

**CITY OF PORT ALBERNI - MEETING SCHEDULE
MONDAY, NOVEMBER 26, 2018**

4:00 pm	Audit Committee Meeting <i>@ Committee Room</i>	OPEN MEETING
6:00 pm	Special In-Camera Meeting <i>@ Committee Room</i>	CLOSED TO PUBLIC
7:00 pm	Regular Council Meeting <i>@ Council Chambers</i>	OPEN MEETING

DATES TO NOTE

Wed. Dec 5 7:00 pm	Alberni Valley Heritage Commission <i>@ Alberni Valley Museum</i>	OPEN MEETING
Thurs. Dec 6 4:30 pm	Food Security & Climate Disruption Committee <i>@ Committee Room</i>	OPEN MEETING
Mon. Dec 10 6:00 pm	Public Hearing Re: Bylaw No. 4974 <i>@ Council Chambers</i>	OPEN MEETING
7:00 pm	Regular Council Meeting <i>@ Council Chambers</i>	OPEN MEETING

A G E N D A

REGULAR MEETING OF COUNCIL

**MONDAY, NOVEMBER 26, 2018 AT 7:00 PM
IN THE CITY HALL COUNCIL CHAMBERS**

The following pages list all agenda items received by the deadline. A sample resolution is provided for most items in italics for the consideration of Council. For a complete copy of the agenda including all correspondence and reports refer to the City's website www.portalberni.ca or contact the City Clerk phone: (250 720-2810) or email: davina_hartwell@portalberni.ca

PRESENT:

A. CALL TO ORDER AND APPROVAL OF AGENDA (including introduction of late items)

The deadline for agenda items is 12 noon on the Wednesday before the scheduled regular meeting. Acceptance of late items is at the discretion of Council.

1. Recognition of Traditional Territories.
2. Late items identified by Councillors.
3. Late items identified by the City Clerk.

That the agenda be approved as circulated with the addition of late items as outlined.

B. ADOPTION OF MINUTES - Page 14

Special Meeting of Council held at 3:00 pm on November 13th, 2018 and Regular Meeting of Council held at 7:00 pm on November 13th, 2018.

C. PUBLIC INPUT PERIOD

An opportunity for the public to address Council on topics of relevance to City Council. A maximum of four speakers for no more than three minutes each will be accommodated.

D. DELEGATIONS

1. Alberni Valley Social Planning Council - Page 26

In attendance to address their correspondence dated November 19, 2018 regarding creation of a Social Planning Commission.

That Council for the City of Port Alberni refer the issue of a Social Planning Commission to staff for report and recommendation.

2. Keith Ambrose

In attendance to address issues in the uptown area.

E. UNFINISHED BUSINESS

Includes items carried forward from previous Council meetings.

F. STAFF REPORTS

Members of the public may be recognized by Council to speak to a report if the report is a response to their correspondence or an application.

1. Accounts

That the certification of the Director of Finance dated November 26, 2018 be received and the cheques numbered _____ to _____ inclusive, in payment of accounts totalling \$_____.__, be approved.

2. Manager of Bylaw Services/Consulting City Planner - Cannabis Retail - Page 35

Report dated November 14, 2018 from the Manager of Bylaw Services and Consulting City Planner providing information and proposed changes to the City's existing bylaw regulations to transition from medical marijuana dispensaries to cannabis retail businesses within the City of Port Alberni forwarded to Council by Committee of the Whole at their November 19th, 2018 meeting.

Additional correspondence received in regards to cannabis retail:

- a) Email from Rachel Rose dated November 20, 2018 following the Committee of the Whole meeting wondering why cannabis needs to be licensed separately from other retail products.
- b) Email from Chris and Theresa Alemany proposing Council go slow on cannabis deliberations suggesting the City has a unique opportunity to harness investment capital and use it to build our community and providing options for consideration.
- c) Letter dated November 20, 2018 from the Liquor Distribution Branch indicating their interest in operating a BC Cannabis Store in Port Alberni and expressing their commitment to working in partnership with local governments and law enforcement agencies to ensure a smooth and safe introduction of the legal cannabis market across BC and looking to meet to discuss the possibility of locating a government operated cannabis retail store in the community. *(Note: Slide Deck in Reading File)*
- d) Letter from Aaron Brevick requesting Council does not adopt the recommendations contained in staff's November 14th, 2018 report at this time and instead ask for revisions to include all legal permits that became available on August 14th and October 17th.

That correspondence items (a), (b) (c) and (d) be received.

That Council for the City of Port Alberni endorse the recommendations in the November 14, 2018 report and direct staff to bring forward amendments to the City's Zoning and Business Licensing Bylaws as outlined.

3. Manager of Bylaw Services - Remedial Action Requirement (2622 2nd Avenue) - Page 49

Report dated November 21, 2018 from the Manager of Bylaw Services requesting Council's authorization to impose a remedial action requirement on the property at 2622 2nd Avenue.

That the report dated November 21, 2018 from the Manager of Bylaw Services, be received.

Remedial Action:

- 1) **THAT** Council, pursuant to the authority provided in Section 74 of the Community Charter and after reviewing the information provided in this report, declare the building and accessory building structure located on the property at 2622 2nd Avenue having a legal description of Lot 8, Block 91, District Lot1, Alberni District Plan VIP197B so dilapidated or unclean as to be offensive to the community and, as a result, declared nuisances that require remedial action to demolish and remove the damaged building and accessory building structure, and to level the site, in order to eliminate the nuisance.
- 2) **AND FURTHER THAT** Council imposes the following remedial action requirements on the property owner/representative (registered owner on title of Mr. Henry Forbes, with representation of the estate by Allen & Co. Law Firm) for the building located on the property at 2622 2nd Avenue having a legal description of Lot 8, Block 91, District Lot1, Alberni District Plan VIP197B with respect to the building/structure noted above in Recommendation 1:
 - a) to demolish the damaged building;
 - b) to remove all debris from the demolition to an appropriate disposal site; and
 - c) level the site; in order to eliminate the declared nuisances.

Compliance & Reconsideration Notice Time Limit Recommendations:

- 3) **AND FURTHER THAT** Council, pursuant to Section 76 of the Community Charter, sets the time limit for completion of all the remedial action requirements described in Recommendation 2 to be not later than 5:00pm on December 27th, 2018.
- 4) **AND FURTHER THAT** Council, pursuant to Section 76 of the Community Charter, sets the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation 2 to be no later than 5:00pm on December 10th, 2018.

