

Minutes of the meeting of Council held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, December 21, 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  
S. E. Powell  
C. J. Powell-Davidson

Staff: F. Manson, Chief Administrative Officer  
G. Jackson, Director of Community Planning  
L. Butterworth, Director of Finance  
D. Banks, Fire Chief  
M. Squire, Manager of Operations  
A. Haywood, Executive Assistant

**1. ADOPTION OF MINUTES**

09-313 Lefebvre - Powell-Davidson  
THAT the minutes of the meeting of Council held December 7, 2009 be adopted. CARRIED.

09-314 Lefebvre - Burger  
THAT the minutes of the special meeting of Council held December 14, 2009 be adopted. CARRIED.

**2. APPROVAL OF AGENDA**

09-315 Burger - Patterson  
THAT the December 21, 2009 Council meeting agenda be approved. CARRIED.

**3. PRESENTATIONS**

Fire Chief Doug Banks presented a Fire Service Leadership Diploma and congratulations to Deputy Fire Chief Marc Norris.

**4. DELEGATIONS**

a) Michele Deakin from the Mid Vancouver Island Habitat Enhancement Society (MVIHES) gave a summary of their findings/recommendations from the completed bio-inventory of the Englishman River Estuary and the nearshore from Little Qualicum River to Craig Creek. The presentation included a highlight of issues related to water quality, fish habitat, key shoreline and nearshore habitat issues, and a summary of estuarine vegetation issues including those associated with Canadian Geese.

**5. UNFINISHED BUSINESS - Nil**

**6. CORRESPONDENCE**

a) **Regional District of Nanaimo - Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.54**

09-316 Patterson - Lefebvre  
THAT the Council of the City of Parksville consents to the adoption of "Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.54", and the Regional District of Nanaimo be notified accordingly. CARRIED.

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

**8. REPORTS**

a) **Committee of the Whole - December 7, 2009**

09-317 THAT the report of the Committee of the Whole meeting held December 7, 2009 be received and the following recommendations considered:

(1) **Director of Community Planning - Development Permit Application [205 Jensen Avenue East]**

**Main Motion**

Lefebvre - Burger

THAT the report from the Director of Community Planning dated November 18, 2009 for the issuance of a development permit at 205 Jensen Avenue East be received;

AND THAT a development permit be issued to Parksville Lions Senior Citizens Housing Society, (Inc. No. S11231) to permit a four storey wood frame building of 33 one-bedroom units on the upper three floors and commercial retail units and common amenity/office space for the Lions Senior Citizens Housing Society and tenants on the main floor and overall site plan with a requested variance to relax the C-3 zone maximum height of the principal building from 11 metres to 12.9 metres on Lots 29 and 30, District Lot 13, Nanoose District, Plan 1565 (205 Jensen Avenue East);

AND THAT a landscaping letter of credit in the amount of \$77,151.00 be received prior to the issuance of the permit, for the purpose of assuring the completion of site landscaping;

AND FURTHER THAT proof of lot consolidation be received prior to the issuance of the permit.

**Amendment**

Lefebvre - Greir

THAT the motion regarding consideration of issuance of a development permit to Parksville Lions Senior Citizens Housing Society be amended to remove the requirement that a landscaping letter of credit in the amount of \$77,151.00 be received prior to the issuance of the development permit. CARRIED.

**Main Motion as Amended**

Lefebvre - Greir

THAT the report from the Director of Community Planning dated November 18, 2009 for the issuance of a development permit at 205 Jensen Avenue East be received;

AND THAT a development permit be issued to Parksville Lions Senior Citizens Housing Society, (Inc. No. S11231) to permit a four storey wood frame building of 33 one-bedroom units on the upper three floors and commercial retail units and common amenity/office space for the Lions Senior Citizens Housing Society and tenants on the main floor and overall site plan with a requested variance to relax the C-3 zone maximum height of the principal building from 11 metres to 12.9 metres on Lots 29 and 30, District Lot 13, Nanoose District, Plan 1565 (205 Jensen Avenue East); AND FURTHER THAT proof of lot consolidation be received prior to the issuance of the permit. CARRIED.

**(2) Director of Community Planning - Development Permit Application [1000 Resort Drive]**

Greir - Patterson

THAT the report from the Director of Community Planning dated November 19, 2009 for the issuance of a development permit at 1000 Resort Drive be received;

AND THAT a development permit be issued to Riptide Lagoon Adventure Golf Ltd., (Inc. No. 438383) to permit construction of a building and track for electric bumper cars on Lot A, District Lot 123, Nanoose District, Plan VIP75416 (1000 Resort Drive). CARRIED.

