscape Contractors Ltd.; CMF Construction Ltd.; Easy Living Holdings Ltd.; Fournier Excavating Ltd.; Hub Excavating Ltd.; Island West Coast Developments Ltd.; Locar Industries Ltd.; Triple H Construction; SupErb Construction Ltd.; and Windley Contracting Ltd. to submit bids for the Waterfront Walkway Project.”

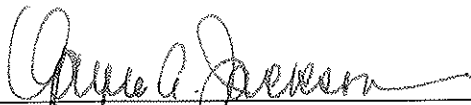


Mike Squire, AScT.
Manager of Engineering



Lucky Butterworth
Director of Finance

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



Gayle Jackson, W/Chief Administrative Officer

MS/frp

\\AUSERSV1\Eng & Ops Record Mgmt\GENERAL OPERATIONS FILES\5330 CAPITAL WORKS\5330-20-PRE Prequalification Process\2009\MTC, 2009 Walkway\Prequalification.doc

COUNCIL MEETING REPORT



July 2, 2009

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

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

SUBJECT: CONSIDERATION OF REMOVAL OF REDUNDANT STATUTORY RIGHT OF WAY OVER LOT 1, DISTRICT LOT 4, NANOOSE DISTRICT, PLAN VIP86650 (280 ISLAND HIGHWAY EAST)

Issue:

Consideration of removal of redundant statutory right of way

Executive Summary:

A statutory right of way was registered on the lands of the Thrifty's food site in January 1992. The statutory right of way was for the purpose of permitting the City access to a utility located on the site. This site was recently granted a development permit (Development Permit #09-01) for the expansion of the Thrifty Food Store as well as a new retail outlet including three residential dwellings. The development of the new site will involve the relocation of the utility which will make the easement redundant.

References:

Statutory Right of Way Plan VIP53685 and document (Registration #EF007178)

Background:

In 1992 a statutory right of way was registered as Plan VIP53685 (Land Title Office #EF007178) on what is now known as the Thrifty's site. This right of way is now redundant due to a relocation of the services in this area. The property owner has asked for permission to remove the right of way. His lawyer has prepared the discharge document to achieve this.

This report is necessary to grant authorization for the discharge.

Options:

Council may:

1. Grant the request for statutory right of way discharge.
2. Deny the request.

**CONSIDERATION OF REMOVAL OF
REDUNDANT STATUTORY RIGHT OF WAY**

Analysis:

As this statutory right of way is considered redundant there is no reason to deny the request for removal.

Sustainability/Environmental Analysis:

There are no implications.

Financial Implications:

There are no costs involved other than for the preparation of this report. We will be collecting a \$150.00 fee which will cover the cost of signing and work done to date. The applicant will be expected to bear the cost of filing the discharge document in the Land Title Office.

Recommendation:

That the report from the Director of Community Planning dated July 2, 2009 regarding consideration of removal of redundant statutory right of way over Lot 1, District Lot 4, Nanoose District, Plan VIP86650 (280 Island Highway East);

And That Council grant the removal of the statutory right of way discharge over Lot 1, District Lot 4, Nanoose District, Plan VIP86650 (280 Island Highway East).




GAYLE A. JACKSON

GAJ/sh
Attachments

I:/Users/Planning/DPermit/2006/06-14/Agenda/Report-2.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

SUBDIVISION PLAN OF LOTS 1 & 2, PLAN 32401, LOT 1, PLAN VIP75740 AND LOT A, PLAN VIP76612, ALL OF DISTRICT LOT 4, NANOOSE DISTRICT.