Municipal Action at Defaulter's Expense:

- 5) **AND FURTHER THAT** Council authorizes City Staff to take all appropriate action in accordance with Section 17 [Municipal Action at Defaulter's Expense] of the Community Charter to ensure the subject property is brought into compliance with all remedial action requirements described in Recommendation 2, provided that:

- a) *The property owner/representative has not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; and*
- b) *All costs incurred by the City to bring the property into compliance shall be at the expense of the property owner/representative and, pursuant to Section 17 of the Community Charter; such costs shall be recovered from the property owner as a debt owed to the City of Port Alberni.*

4. City Clerk - Alberni Harbour Quay, Unit #17 - 5440 Argyle Street, Bob and Vicky Lee - Assignment of Lease - Page 92

That Council for the City of Port Alberni authorize the Mayor and Clerk to enter into a lease for Unit #17 at the Alberni Harbour Quay with Bob and Vicky Lee for a two year term commencing June 1, 2018 at the current monthly rent of \$179.37 per month plus taxes.

5. Economic Development Manager - Cruise Ship Attraction - Page 97

Report from the Economic Development Manager providing an update regarding cruise ship attraction efforts.

That the report from the Economic Development Manager providing an update regarding cruise ship attraction efforts, be received.

6. Managers' Monthly Reports

Providing information about current departmental operations.

Director of Parks, Recreation and Heritage - Page 99

That the monthly report from the Director of Parks, Recreation and Heritage providing information about current departmental operations, be received.

*** RECESS ***

G. BYLAWS

Bylaws are required for the adoption of regulations, financial plans, changes to land use policy and to approve borrowing. A bylaw requires four separate resolutions to be adopted and must be considered over a minimum of two Council meetings. Each reading enables council to reflect on the bylaw before proceeding further.

1. Deputy Director of Finance - “City of Port Alberni Cemetery Management, Bylaw No. 4976” - Page 103

Report dated November 21, 2018 from the Deputy Director of Finance providing background on the Cemetery Care Fund Trust.

That the report dated November 21, 2018 from the Deputy Director of Finance providing background on the Cemetery Care Fund Trust, be received.

That “City of Port Alberni Cemetery Management, Bylaw No. 4976” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4976.

2. “Bylaw Offence Notice Enforcement Bylaw No. 4929-3” - Page 119

That “Bylaw Offence Notice Enforcement Amendment Bylaw No. 4929-3, 2018” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4929-3.

3. “City of Port Alberni Building Standards Bylaw No. 4975, 2018” - Page 121

That “City of Port Alberni Building Standards Bylaw No. 4975, 2018” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4975.

4. Development Services Technician/Consulting City Planner - Advisory Planning Commission - Page 134

The summary report of the November 15, 2018 meeting of the Advisory Planning Commission is provided for Councils’ consideration of the following application:

Development Application - Zoning Bylaw Amendment (4000 Burde Street)
Applicant: Kurtis Buick dba District Development Corp.

That the summary report of the November 15, 2018 meeting of the Advisory Planning Commission, be received, and all recommendations accepted.

“Zoning Bylaw Map Amendment No.30 (4000 Burde Street - Anderson Hill), Bylaw No. 4977”

That “Zoning Bylaw Map Amendment No.30 (4000 Burde Street - Anderson Hill), Bylaw No. 4977” be introduced and read a first time.

That “Zoning Bylaw Map Amendment No.30 (4000 Burde Street - Anderson Hill), Bylaw No. 4977” be read a second time.

That “Bylaw No. 4977” be advanced to a Public Hearing on January 14, 2018 at 6:30 pm in the City Hall Council Chambers.

Development Application - Zoning Bylaw Amendment (3503 11th Avenue)
Applicant: S.Sattar and D.Sattar

“Zoning Bylaw Map Amendment No. 31 (3503 11th Avenue - Sattar), Bylaw No. 4978”

That “Zoning Bylaw Map Amendment No. 31 (3503 11th Avenue - Sattar), Bylaw No. 4978” be introduced and read a first time.

That “Zoning Bylaw Map Amendment No. 31 (3503 11th Avenue - Sattar), Bylaw No. 4978” be read a second time.

That “Bylaw No. 4978” be advanced to a Public Hearing on January 14, 2018 at 6:30 pm in the City Hall Council Chambers.

5. Director of Finance - Five Year Financial Plan 2018-2022, Amendment No.1, Bylaw No. 4960-1 - Page 150

Report dated November 20, 2018 from the Director of Finance requesting approval of Five Year Financial Plan 2018-2022, Amendment No.1, Bylaw No. 4960-1.

That the report dated November 20, 2018 from the Director of Finance, be received.

“Five Year Financial Plan 2018-2022, Amendment No. 1, Bylaw No. 4960-1”

That “Five Year Financial Plan 2018-2022, Amendment No.1, Bylaw No. 4960-1” be introduced and read a first time.

That “Five Year Financial Plan 2018-2022, Amendment No.1, Bylaw No. 4960-1” be read a second time.

That “Five Year Financial Plan 2018-2022, Amendment No.1, Bylaw No. 4960-1” be read a third time.

H. CORRESPONDENCE FOR ACTION

All correspondence addressed to the Mayor and Council by an identifiable citizen is included on an Agenda. Action items are those asking for a specific request of Council and will be provided a response.

1. Holy Family/Notre Dame Roman Catholic Parish - Page 154

Letter dated November 9, 2018 from the Holy Family/Notre Dame Roman Catholic Parish requesting permission to hold their annual “Walk for Peace Day” on January 1, 2019.

That the letter dated November 9, 2018 from the Holy Family/Notre Dame Roman Catholic Parish requesting use of City streets for their annual "Walk for Peace Day" on January 1, 2019 be approved subject to no disruptions to traffic and the group assuming full responsibility for the event.

2. Alberni-Clayoquot Regional District - Community Child Care Planning Program Funding - Page 155

Letter dated November 16, 2018 from the Alberni-Clayoquot Regional District regarding their application to the Community Child Care Planning Program for funding and requesting a letter from Council in support of this application.

That the letter dated November 16, 2018 from the Alberni-Clayoquot Regional District be received, and Council for the City of Port Alberni support the application to the Community Child Care Planning Program for funding to undertake child care planning activities and develop a ‘community child care space creation action plan’ for the region’s communities.

3. Roland Smith - McLean Mill - Page 160

Email dated November 16, 2018 from Roland Smith with questions regarding contaminants located on McLean Mill property.

That the email dated November 16, 2018 from Roland Smith regarding contaminants located on McLean Mill property, be received.