**(3) Director of Community Planning - Technical Information for Locating the Community Garden at Parksville Civic and Technology Centre Park**

Lefebvre - Burger

THAT the report from the Director of Community Planning dated November 26, 2009 titled "Consideration of Technical Information for Locating the Community Garden at the Parksville Civic and Technology Centre Park" be received;

AND THAT consideration of technical information for locating the Community Garden at the Parksville Civic and Technology Centre Park be postponed until the Parksville Garden and Parkland Society have had an opportunity to discuss the technical review with representatives from the Department of Community Planning. CARRIED.

**(4) Director of Community Planning - Official Community Plan Review**

Burger - Powell

THAT the report from the Director of Community Planning dated November 26, 2009 entitled "Consideration of an Official Community Plan Review" be received;

AND THAT Council accept the general approach to a work program for the Official Community Plan Review as outlined in the report from the Director of Community Planning dated November 26, 2009;

AND THAT Staff be directed to prepare formal Terms of Reference for the Official Community Plan review;

AND THAT Staff be directed to prepare draft Terms of Reference for an Official Community Plan Advisory Committee for Council approval;

AND FURTHER THAT upon approval of the draft Terms of Reference, staff be authorized to establish an Official Community Plan Advisory Committee. CARRIED.

(5) **Manager of Operations - Access to Businesses on the South Side of Highway 19A Immediately West of the Englishman River Bridge**

Lefebvre - Greir

THAT the report from the Manager of Operations dated December 1, 2009 entitled "Access to Businesses on the South Side of the Highway 19A Immediately West of the Englishman River Bridge" be received;

AND THAT Staff be directed to remove the existing right turn only signage at the driveways accessing 762 Island Highway East prohibiting the left turn out movement. CARRIED.

b) **Director of Community Planning - Development Variance Permit Application [205 Jensen Avenue East]**

Mayor Mayne advised that no correspondence had been received regarding the proposed issuance of a Development Variance Permit to the Parksville Lions Senior Citizens Housing Society for the reduction in the total number of required parking spaces at 205 Jensen Avenue East and invited views and comments from persons present in the gallery.

Dr. Garth Lougheed - 168 Weld Street - Notice was first time he had heard about whole issue and knows little about it. He said he is not against seniors housing but is in disbelief at how little parking is going to be available and that it will not work on that street. The parking situation has been very inconvenient and difficult during the past 6 months with the construction taking place making it impossible to conduct business – not feasible.

Carolyn Shaw - 176 Weld Street - Concerned with parking already on Weld Street as there have been problems with the construction taking place and people ignoring the 2 hour time restrictions. Seniors use businesses and would prefer to park close and not have to walk a long distance. Each business is required to have so many spaces.

Dean Strongitharm, CitySpaces Consulting Representative - 844 Courtney Street, Victoria - In Parksville it will be for low income seniors and 10 parking spaces will more than meet the needs as it is close to town to walk or use scooters. Any resident that has a vehicle could be moved to another project (which has 30 spaces). Parking will be primarily for users of the commercial businesses on the lower floor and will be more than adequate.

Dorothy Smith - 169 Weld Street - Has parking concerns already.

09-318 Powell-Davidson - Burger  
THAT the report from the Director of Community Planning dated December 15, 2009 for consideration of issuing a Development Variance Permit for 205 Jensen Avenue East be received;  
AND THAT Staff be directed to issue a Development Variance Permit to the Parksville Lions Senior Citizens Housing Society, (Inc. No. S11231) for the purpose of granting a Zoning Bylaw relaxation which would permit a reduction in the total number of required parking spaces from 22 to 10 stalls on Lots 29 and 30, District Lot 13, Nanoose District, Plan 1565 (205 Jensen Avenue East). CARRIED.

c) **Director of Community Planning - Advisory Planning Commission Vacancies**

09-319 Lefebvre - Powell-Davidson  
THAT the report from the Director of Community Planning dated December 3, 2009 entitled "Advisory Planning Commission Vacancies" be received;

AND THAT Staff advertise for interested members of the community to submit their names for consideration for appointment to the Commission;  
AND FURTHER THAT Staff provide Council with names of all candidates when the information is available. CARRIED.

d) **Director of Finance - Amendment to Water Service System Bylaw**

Greir - Powell-Davidson  
09-320 THAT the report from the Director of Finance dated December 15, 2009 entitled "Amendment to Water Service System Bylaw", be received;  
AND THAT Staff be directed to bring forward an amendment to the "Water Service System Bylaw, 1999, No. 1320" to include a separate rate for large families and a new meter reading charge upon the sale of properties, for Council consideration. CARRIED.

e) **Director of Engineering & Operations - Tender for Moilliet Street Upgrade**

Lefebvre - Powell  
09-321 THAT the report from the Director of Engineering & Operations dated December 16, 2009 entitled "Award of Tender for Moilliet Street Upgrade (Bernard Avenue to Island Highway 19A)" be received;  
AND THAT Council award the tender for the "Moilliet Street Upgrade (Bernard Avenue to Island Highway 19A)", in the amount of \$2,179,348.13 including GST, to Knappett Industries (2006) Ltd. CARRIED.

f) **Chief Administrative Officer - Community Park Concession Lease for 2010**

Powell-Davidson - Greir  
09-322 THAT the report from the Chief Administrative Officer dated December 15, 2009 entitled "Community Park Concession Lease Agreement for 2010", be received;  
AND THAT the City advertise the tender for the operation of the Community Park Concession for the 2010 season. DEFEATED.