B.C.G.S. 92F.039

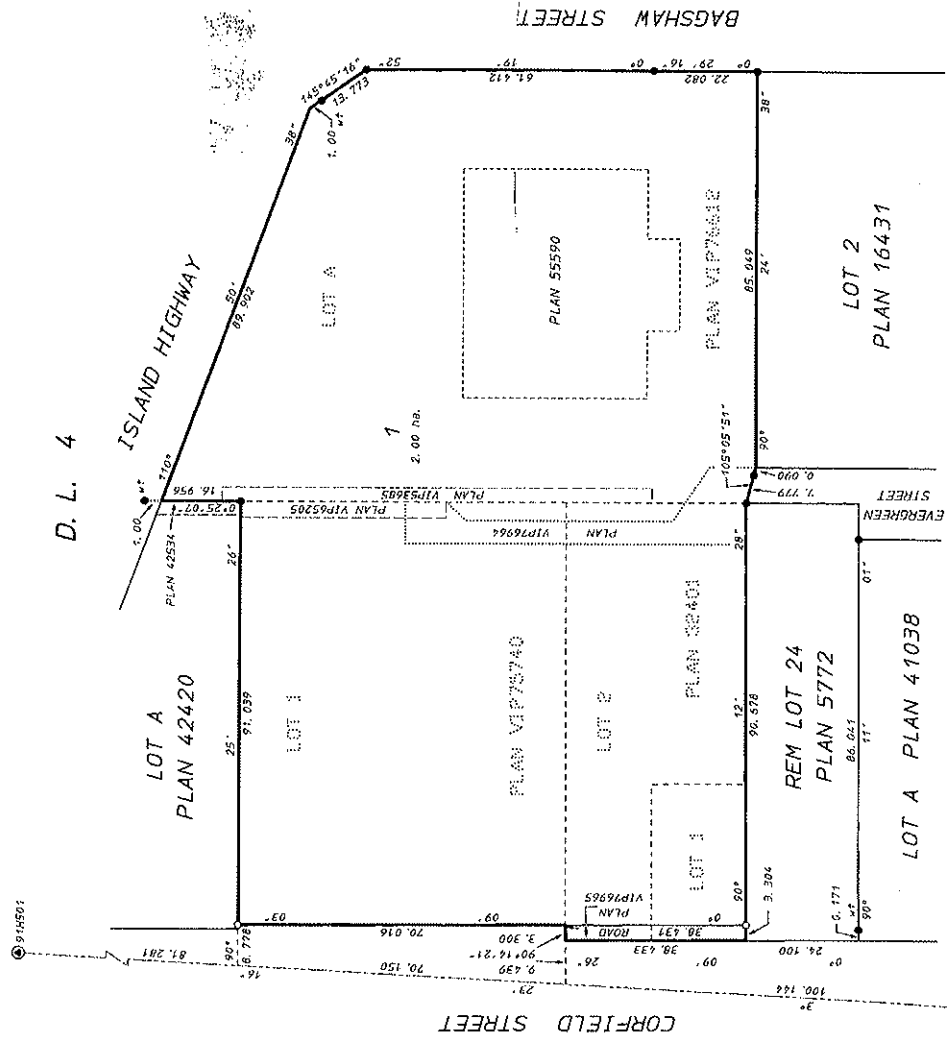
SCALE 1:750



LEGEND

- All distances are in Metres.
- Grid Bearings are derived from observations between Control Monument Nos. 985003 and 918591, Integrated Survey Area No. 22, Parksville.
- Control Monument Found.
- Control Monument Proposed.
- Control Monument from Post Set.

This Plan shows ground - level measured distances.
Prior to captionation of U.T.M. coordinates, multiply by combined factor of 0.999714.



PLAN VIP 86650

Deposited in the Land Title Office of Victoria, B.C. this 11 day of May 2009

Registrar A. Rosepink FB266641

Approved pursuant to the Land Title Act, this 23 day of April 2008

Chyna Jackson Registrar for the City of Parksville

This Plan lies within the Regional District of Nanaimo.

Real Estate Broker 2006-18-0075538

Authorized Signatory [Signature]
Witness as to above Signatures [Signature]

Occupation EMILAN EMERY C. C. C. C. C.
1212-1123 DOUGLAS STREET
VICTORIA B.C. V8W 2E1
366-7222

Address of Witness [Signature]

Notarize and Acknowledgment of Rent [Signature]
SBC Notarize Inc.
Suite 101, 1000-11th Street
Victoria, B.C. V8W 2E1
250-1111

Authorized Signatory [Signature]
Witness as to above Signatures [Signature]

Notarize Officer [Signature]
Occupation of Witness [Signature]
Address of Witness [Signature]

I, Michael A. Sias, a British Columbia Land Surveyor, of the Town of Qualicum Beach, in British Columbia, certify that I was present at and personally supervised the survey represented by this Plan and that the survey and Plan are correct.
The field survey was completed on the 15th day of FEBRUARY 2008. The Plan was completed and checked, and the checklist filed under No. 77233 on the 15th day of FEBRUARY 2008.