4. Blake Johnson - Port Alberni Welcome Signage - Page 164

Letter dated November 20, 2018 from Blake Johnson requesting welcome signs be amended to reflect "Port Alberni" instead of "Alberni Valley". (Report attached from the Economic Development Manager providing background and advising a broader discussion regarding signage is required).

That the letter dated November 20, 2018 from Blake requesting welcome signs be amended to reflect "Port Alberni" and the report from the Economic Development Manager providing background, be received.

5. Food Security and Climate Disruption Committee - Page 173

Letter from the Food Security and Climate Disruption Committee providing an update on their work to date and requesting Council's consideration of extending terms of current members to allow for transition and that the Terms of Reference be amended to appoint either an additional member at large or an appointee from SD70.

That the letter from the Food Security and Climate Disruption Committee be received.

Council direction required.

I. PROCLAMATIONS

1. Information Systems Audit and Control Association (ISACA) - Page 175

Email dated November 12, 2018 requesting that January 28 to February 5, 2019 be proclaimed as "BC Aware Days" in Port Alberni.

That the email dated November 12, 2018 from the Information Systems Audit and Control Association (ISACA) requesting that January 28 to February 5, 2019 be proclaimed as "BC Aware Days" in Port Alberni, be received and the week proclaimed as requested.

J. INFORMATIONAL CORRESPONDENCE

Correspondence which provides information to Council but does not make a specific request or topics that are not relevant to city services and responsibilities are included.

1. Kwispaa LNG - Community Open Houses - Page 177

Notice from Kwispaa LNG regarding upcoming community open houses in respect to the proposed pipeline project. (Note: Port Alberni Open House Tuesday, November 27, 2018)

2. Senator for British Columbia - Bill C-48, the Oil Tanker Moratorium Act - Page 178

Letter dated October 24, 2018 from the Senator for British Columbia regarding Bill C-48, the Oil Tanker Moratorium Act which seeks to formalize a ban on oil tankers in the north coast of British Columbia (attached appendix and speech).

3. Minister of Citizen's Services - Grant-in-lieu of Property Tax - Page 193

Letter and report dated November 8, 2018 from the Minister of Citizen's Services advising that the City will receive its 2018 grant-in-lieu of property tax payment in the amount of \$49,111.84. Included in this payment is \$3,288.52 due to the Regional District.

4. PRIMECorp - Annual Report - Page 196

Letter dated November 14, 2018 from PRIMECorp providing a copy of the annual report (*Note: Report in Reading File*).

5. John Horgan, Premier - Page 197

Letter dated November 13, 2018 from John Horgan, Premier congratulating Mayor and Council on their election success.

That Informational Correspondence items numbered 1 through 5 be received and filed.

K. REPORT FROM IN-CAMERA

1. City Clerk - Proposed Boundary Extensions - Page 198

Report dated November 21, 2018 from the City Clerk providing the resolutions adopted by Council at their November 13, 2018 in-camera meeting in regards to two proposed boundary extensions. Council directed staff to proceed with the request to include 3376 and 3386 Johnston Road within the City's boundaries and will not proceed with the request to include 3131 21st Avenue within the City's boundaries.

That the report from the City Clerk dated November 21, 2018 providing Council's resolutions in regards to proposed boundary extensions on Johnston Road and 21st Avenue, be received.

L. COUNCIL REPORTS

1. Mayor's Report

That the Mayor's verbal report be received.

2. Regional District Report (Mayor Minions/Councillor Solda)

That the Regional District report be received.

3. Councillors' Reports

That the Councillors' verbal reports be received.

M. NEW BUSINESS

An opportunity for the Mayor or Council to raise issues as a result of the business of the meeting or to identify new items for subsequent meetings.

That Council for the City of Port Alberni direct staff to provide information on all major developments and initiatives underway in the Community.

That Council for the City of Port Alberni support the nomination of Councillor Solda as Director at Large to the UBCM Executive.

N. QUESTION PERIOD

An opportunity for the public and the press to ask questions of the Mayor and Council.

O. ADJOURNMENT

That the meeting adjourn at pm.

**MINUTES OF THE SPECIAL MEETING OF COUNCIL
FOR THE PURPOSE OF ESTABLISHING AN IN-CAMERA MEETING
TUESDAY, NOVEMBER 13, 2018 AT 3:00 PM
IN THE CITY HALL COMMITTEE ROOM**

PRESENT: Mayor Minions, Councillors Corbeil, Haggard, Paulson, Poon, Solda and Washington

STAFF: Tim Pley, CAO
Alicia Puusepp, Manager of Communications
Joe Calenda, Consulting Manager of Planning
Krista Tremblay, Manager of Human Resources

It was moved and seconded:

That Council conduct a Special Council meeting closed to the public on the basis that one or more matters covered under Section 90 of the Community Charter will be considered, specifically outlined as follows:

- | | |
|-------------------------|---|
| Section 90(1)(c) | labour relations or other employee relations |
| Section 90(1)(e) | the acquisition, disposition or expropriation of land or improvements and where the council considers that disclosure could reasonably be expected to harm the interests of the municipality |
| Section 90(1)(g) | litigation or potential litigation affecting the municipality |

CARRIED

The meeting adjourned at 5:40 p.m.

CERTIFIED CORRECT

Mayor Sharie Minions



Davina Hartwell, City Clerk

MINUTES OF THE REGULAR MEETING OF COUNCIL
HELD TUESDAY, NOVEMBER 13, 2018 AT 7:00 PM
IN THE CITY HALL COUNCIL CHAMBERS

PRESENT: Mayor Minions, Councillors Corbeil, Haggard, Paulson, Poon, Solda and Washington

A. CALL TO ORDER AND APPROVAL OF AGENDA

It was moved and seconded:

That the agenda be approved as amended to reflect that item seven under section G was to go ahead of item six.

CARRIED

B. ADOPTION OF MINUTES

It was moved and seconded:

That the Minutes of the Regular Meeting of Council held at 7:00 pm on October 9, 2018 and Inaugural Meeting of Council held at 7:00 pm November 5, 2018 be adopted.

CARRIED

C. PUBLIC INPUT PERIOD

Neil Anderson, resident, commented on Council's decision to conduct Council meetings at 2 p.m. starting in 2019 and noted that the new start time may discourage public participation.

Char Patterson, resident, spoke regarding the Bear Arts Club and asked that Council speak with Bear Lind, owner of the arts club, to discuss issues he has faced since opening his doors to the community.

Ms. Patterson also encouraged public participation at the upcoming November 19th Committee of the Whole meeting regarding cannabis sales in Port Alberni.