Burger - Lefebvre  
09-322 THAT the report from the Chief Administrative Officer dated December 15, 2009 entitled "Community Park Concession Lease Agreement for 2010", be received;  
AND THAT the 2009 Concession Lease be renewed at a reduced rate of \$1,600.00 per month for the period May 1, 2010 to September 15, 2010. CARRIED.

g) **Deputy Corporate Administrator - Firearms Bylaw**

Powell-Davidson - Lefebvre  
09-323 THAT the report from the Deputy Corporate Administrator dated December 14, 2009 entitled "Firearms Bylaw", be received;  
AND THAT staff be instructed to bring forward the draft Firearms Regulation Bylaw attached to the December 14, 2009 Deputy Corporate Administrator's report for reading consideration by Council. CARRIED.

h) **Deputy Corporate Administrator - Review of Corporate Policy Manual Section 9 - Emergency/Natural Disasters and Employee Response**

09-324 Greir - Powell  
THAT the report from the Deputy Corporate Administrator dated December 14, 2009 entitled "Review of Emergency/Natural Disasters and Employee Response Policy No. 9.3", be received;  
AND THAT Draft Corporate Policy No. 9.3 "Emergency/Natural Disasters and Employee Response" attached to the Deputy Corporate Administrator's report dated December 14, 2009, be approved. CARRIED.

**9. BYLAWS**

a) **"Business Licence Amendment Bylaw, 2009, No. 1079.4"**

09-325 Lefebvre - Burger  
THAT "Business Licence Amendment Bylaw, 2009, No. 1079.4" be adopted. CARRIED.

b) **"Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.3"**

09-326 Lefebvre - Burger  
THAT "Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.3" be read a first time. CARRIED.

09-327 Powell - Patterson  
THAT "Five Year Financial Plan Amendment Bylaw, 2009 - 2013, No. 1451.3" be read a second and third time. CARRIED.

c) **"Water Service System Amendment Bylaw, 2009, No. 1320.16"**

09-328 Powell - Greir  
THAT "Water Service System Amendment Bylaw, 2009, No. 1320.16" be read a first time. CARRIED.

09-329 Powell-Davidson - Lefebvre  
THAT "Water Service System Amendment Bylaw, 2009, No. 1320.16" be read a second and third time. CARRIED.

**10. NEW BUSINESS - Nil**

**11. NOTICE OF MOTION**

a) **Councillor Greir - Justice System Legislation - Resolution for 2010 AVICC Convention**

Councillor Greir gave notice that he will be bringing forward a motion at the January 18, 2010 Council meeting that Council endorse the following resolution for submission to the Association of Vancouver Island Coastal Communities (AVICC) 2010 Annual General Meeting:

**WHEREAS** elected officials have a responsibility to provide for the protection and safety of the citizens of all communities and only the federal government has the ability to change the necessary justice system legislation;

**AND WHEREAS** the diminishing effectiveness of the Canadian criminal justice system to control crime and the public's loss of confidence in the system has resulted in the subsequent deteriorating effectiveness of our police agencies to control crime;

**THEREFORE BE IT RESOLVED** that the provincial government petition the federal government to review the Canadian criminal justice system, with input from the RCMP, towards:

- 1) finding ways to limit the court's ability to interpret laws to benefit lawbreakers, to the detriment of the victims;
- 2) Crown Counsel be more open to approving charges beyond those that have a substantial likelihood of a conviction;
- 3) improving sentencing guidelines to ensure that the legislated maximum penalties are imposed for lawbreaking convictions;
- 4) emphasizing the protection of society and the responsibility of individuals for their criminal behaviour; and
- 5) emphasizing the rights of law abiding citizens over that of criminals.

**12. SPECIAL BUSINESS**

09-330 Powell-Davidson - Lefebvre  
Pursuant to Sections 90 (1) (e) of the *Community Charter* Council proceed to a closed meeting to consider an item relating to disposition of land. CARRIED.

Time 7:54 p.m.

Council reconvened at 8:42 p.m.

**13. ADJOURNMENT**

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

The meeting adjourned at 8:42 p.m.

Certified Correct.

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Mayor

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Corporate Officer