SIMS ASSOCIATES
LAND SURVEYORS
223 PERRY ROAD, WEST
QUALICUM BEACH, B.C.
V8K 1S4
PHONE: 250.252-9121
FAX: 250.252-9241
FILE: 06-222-B
COMP. 06-222-REG

dt EF2119

92 JA 22 11 11 4

EF007178

COPY

Land Title Act
Form C
(Section 219.9)
Province of
British Columbia

RECEIVED
LAND TITLE OFFICE
VICTORIA

FORM 1 (Section 55)
MEMORANDUM OF REGISTRATION
Registered on application received on
the day and time written above
K.D. MCQUEEN, Registrar
Victoria Land Title Office

16

GENERAL DOCUMENT

\$50

(This area for Land Title Office use)

Page 1 of 7 pages

1. Application: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
Davis & Avis, Barristers & Solicitors,
P. O. Box 1600, PARKSVILLE, B.C.,
V0R 2S0. 248-5731. Gail Williams, c/o Victro Registry Services

2. Parcel Identifier and Legal Description of Land:*
(PID) (Legal Description)
017-609-861 Lot A, District Lot 4, Nanoose District,
Plan VIP53524


3. Nature of Interest:* Document Reference Person Entitled to Interest
Description (page and paragraph)
Statutory Right-of-Way Pages 3 to 7 Transferee

4. Transferor(s):*
LEONA HOLDINGS LTD. -01/22/92 D7382b CHARGE 50.00

5. Transferee(s): (including occupation(s), postal address(es) and postal code(s))*
CITY OF PARKSVILLE, 194 Memorial Avenue, Box 1390, Parksville, B.C., V9P 2H3

6. Execution(s):** By signing this document you are affecting the land in the manner described in item 3.

Officer Signature(s)

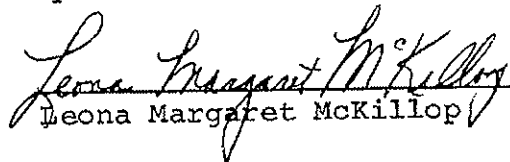

GARY W. DAVIS
Barrister & Solicitor
STE. 201, 156 MORISON AVENUE
BOX 1600
PARKSVILLE, B.C. V0R 2S0

Execution Date

Y	M	D
92	1	15

Transferor(s) Signature(s)

LEONA HOLDINGS LTD.
by its authorized signatory


Leona Margaret McKillop

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- ** If space insufficient, continue executions on additional page(s) in Form D.

PAGE

18

2

Land Title Act
Form D

EXECUTIONS CONTINUED

Execution Date

Officer Signature(s)

Y	M	D
92	1	20

Transferor/Borrower/Party
Signature(s)

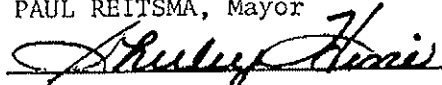


GRANT G. McRADU
A Commissioner for taking Affidavits
for the Province of British Columbia
194 Memorial Avenue
P.O. Box 1390
Parksville, B.C. V9P 2H3

CITY OF PARKSVILLE
by its authorized signatories



PAUL REITSMA, Mayor



SHIRLEY E. HINE, Clerk

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- ** If space insufficient, continue executions on additional page(s) in Form D.

THIS AGREEMENT made the 15 day of January, 1992

BETWEEN:

LEONA HOLDINGS LTD., Inc. No. 51301,
P.O. Box 284, Parksville, B.C., V0R 2S0

(hereinafter called the "Grantor")
OF THE FIRST PART

AND:

CITY OF PARKSVILLE, 194 Memorial Avenue, Box 1390,
Parksville, British Columbia, V0R 2S0

(hereinafter called the "Grantee")
OF THE SECOND PART

WHEREAS the Grantor is the registered owner or is entitled to become the registered owner of an estate in fee simple of all and singular those certain parcels or tracts of lands and premises situate, lying and being in the City of Parksville, in the Province of British Columbia, and being more particularly known and described as:

Parcel Identifier 017-609-861
Lot A, District Lot 4, Nanoose District, Plan VIP53524

(hereinafter called the "Lands")

AND WHEREAS to facilitate the installation of a system of sewerage works, and/or waterworks, and/or drainage works, and/or gas works, including all pipes, valves, fittings and facilities in connection therewith;

(hereinafter called the "Works")