D. DELEGATIONS NIL

E. UNFINISHED BUSINESS NIL

F. STAFF REPORTS

1. Accounts

It was moved and seconded:

That the certification of the Director of Finance dated November 13, 2018 be received and the cheques numbered 142423 to 142667 inclusive, in payment of accounts totalling \$2,483,148.98, be approved.

CARRIED

2. City Clerk - Liquor License Application - Rim Rock Gaming Centre (4890 Cherry Creek Road)

It was moved and seconded:

That Council for the City of Port Alberni support the Liquor Primary and Liquor Primary Club Structural Change Application for the Rim Rock Gaming Centre and endorse the comments as provided in the report from the City Clerk dated November 7, 2018 for submission to the Liquor & Cannabis Regulation Branch.

CARRIED

3. Economic Development Manager – Age-friendly Grant

It was moved and seconded:

That Council for the City of Port Alberni adopt a Resolution in support of the 2019 Age-friendly Communities Stream 1 grant application.

CARRIED

It was moved and seconded:

That Council for the City of Port Alberni commit to providing one or more people to the Steering Committee for the Assessment and Action Plan to Work.

CARRIED

4. **Manager of Human Resources - Impairment in the Workplace Policy**

It was moved and seconded:

That the report from the Manager of Human Resources dated November 6, 2018 be received, and Council for the City of Port Alberni adopt the policy entitled 'Impairment in the Workplace' as presented, replacing the current "Alcohol in the Workplace" and "Drug Use in the Workplace" policies.

CARRIED

5. **Director of Engineering and Public Works - Contract Award - RFT024-18
Argyle St Water Main Replacement**

It was moved and seconded:

That the report dated November 7, 2018 from the Director of Engineering and Public Works, be received.

CARRIED

It was moved and seconded:

That Council for the City of Port Alberni award contract RFT024-18 Argyle Street Water Main Replacement to IWC Excavation Ltd. for \$717,683.62 including GST, with funding provided as approved in the 2018 Water Capital Budget: \$100,000 from Water Revenue; \$600,000 from Water Revenue Operating Reserve; and additional funding of \$100,000 be reallocated from the 21st Avenue segment of the overall Cowichan Reservoirs to Burde Street project to cover anticipated additional engineering, administration, and landscaping costs.

CARRIED

6. **Managers' Monthly Reports**

RCMP Department

It was moved and seconded:

That the quarterly report from the RCMP providing information about current department operations, be received.

CARRIED

G. BYLAWS

1. “Bylaw Offence Notice Enforcement Bylaw No. 4929-2, 2018”

It was moved and seconded:

That “Bylaw Offence Notice Enforcement Bylaw No. 4929-2, 2018” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4929-2.

CARRIED

2. “City of Port Alberni Nuisance Abatement Amendment Bylaw No. 4705-2”

It was moved and seconded:

That “City of Port Alberni Nuisance Abatement Amendment Bylaw No. 4705-2” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4705-2.

CARRIED

3. Development Services Technician - “Zoning Bylaw Amendment No. 26 (2549 16th Avenue - Bradbury), Bylaw No. 4950”

It was moved and seconded:

That the report from the Development Services Technician dated October 24, 2018, be received.

CARRIED

It was moved and seconded:

That “Zoning Bylaw Amendment No. 26 (2549 16th Avenue - Bradbury), Bylaw No. 4950” be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4950.

CARRIED

4. Director of Development Services - Advisory Planning Commission

It was moved and seconded:

That the summary report of the October 18, 2018 meeting of the Advisory Planning Commission, be received and all recommendations accepted.

CARRIED

“Zoning Text Amendment No. T16 (Microbrewery in C7 - Core Business), Bylaw No.4974”

It was moved and seconded:

That “Zoning Text Amendment No. T16 (Microbrewery in C7 - Core Business), Bylaw No. 4974” be introduced and read a first time.

CARRIED

It was moved and seconded:

That “Zoning Text Amendment No. T16 (Microbrewery in C7 - Core Business), Bylaw No. 4974” be read a second time.

CARRIED

It was moved and seconded:

That “Zoning Text Amendment No. T16 (Microbrewery in C7 - Core Business), Bylaw No. 4974”, be advanced to a Public Hearing on December 10, 2018 at 6:00 pm in the City Hall Council Chambers.

CARRIED

5. Deputy Director of Finance - New Cemetery Management Bylaw

It was moved and seconded:

That the report from the Deputy Director of Finance dated November 1, 2018 be received.

CARRIED

It was moved and seconded:

That “City of Port Alberni Cemetery Management, Bylaw No. 4976” be introduced and read a first time.

CARRIED

It was moved and seconded:

***That “City of Port Alberni Cemetery Management, Bylaw No. 4976”
be read a second time.***

CARRIED

It was moved and seconded:

***That “City of Port Alberni Cemetery Management, Bylaw No. 4976”
be read a third time.***

CARRIED

6. Manager of Bylaw Services - Building Standards Bylaw No. 4975, 2018

It was moved and seconded:

***That the report from the Manager of Bylaw Services dated November
7, 2018, be received.***

CARRIED

It was moved and seconded:

***That “City of Port Alberni Building Standards Bylaw No. 4975, 2018”
be introduced and read a first time.***

CARRIED

It was moved and seconded:

***That “City of Port Alberni Building Standards Bylaw No. 4975, 2018”
be read a second time.***

CARRIED

It was moved and seconded:

***That “City of Port Alberni Building Standards Bylaw No. 4975, 2018”
be read a third time.***

CARRIED

**7. Manager of Bylaw Services – Bylaw Offence Notice Enforcement
Amendment Bylaw No. 4929-3**

It was moved and seconded:

That the report from the Manager of Bylaw Service dated November 7, 2018 be received.

CARRIED

It was moved and seconded:

That “Bylaw Offence Notice Enforcement Amendment Bylaw No. 4929-3, 2018” be introduced and read a first time.

CARRIED

It was moved and seconded:

That “Bylaw Offence Notice Enforcement Amendment Bylaw No. 4929-3, 2018” be read a second time.

CARRIED

It was moved and seconded:

That “Bylaw Offence Notice Enforcement Amendment Bylaw No. 4929-3, 2018” be read a third time.

CARRIED

H. CORRESPONDENCE FOR ACTION

1. ADSS Class of 2019 - Parent Prom Committee

It was moved and seconded:

That the letter dated October 16, 2018 from the ADSS Class of 2019 Parent Grad Committee requesting use of City streets for a Grad Parade on Saturday, June 29, 2019 from 5:00 pm to 6:30 pm, be received and approved subject to the provision of \$2,000,000 liability insurance in the City’s name and pertinent information being provided to the RCMP, Fire Department and BC Ambulance.

CARRIED

2. **Alberni Clayoquot Metis Society**

It was moved and seconded:

That the letter from the Alberni Clayoquot Metis Society requesting City Hall fly the Metis flag on Friday November 16, 2018 in respect of Louis Riel Day, be received and Council support the request.

CARRIED

I. **PROCLAMATIONS** NIL

J. **INFORMATIONAL CORRESPONDENCE**

1. **Kwispaa LNG Project**

Email dated October 16, 2018 providing an update on the Kwispaa LNG project as well as links to an advance copy of the Project Description:

<https://kwispaalng.com/wp-content/uploads/2018/10/Kwispaa-Project-Description.pdf>

<https://kwispaalng.com/wp-content/uploads/2018/10/Kwispaa-Project-Description-Summary.pdf>

2. **Alberni Valley Community Stakeholders Initiative to End Homelessness**

Minutes from the September 28, 2018 meeting and October 19, 2018 meeting.

3. **UBCM – Gas Tax Agreement Community Works Fund Payment**

Letter dated October 5, 2018 advising that UBCM is in the process of distributing the second of two Community Works Fund payments for fiscal year 2018-2019.

4. **British Columbia Community Forest Association**

Letter dated October 3, 2018 providing information on the annual report as well as copies of the Community Forest Indicators 2018 Report.

5. **Ministry of Finance, Gaming Policy and Enforcement Branch**

Letter dated October 18, 2018 advising of the \$119,065.76 payment to the City representing casino revenue for the period July 1, 2018 to September 29, 2018.

6. **Minister of Social Development and Poverty Reduction**

Email dated October 29, 2018 from the Minister of Social Development and Poverty Reduction providing information on poverty reduction strategies.

7. **BC Lumber Trade Council**
Letter dated October 25, 2018 from the BC Lumber Trade Council congratulating Mayor Minions and offering to provide an industry briefing to Mayor and Council.
8. **Advisory Traffic Committee**
Minutes from the October 17, 2018 meeting.
9. **District of Ucluelet**
Copy of a letter dated October 26, 2018 from the District of Ucluelet to the Minister of Fisheries and Oceans Canada regarding the Proposed Recovery Strategy for Northern and Southern Resident Killer Whales in Canada.
10. **North Island College**
Letter dated October 26, 2018 from North Island Collage extending congratulations to Mayor and Council.
11. **Ministry of Children and Family Development**
Email dated November 2, 2018 from Minister, Katrine Conroy, proclaiming November as Adoption Awareness Month and providing suggestions for raising adoption awareness in our community.
12. **Housing Central**
Letter dated November 1, 2018 congratulating Mayor and Council and requesting on behalf of the affordable housing providers across the province that Council make housing a central focus.
13. **Air Quality Council**
Minutes from the October 11, 2018 meeting.
14. **R.L. Miller**
Letter dated October 27, 2018 from R.L. Miller regarding dangerous driving and lack of traffic control.
15. **Food Security and Climate Disruption Committee**
Minutes from the August 2, 2018 and October 4, 2018 meetings.
16. **Enhanced Connectivity on BC Highway 4**
Copy of a letter dated November 7, 2018 from West Coast Mayors and Chiefs to the Minister of Transportation and Infrastructure regarding enhanced connectivity on BC Highway 4.
17. **Alberni Valley Museum and Heritage Commission**
Minutes from the September 5, 2018 meeting.

It was moved and seconded:

That Informational Correspondence items numbered 1 through 17 be received and filed.

CARRIED

K. REPORT FROM IN-CAMERA

L. COUNCIL REPORTS

1. Mayor's Report

It was moved and seconded:

That the Mayor's verbal report be received.

CARRIED

2. Regional District Report (Mayor Minions/Councillor Solda)

It was moved and seconded:

That the Regional District verbal report be received.

CARRIED

3. Councillors' Reports

It was moved and seconded:

That the Councillors' verbal reports be received.

CARRIED

M. NEW BUSINESS

N. QUESTION PERIOD

The public and press were afforded an opportunity to ask questions of the Mayor and Council.

Keith Ambrose, 3147 2nd Avenue, addressed Council asking if Council is in talks with developers regarding the City-owned land behind Swale Rock Café and asked if information on the matter would be made public.

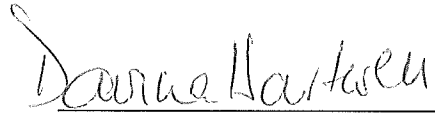
Mr. Ambrose also sought information on whether the City is in talks with Island Health on siting Island Health projects in Port Alberni and noted his concern regarding potential impacts on land value.

P. **ADJOURNMENT**

That the meeting adjourn at 8:50 pm.

CERTIFIED CORRECT

Mayor



Clerk

J:\Clerks\Council\RegularCouncilMeetings\Minutes\Nov13_hh.doc



November 19, 2018

Port Alberni City Council

C/O Davina Hartwell, City Clerk

To Mayor and Council

Re: Social Planning Commission for Port Alberni

Since 2015, the Alberni Valley Social Planning Council (AVSPC) has been corresponding with Port Alberni City Council about the possibility of setting up a Social Planning Commission.

April 27th, 2015 we met with Mayor Ruttan and councilors along with City staff in council chambers to discuss this. All present indicated a desire to move this forward.

At the February 9th, 2016 council meeting, council received Scott Smith's report and approved a motion for staff to prepare a bylaw that would support a Social Planning Commission.

We sent a draft bylaw (enclosed) for Scott Smith to review and put in the current bylaw references. We were told at that time that Council was currently updating its bylaws and would move on this as soon as that was completed.

We met with Scott Smith, who was charged with moving this forward and defined a hybrid structure for the Commission similar to the advisory planning commission that advises the city on land use issues.

After no progress, Scott indicated that the bylaw for the Social Planning Commission had been superseded by other work. When questioned during the



campaign, the previous mayor, Mike Ruttan said it was still on the agenda for Scott's replacement.

In December of last year, Ron Jorgensen, presented on the possible role of a social planning commission as a response to increased crime at a special public meeting to discuss crime. We made another public presentation in April 2017 to Council.

During the recent election campaign, all candidates agreed that they would support the creation of a Social Planning Commission and that they would make social planning a priority in the Official Community Plan.