The Grantor has agreed to permit the construction of the aforementioned works on a portion of the said Land and to grant for that purpose the right-of-way hereinafter described;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE (\$1.00) DOLLAR of lawful money of Canada, now paid by the Grantee to the Grantor (the receipt and sufficiency of which

4

is hereby acknowledged by the Grantor), and in consideration of the covenants and conditions hereinafter contained to be observed and performed by the Grantee and for other valuable consideration:

1.0 THE Grantor DOTH HEREBY:

- 1.1 Grant, convey, confirm and transfer, in perpetuity, unto the Grantee the full, free and uninterrupted right, license, liberty, privilege, permission and right-of-way to lay down, install, construct, entrench, operate, maintain, inspect, alter, remove, replace, bury, cleanse, string, and otherwise establish one or more systems of Works upon, over, under and across that part of the Lands of the Grantor, being that part of Lot A, Plan VIP53524, District Lot 4, Nanoose District, shown in heavy outline on Plan of Statutory Right-of-Way through part of Lot A, Plan VIP53524, District Lot 4, Nanoose, prepared by Michael A. Sims, a British Columbia Land Surveyor, as certified and completed on the 16th day of December, 1991, a copy of which is attached hereto.

See
Plan
VIP
53524
✓

(hereinafter called the "Statutory Right-of-Way")

- 1.2 Covenant and agree to and with the Grantee that for the purposes aforesaid upon, over, under and across the Statutory Right-of-Way the Grantee shall for itself and its servants, agents, workmen, contractors and all other licensees of the Grantee, together with machinery, vehicles, equipment, and materials, be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, clear of all trees, growth, buildings or obstructions now or hereafter in existence, as may be necessary, useful, or convenient in connection with the operations of the Grantee in relation to the Works;

- 1.3 Grant, convey, confirm and transfer unto the Grantee for itself, and its servants, agents, workmen, contractors and all other licensees of the Grantee together with machinery, vehicles, equipment and materials the right at all reasonable times to enter upon and to pass and repass over such of the Lands of the Grantor as may reasonably be required for the purpose of ingress to and egress from the Statutory Right-of-Way;

2.0 THE Grantor HEREBY COVENANTS TO AND AGREES WITH THE Grantee, as follows:

- 2.1 That the Grantor will not, nor permit any other person to erect, place, install or maintain any building, structure,

5

Page 5

- mobile home, concrete driveway or patio, pipe, wire, or other conduit on, over or under any portion of the Statutory Right-of-Way so that it in any way interferes with or damages or prevents access to, or is likely to cause harm to the Works authorized hereby to be installed in or upon the Statutory Right-of-Way;
- 2.2 That the Grantor will not do nor knowingly permit to be done any act or thing which will interfere with or injure the said Works and in particular will not carry out any blasting on or adjacent to the Statutory Right-of-Way without the consent in writing of the Grantee, provided that such consent shall not be unreasonably withheld;
- 2.3 That the Grantor will not substantially diminish the soil cover over any of the Works installed in the Statutory Right-of-Way and in particular, without in any way limiting the generality of the foregoing, will not construct open drains or ditches along or across any of the Works installed in the Statutory Right-of-Way;
- 2.4 That the Grantor will from time to time and at all times upon every reasonable request and at the cost of the Grantee do and execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, conveyances and assurances in law whatsoever for the better assuring unto the Grantee of the rights hereby granted.
- 3.0 THE Grantee HEREBY COVENANTS TO AND AGREES WITH THE Grantor as follows:
- 3.1 That the Grantee will not bury any debris or rubbish of any kind in excavations or backfill, and will remove shoring and like temporary structures as backfilling proceeds;
- 3.2 That the Grantee will thoroughly clean all lands to which it has had access hereunto of all rubbish and construction debris created or placed thereon by the Grantee and will leave such lands in a neat and clean condition;
- 3.3 That the Grantee will, as soon as weather and soil conditions permit, and so often as it may exercise its right of entry hereunder to any of the Lands of the Grantor, replace the surface soil as nearly as may be reasonably possible to the same condition as it was prior to such entry, in order to restore the natural drainage to such lands. PROVIDED HOWEVER that nothing herein contained shall require the Grantee to restore any trees or other surface growth but the Grantee shall leave such lands in a condition which will not inhibit

PAGE

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natural regeneration of such growth;