We trust that the new council is ready to move on this issue.

Sincerely,

Janis Nairne, on behalf of the AV Social Planning Council

DRAFT SOCIAL PLANNING COMMISSION TERMS OF REFERENCE

ESTABLISHMENT

1.1. In accordance with Section _____, Council has established a Commission to be known as the "Social Planning Commission".

2. DEFINITIONS

2.1 In these Terms of Reference:

a) "Chief Administrative Officer" means the person duly appointed as such from time to time and any person delegated to assist in carrying out his or her duties under these Terms of Reference;

b) "Commission" means the Social Planning Commission established by Council resolution, dated _____;

c) "Council" means the municipal Council for the City of Port Alberni;

d) "Director" means the person duly appointed _____, and any person delegated to assist in carrying out his or her duties under these Terms of Reference; and

e) "Mayor" means the Mayor of the City of Port Alberni.

3. MANDATE

3.1 The mandate of the Commission is to act as an advisory body to Council, the Chief Administrative Officer, and staff regarding matters pertaining to social planning and community well-being.

4. SCOPE OF COMMISSION

4.1 The Commission will act in an advisory capacity to Council, the Chief Administrative Officer, staff and the Director in matters pertaining to social community development and will:

a) Make recommendations to the Director, the Chief Administrative Officer, and Council regarding:

i) the coordination of social planning recommendations with the programs of other agencies so as to allow the Director, the Chief Administrative Officer, and Council to ensure that the priorities of the Social Plan are being met;

b) Receive submissions from community groups and make recommendations to the Director, the Chief Administrative Officer, and Council with respect to the social planning grants given by Council;

c) Receive submissions from community groups with respect to social planning issues referred to the Commission by the Director;

d) Assist the Director in bringing together informal groups to determine the social planning needs of the community, resolve disputes between community groups, and aid in co-operative planning; and

e) Consider and make recommendations with respect to such issues as referred to from time to time by the Director, the Chief Administrative Officer, or Council.

5. MEMBERSHIP, APPOINTMENT, AND TERM

5.1 The Commission shall consist of seven (7) members, including five (5) voting members.

Voting members:

a) Three (3) active members of AVSPC , Two (2) representatives from the public.

Advisors (non-voting):

a)One (1) City Council Member, One(1) staff liaison and One(1) other member of staff.

5.2 Appointments to the Committee shall be made as follows:

a) The Mayor shall appoint one (1) member of Council to serve as the Council member and one (1) member to serve as the alternate Council member; and

b) Council shall appoint two (2) representatives from the public who are residents of the City of Port Alberni

Advisors (non-voting):

a) Council may from time to time appoint non-voting members to the council to address specific issues at hand.

5.3 Council may, at any time, remove any member of the Commission by Council resolution and any member of the Commission may resign therefrom at any time upon sending written notice to the Chairperson of the Commission.

5.4 Commission members who are absent from three (3) consecutive meetings shall forfeit their appointment, unless such absence is authorized by resolution of the Commission.

5.5 In the event of a vacancy during a regular term, the vacancy may be filled for the remainder of that term upon resolution of Commission as soon as is convenient.

5.6 The term of each Member shall be two (2) years. Members may serve on the Commission for a maximum of two (2) consecutive terms and must remain out of office for at least one (1) year before being reappointed to the Commission by Council.

5.7 While serving on the Commission, members may not serve on any other City of Port Alberni Committee, Commission, Task Force, or Advisory Committee.

5.8 Members of the Commission shall serve without remuneration.

6. CHAIRPERSON AND VICE-CHAIRPERSON

6.1 The term of the Chairperson and Vice-Chairperson shall be determined by the Commission and a formal resolution adopted by a majority vote of the commission for future appointments to the positions. The Chairperson and Vice-Chairperson shall be voting members and shall be appointed by majority vote.

6.2 If any vacancy in the office of Chairperson or Vice-Chairperson should occur during the term for any reason, the members of the Commission shall immediately elect a voting member to fill the position for the remainder of the said term.

7. MEETING PROCEDURES

7.1 The Commission shall abide by the procedures and limitations included in City of Port Alberni Council Procedure Bylaw No. _____ ??

7.2 The attendance of three (3) voting members of the Commission at a meeting shall constitute a quorum. If there is no quorum present within 15 minutes of the scheduled time of the meeting, the Recording Secretary must:

- a) Record the names of those present and absent; and
- b) Adjourn the meeting until the next scheduled meeting date.

7.3 Minutes of the Commission meeting must be recorded and are to be signed by the Chairperson and the Recording Secretary. Original signed minutes will be forwarded to Legislative Services for safekeeping, provided to Council for review and receipt at a Regular Council meeting, and posted on the City's website for public viewing.

7.4 The Commission shall meet, at a minimum, nine times per calendar year or on an as-needed basis at the call of the Chairperson.

7.5 The Chairperson may summon a special meeting of the Commission by giving at least two (2) days' notice to each member, stating the purpose for which the meeting is called.

7.6 All meetings shall be open to the public, except those parts of the meeting that may be closed to the public in accordance with _____?

7.7 No expenditures shall be made by the Commission, nor any liability incurred, which is not specifically provided for in the annual budget of the municipality, except with prior approval of City Council.

7.8 Members must abide by the conflict of interest provisions of _____. Members who have a direct or indirect financial interest in a matter under discussion are not permitted to participate in the discussion of the matter. They must declare their conflict, state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes. The member must not attempt, whether before, during, or after the meeting, to influence the direction on any question/issue in relation to the matter.

7.9 All voting members of a Commission, including the Chairperson, vote on every question unless they have declared a conflict of interest and have left the meeting. Members who do not indicate their vote or who have left the meeting without declaring a conflict of interest are deemed to have voted in favour of the question. If the votes are equal for and against, the question is defeated.

8. PUBLIC RELATIONS

8.1 When speaking in public or to the media on an issue, Commission members must distinguish whether they are speaking as a member, as a representative of another agency or community group, or as an individual. Commission members must convey the public interest and remember that they represent the City of Port Alberni.

8.2 Members must not compromise the integrity of the City's service to the public. Members must not use the Commission as a platform to undertake and/or lobby for a special interest.

9. STAFF SUPPORT

9.1 For each Commission meeting, the Commission Staff Liaison and/or Recording Secretary shall work with the Chairperson to organize, prepare, and distribute an agenda and the minutes from the previous Commission meeting.



5115 Gordon Ave.,

Port Alberni, V9Y6T5

January 24, 2015

Port Alberni City Council

c/o Davina Hartwell, City Clerk

Dear Mayor and Council,

The Alberni Valley Social Planning Council has been in existence since 2009. Our purpose is to foster and enhance a vibrant, caring and healthy Alberni Valley through research, planning and action.

One of our key goals is to advise member agencies, various levels of government and government agencies as well as the general population on recommended courses of action to meet social needs.

Our Board of Directors represent a number of organizations, agencies, groups and individuals within the community.

Our members were instrumental in the creation of the Community Investment Program. A representative from the Social Planning Council sits on the selection committee.

With the recent changes in City Council, we are interested in exploring a more formalized relationship.

We would be interested in meeting with you to explore the best way to proceed. We can be reached at avsocialplanning@gmail.com.

Yours truly,

Janis Nairne



CITY OF PORT ALBERNI

PLANNING AND COMMUNITY SERVICES

TO: Tim Pley, Acting City Manager

FROM: Scott Smith, City Planner
Theresa Kingston, Director of Community Services

DATE: February 1, 2016

SUBJECT: Alberni Valley Social Planning Council

Issue

To consider the creation of a City of Port Alberni Social Planning Commission.

Background

City Council met with the Alberni Valley Social Planning Council (AVSPC) in March of 2015. The meeting was at the request of AVSPC to discuss the relationship between their organization and the City of Port Alberni. The AVSPC does not deliver services, but instead educates, coordinates, and raises awareness of social issues in the community. The Alberni Valley Social Planning Council will remain an independent group, but would like to see a means to provide City Council with relevant information, regarding local social planning issues, during the decision making process.

Council directed staff to meet with the Alberni Valley Social Planning Council to identify an appropriate mechanism for establishing a direct relationship, with the City of Port Alberni to provide input regarding social issues.

Discussion

Many municipalities have a Social Planning Advisory Committee/Commission to provide advice to their City Council for planning and information on social issues. There are limited resources within the City's current organization to provide Council with advice on the variety of social issues facing many of our residents.

City Council receives information on social issues from a variety of sources. Island Health regularly reports to Council on the status of the local area. A Vital Signs report was recently published by the Alberni Valley Community Foundation, identified a number of social factors in the Alberni Valley. Council has directed the creation of the Seniors Housing Committee, based on a recommendation from the Senior Committee and a new plan to improve housing and end homelessness has just been completed. There are also several agencies working on and providing services on the various social issues in the community.

ENTERED
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REGULAR COUNCIL AGENDA - FEBRUARY 9, 2016

53

REGULAR COUNCIL AGENDA - NOVEMBER 26, 2018

33

F.30

Conclusion

A bylaw to create a Social Planning Commission, similar to the City's Advisory Planning Commission would cover the mandate and objectives for a commission. A Social Planning Commission would be available for Council and staff to access their expertise respecting social issues for consideration during decision making.

Recommendations

That the report from the City Planner and Director of Community Services dated February 1, 2016 be received.

That Council for the City of Port Alberni direct staff to prepare a draft bylaw that would support a Social Planning Commission.

Respectfully submitted,



Scott Smith, MCIP
City Planner

Theresa Kingston
Director of Community Services



CITY OF PORT ALBERNI

BYLAW SERVICES

TO: Tim Pley, CAO

FROM: Flynn Scott
Manager of Bylaw Services
Joe Calenda, Consulting City Planner
to Port Alberni

I concur, forward to next Regular
Council Meeting for Consideration:


Tim Pley, CAO

DATE: November 14th, 2018

ATTACHMENT: Director of Development Services Report, dated August 29th, 2018.

SUBJECT: Retail Cannabis Businesses

Issue:

To consider changes of bylaw regulations to transition from medical marijuana dispensaries to cannabis retail businesses within the City of Port Alberni.

Background:

The City of Port Alberni Zoning Bylaw No. 4382 identifies four (4) commercial zones within city limits: C2, C3, C4, and C7. In January 2016, City Council approved amendments to Zoning Bylaw No. 4382 and Business License Bylaw No. 4543 to permit medical marijuana dispensaries.

The following amendments were adopted:

Zoning Bylaw

Add the following to the Definition Section of the Zoning Bylaw: "Medical Marijuana Dispensary" means a building or part thereof in which marijuana for medical purposes may be obtained directly by the public."

Add Medical Marijuana Dispensary as a permitted use in the following commercial zones, subject to provisions in the General Regulations section:

1. C2 – General Commercial;
2. C3 – Service Commercial;
3. C4 – Highway Commercial and
4. C7 – Core Business

Add the following to the General Regulations of the Zoning Bylaw:

1. A Medical Marijuana Dispensary is not permitted within 300 metres of the nearest property line of a site containing a school.

2. *A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.*
3. *A Medical Marijuana Dispensary is not permitted in conjunction with any other use.*
4. *A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use.*

Business Licence Bylaw

1. *Add the following to the Interpretation section of the Business Licence Bylaw: "Medical Marijuana Dispensary means a retail business in which marijuana for medical purposes is offered for sale directly to the public."*

Add a new section to the Business Licence Bylaw related to Medical Marijuana Dispensaries as follows:

1. *No person shall carry on a business as a Medical Marijuana Dispensary without having first obtained a business licence from the City of Port Alberni.*
2. *A Medical Marijuana Dispensary shall be conducted within a completely enclosed building.*
3. *No person shall permit a minor (i.e. under 19 years of age) to enter or remain on the business premises of a Medical Marijuana Dispensary.*
4. *No person shall carry on business as a Medical Marijuana Dispensary between the hours of 8:00 pm and 8:00 am the following day.*
5. *No person shall smoke or consume marijuana in a Medical Marijuana Dispensary or within 3 metres of any doors of a dispensary.*
6. *No person shall block the windows of the business premises of a Medical Marijuana Dispensary with opaque material, artwork, posters, shelving or similar elements.*
7. *Signage at the entrance of a Medical Marijuana Dispensary, prohibiting minors (under the age of 19 years).*
8. *Product Warning signage at the entrance and service counter of a Medical Marijuana Dispensary.*
9. *Must have a monitored security and fire alarm system, including video surveillance.*

On August 29, 2018, Council received a staff report from the Director of Development Services (attached) that proposed recommendations for the Zoning Bylaw No. 4382 and Business Licence Bylaw No. 4543 to provide for cannabis retail uses within the City's four commercial areas; Northport, Southport, Redford Area and Johnston Road East. Those recommendations envisioned providing an opportunity for holders of existing medical marijuana dispensary licenses to transition their licenses to non-medical cannabis licenses. The resulting effect of implementing the recommendations would be that existing license holders would be enabled to remain in business and no new cannabis retail businesses could be established.