- 3.4 That the Grantee will, as far as reasonably possible, carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands of the Grantor as possible;
- 3.5 The Grantee will, as far as reasonably possible, restore any fences, lawns, flower beds, at its cost as nearly as may be reasonably possible to the same condition that they were in prior to any entry by the Grantee upon the Lands of the Grantor;
- 4.0 THE PARTIES HERETO EACH HEREBY COVENANT TO AND AGREE WITH THE OTHER as follows:
- 4.1 The said Works referred to above, together with all pipes, valves, conduits, wires, casings, fillings, lines, meters, appliances, facilities, attachments or devices used in connection therewith shall constitute the Works;
- 4.2 Notwithstanding any rule of law or equity to the contrary, the Works brought onto, set, constructed, laid, erected in, upon or under the Statutory Right-of-Way by the Grantee shall at all times remain the property of the Grantee notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Grantee;
- 4.3 In the event that the Grantee abandons the Works or any part thereof the Grantee may, if it so elects, leave the whole or any part thereof in place;
- 4.4 That no part of the title in fee simple to the soil shall pass to or be vested in the Grantee upon or by virtue of these presents and the Grantor may fully use and enjoy all of the Lands of the Grantor subject only to the rights and restrictions herein contained;
- 4.5 That the covenants herein contained shall be covenants running with the land and that none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Grantor's seisin or ownership of any interest in the Lands of the Grantor of which the Grantor shall be seised or in which he shall have an interest, but that the Lands of the Grantor, nevertheless, be and remain at all times charged therewith;
- 4.6 If at the date hereby the Grantor is not the sole registered owner of the Lands of the Grantor, this Agreement shall

nevertheless bind the Grantor to the full extent of his interest therein, and if he shall acquire a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;

4.7 Where the expression "Grantor" includes more than one person, all covenants herein on the part of the Grantor shall be construed as being several as well as joint;

4.8 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns as the case may be and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or neuter, as the case may be, had been used, where the parties or the context hereto so require and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

IN WITNESS WHEREOF the parties hereby have executed this Agreement as of the day and year first above written.

THE CORPORATE SEAL of
LEONA HOLDINGS LTD.
was affixed hereto in the
presence of:

Leona Margaret McKelley
Authorized signatory

THE CORPORATE SEAL of the
CITY OF PARKSVILLE was affixed
hereto in the presence of:

[Signature]
Authorized signatory - Mayor

[Signature]
Authorized signatory - Clerk

END OF DOCUMENT

EF007178

92 JA 22 (4) 11 3

LAND TITLE ACT

RECEIVED

Form 11(b) (non-statutory)

VICTORIA

Sections 113 and 114

VIP53685

*Also
same as MEAT*

APPLICATION FOR DEPOSIT OF STATUTORY RIGHT OF WAY PLAN

I, (full name, address and occupation) Helen MacPhail Sims,
office manager, Box 1327, Qualicum Beach, B.C. VOR 2T0

or agent of (full name, address & occupation) Leona Holdings Ltd.,
(Inc. # 51301) P.O. Box 284, Parksville, B.C. VOR 2S0

172

5585

6431

apply to deposit a Statutory Right of Way Plan of:

Lot A, Plan VIP53524, D.L. 4, Nanoose District

01/22/92 D7382b PLANS 50.00

32401

I enclose:

1. The Statutory Right of Way Plan
2. The reproductions of the Plan required by Section 67u
3. Fees of \$^{50.}~~20.~~00

11038

72420

Dated the 20 day of January 19 92

VICTRO REGISTRY SERVICES LTD.
202 - 810 FORT ST. VICTORIA, B.C. V8W 1H8
P.O. BOX 38954, FORT ST. RD.
VICTORIA, B.C. V8W 3N2

Signature of Applicant, Solicitor or Agent

53524 NF

VIP53685

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COUNCIL REPORT



July 8, 2009

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

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

SUBJECT: DEPUTY APPROVING OFFICER APPOINTMENT

Issue:

Deputy Approving Officer appointment

Executive Summary:

The appointment of a Deputy Approving Officer is a requirement under the Community Charter. The City has been without a Deputy Approving Officer since the resignation of the Director of Engineering.

References:

Section 146 of the *Community Charter*
Section 77 of the *Land Title Act*
Officers Bylaw, 1999, No. 1326 and all amendments

Background:

Pursuant to Section 146 of the *Community Charter*, Council must, by bylaw, establish officer positions in relation to the powers, duties and functions under Section. This bylaw may establish other officer positions as deemed necessary, such as Deputy Approving Officer, and assign powers, duties and functions to the officer positions.

Pursuant to Section 77 of the *Land Title Act*, Council must, by bylaw or resolution, appoint an Approving Officer which is also a statutory position. "Officers Bylaw, 1999, No. 1326" and amendments provides for that appointment.

In the absence of the persons appointed to the statutory position of approving officer, the powers, duties and functions associated with that position cannot be delegated, unless another person has been appointed by Council resolution as a "Deputy" to that specific position. In the absence of the Approving Officer, no other person can execute subdivisions and related land matters.

Options:

1. Appoint a Deputy Approving Officer.
2. Not appoint a Deputy Approving Officer.

DEPUTY APPROVING OFFICER APPOINTMENT

Analysis:

Previously, the Director of Engineering has been appointed as "Deputy" for the statutory position of Approving Officer. Appointments as Deputy were done as required for specific periods of time. These appointments allow the business of the municipality to be carried on with the least amount of interruption and inconvenience in the event the people appointed to the statutory position are absent for a period of time due to vacation or illness.

The appointment of a Deputy Approving Officer provides the authority to that person to make decisions in the event of an unexpected emergency affecting the health and safety of the municipality, including but not limited to, legal and liability issues. In the absence of the Approving Officer, no other person can execute subdivisions and related land matters.

Financial Implications:

There are no financial implications associated with this appointment.

Sustainability Implications:

There are no sustainability implications associated with this appointment.

Recommendation:

That the report from the Director of Community Planning dated July 8, 2009 for consideration of the appointment of a deputy approving officer be received;
And That Fred Manson, Chief Administrative Officer be appointed Deputy Approving Officer.



GAYLE A. JACKSON

GAJ/sh
Attachments

I:/Users/Planning/2210-01/2009/Agenda/Deputy Approving Officer Report-1./

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



F. MANSON, C.G.A.

CITY OF PARKSVILLE

BYLAW NO. 1448

Development Cost Charges Waiver Bylaw for Eligible Developments

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;

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

1. An eligible development is one which in whole or in part meets the City's definitions of affordable and affordable housing:

"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 Bylaw for Eligible Developments, 2009, No. 1448".

READ A FIRST TIME this 6th day of July, 2009

READ A SECOND TIME this 6th day of July, 2009

READ A THIRD TIME this 6th day of July, 2009

THIRD READING RESCINDED this day of , 2009

READ A THIRD TIME as amended this day of , 2009

ADOPTED this day of , 2009

Mayor

Corporate Officer

CITY OF PARKSVILLE

BYLAW NO. 1451.2

A BYLAW TO AMEND THE FINANCIAL PLAN FOR THE YEARS 2009 TO 2013

WHEREAS the Municipal Council deems it desirable and necessary to amend the "Five Year Financial Plan Bylaw, 2009-2013, No. 1451";

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

1. That "Five Year Financial Plan Bylaw, 2009-2013, No. 1451" is hereby amended by adding Schedule "III" entitled "Objectives and Policies for Revenue Sources, Tax Classes and Permissive Tax Exemptions" to form part of this bylaw.
2. This bylaw may be cited for all purposes as "Five Year Financial Plan Amendment Bylaw, 2009-2013, No. 1451.2".

READ A FIRST TIME this ___ day of ___ 2009

READ A SECOND TIME this ___ day of ___ 2009

READ A THIRD TIME this ___ day of ___ 2009

ADOPTED this ___ day of ___ 2009

Mayor

Corporate Officer

CITY OF PARKSVILLE
2009-2013 Final Financial Plan
Objectives and Policies for Revenue Sources, Tax Classes, and Permissive Tax Exemptions

Amendments to Section 165(3.1) of the Community Charter requires Council to establish objectives and policies relating to each of the following:

1. The proportion of total revenue that is proposed to come from funding sources as defined in 165(7) of the Community Charter (property taxes, parcel taxes, fees, borrowing and other);
2. The distribution of property taxes among the property classes;
3. The use of permissive tax exemptions.

1) Funding Sources:

Revenue Source	2009	2008
	Proportion of Total Budgeted	Proportion of Total Budgeted
Property taxes (municipal share)	45.76%	38.56%
Parcel taxes	0.53%	0.54%
User fees and charges	20.32%	18.72%
Other sources	33.39%	29.22%
Proceeds from Borrowing	0.00%	12.96%
	100%	100%

Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source. This is because some of the funding sources are beyond Council's control and significant fluctuations can arise between the categories depending on funding used for various projects such as federal and provincial government grants available, DCC reserves, and borrowing. The above table which is a comparison of 2008 and 2009 revenue sources is a timely example of these fluctuations. As shown, the 2009 percentages vary significantly from 2008 simply due to the reduction in the proceeds from borrowing budgeted for the Fire hall expansion and renovation project. Council does however, have individual policies, procedures or objectives relating to some of the funding sources:

Property taxes: Property taxes are the main source of revenue for the City and are the only revenue source that is entirely within the control of the City council. The annual property tax revenues are determined based on the annual Council approved tax increases. The property tax increase is determined in either of two ways; (1) through the annual budget process, where, after all other sources of revenue have been determined, the tax increase is set to ensure adequate resources for budgeted expenditures, or (2) Council sets a rate increase based on the current economic conditions and what they think the taxpayer can afford and then sets budgeted expenditures within those resource limits.

Parcel taxes: Parcel taxes are taxes levied on parcels of land without reference to the value of the land. Parcel taxes will be used when Council determines that they are more appropriate than the assessment based property taxes.

User fees and charges: User fees are charges that the City charges for certain city services such as water, sewer, and garbage services, building inspections and business licenses. These fees are set so that the fee will pay for the goods and service required to provide services supplied without contributions from the property taxpayer. Council's policy relating to the water, sewer, and solid

waste user fees is that the user fees along with parcel taxes and other sources of funding will cover the expenditures of each of those areas.

Other sources: These revenues include interest income, grants, DCC reserves, statutory reserves and other miscellaneous funding. These revenues are very unpredictable, can vary significantly from year to year and are used whenever they are available. Council has little control over these revenues and the policy is to use grants whenever they are available to fund projects, and to use the DCC reserves to fund eligible capital projects in accordance with the approved DCC capital expenditure program.

Proceeds from Borrowing: Borrowing is minimized when possible and only used where an essential capital project will not go ahead unless debt funds are acquired. Borrowing can either be long term (over 5 years) or short term (5 years or less). Long term borrowing will only be used where the capital project will provide a long term benefit to the taxpayer as the assent of the electorate is required for the use of long term debt. so the use of this source of funding is not entirely within the control of Council. Short term borrowing is limited by provincial legislation and is only used for an essential smaller capital project that will not go ahead without borrowing due to insufficient general revenues.

2) Distribution of property taxes among the property classes

PROPERTY CLASS	2009 % of Property Value Tax	2008 % of Property Value Tax
01 RESIDENTIAL	76.02%	75.38%
02 UTILITY	0.17%	0.18%
03 SUPPORTIVE HOUSING	0.00%	0.00%
04 MAJOR INDUSTRY	0.00%	0.00%
05 LIGHT INDUSTRY	0.46%	0.45%
06 BUSINESS/OTHER	22.74%	23.39%
08 RECREATION/ NON PROFIT	0.60%	0.59%
09 FARM	0.01%	0.01%
TOTAL	100.00%	100.00%

The table above shows the percentage of Municipal property tax revenue collected from the different property classes. The tax collected is a factor of the amount of property assessments in a class (as determined by BC Assessment Authority) and the tax rate set by Council. The City really only has two significant classes of assessments (residential and business) and no policy is set as to what percentage of revenues will come from each class. Council's policy is to apply tax increases (on a percentage basis) so that the total revenue of each tax class grows from the prior year by the approved tax increase (before the affects of new construction are added in). The proportionate relationships among the classes will vary from year to year depending on how much new construction has occurred within a particular class, so maintaining the relative percentages between classes is not considered a priority. Council's objective over the next five years is to increase the rates of Class 05 and Class 06 relative to Class 01 so that the multiple of those rates over the residential rate is closer to those of the other central Vancouver island communities.

3) The use of permissive tax exemptions.

Objective:

Provide tax relief to non-profit, charitable/philanthropic, athletic, service club, care facility, or licenced private hospital that further Council's goals of enhancing quality of life and delivering services economically.

Policies:

Council policy is to review the permissive tax exemption requests each year before providing the exemption.

Council has a five year revitalization tax exemption bylaw in place for the downtown core.