The following recommendation was adopted by Council:

That the report dated August 29, 2018 from the Director of Development Services regarding the transition from medical marijuana dispensaries to cannabis retail stores be received and that Council for the City of Port Alberni endorsed the process outlined in the report.

National Legalization – October 17th, 2018

On October 17th, 2018, non-medical cannabis was legalized across Canada. The Province of British Columbia has announced that wholesale distribution of non-medical cannabis will be regulated through the Liquor and Cannabis Regulation Branch (LCRB). The provincial government has created a framework for local governments in relation to licensing non-medical cannabis businesses. While the provincial government has imposed certain conditions for licensing of non-medical cannabis businesses, the LCRB has also requested local government input within each municipality prior to the issuance of any provincial license.

With the legalization of non-medical cannabis, the LCRB has imposed strict rules and regulations pertaining to applicants interested in obtaining a provincial license to operate a retail cannabis business. After receiving an application, the LCRB will notify the local government of the area where the proposed store will be located. Upon receipt of notice, local governments can:

- 1) Choose not to make any recommendation in respect of the application for a cannabis retail store license (please note that this will end a license application in progress); or
- 2) Choose to make comments and recommendations in respect of an application for a cannabis retail store license, including:
 - make a recommendation or comment by gathering the views of residents;
 - make a recommendation to deny the application; or
 - make a recommendation in favour of the application (the LCRB has discretion whether or not to issue the license).

Discussion:

The provincial government has announced that local governments have all of the following regulatory powers in respect to non-medical cannabis retail store licenses:

- impose restrictions through zoning bylaws regarding the location of each store;
- regulate terms and conditions of a non-medical cannabis retail store through its business licensing bylaw; and
- charge the applicant fees if choosing to assess an application.

Location of Non-Medical Cannabis Retail Stores in Port Alberni

Cannabis retail and consumption is now lawful and regulated under federal and provincial legislation. The LCRB regulates licensing of retail cannabis businesses in addition to already regulating liquor licenses within the province. It is recommended that, when considering a permissible location, these businesses be considered in a similar manner to liquor outlets, as cannabis is now a legal substance (like liquor) subject to rules and regulations set forth by the provincial and federal government.

When considering a suitable location to permit retail cannabis businesses, a local government has the following discretion:

- 1) **Permit site-specific rezoning applications:**
 - **Pro:** this method allows maximum control of which locations are permissible. It also allows maximum control on the growth of the industry.
 - **Con:** this method is extremely time consuming on both process-timeline and staff resources. This is a disincentive for economic development.
- 2) **Zone through Temporary Use Permits:**
 - **Pro:** this method is similar to the above regarding control, however, it allows flexibility based on terms and conditions of a permit. It also allows a three (3) year window to determine if a site is a suitable location.

- **Con:** there is an expense associated to Temporary Use Permits, as well as being time consuming regarding both process and staff resources. Additionally, there are Official Community Plan prerequisites.

3) Add as a permitted use in commercial zones:

- **Pro:** less demanding on both staff and Council. High incentive for economic development within the community.
- **Con:** Less control regarding store locations. Creation of lawful nonconforming uses of properties.

Staff is recommending **option 3** regarding the location of non-medical cannabis businesses within the City of Port Alberni. This is due to the positive economic development implications of permitting such a use within specific commercial zones. Council may, by bylaw, regulate which zones will contain retail cannabis businesses as a permitted use and therefore maintain control of that use. It is relevant to note that the City of Port Alberni does not regulate liquor retail outlets under the Zoning Bylaw, except as a permitted use, and it is recommended that retail cannabis businesses be subject to the same considerations and permissions.

Bylaw Regulations for Consideration

The federal and provincial governments have announced that a local government has discretion regarding the implementation on the following bylaw regulations:

1) Business Bylaw

- Hours of operation;
- Proof of provincial/federal certifications; and
- Compliance with provincial/federal regulations.

2) Zoning Bylaw

- Clarity on which zones permit such businesses;
- Proximity to similar businesses;
- Proximity to minors; and
- Provisions requiring property owners be accountable to enforcement action (not just business license applicants).

Important Legal Considerations for the Community

The Province of British Columbia has announced that they will not license a private or public retail cannabis business without approval or recommendations from the applicable local government. Upon local government approval, the Province will then exercise their discretion to determine if the applicant is successfully approved. An applicant will then apply to the local government for a business license, providing all necessary documentation received from the province.

A local government will have discretion to either allow or disallow retail cannabis businesses within their community; however, they are not permitted to determine if a public *or* a private (one or the other) model is allowed. To permit one and not the other (public or private) would regulate the user and not the land use. This is an important consideration in determining which zones will permit such

a use, as the locations permitted will also likely obtain lawful nonconforming entitlement in the event of any future changes to land use.

Recommended Options

The Province of British Columbia has set minimum standards of regulation requirements pertaining to retail cannabis businesses. Staff is recommending that bylaw amendments be proposed to:

- reflect provincial and federal requirements;
- determine adequate commercial zones to permit such a use; and
- establish minimum setback restrictions (if any) in proximity to establishments relating to schools.

Additionally, staff is recommending the removal of "medical marijuana" definitions and provisions from both the Business License and Zoning Bylaws. With the legalization of cannabis, current bylaw regulations pertaining to medical marijuana are no longer necessary and, upon meeting all requirements imposed, storefronts presently operating as medical marijuana stores could meet the conditions of being considered a non-medical retail cannabis business.

Recommendation:

That the report from the Manager of Bylaw Services dated November 14th, 2018 be received.

That the Committee of the Whole forward the report from the Manager of Bylaw Services to the next regular meeting of Council and recommend that Council for the City of Port Alberni consider the proposed amendments to the Zoning and Business Licensing Bylaws in relation to Retail Cannabis Businesses.

Respectfully submitted,

Flynn Gray Scott
Manager of Bylaw Services

Joe Calenda
Consulting City Planner to Port Alberni

From: RACHEL ROCHON [<mailto:rachelrose@shaw.ca>]

Sent: Tuesday, November 20, 2018 5:16 PM

To: Davina Hartwell

Subject: Cannabis Retail discussion

I was at the meeting last night and I did try to speak up for retail Cannabis however my emotions got the best of me and I got side tracked.

The city planner said "We are not recommending any separation distances between cannabis retail stores," he said. "I don't know why we'd want to do that anyway. From our perspective as a land use, there's really no difference between a cannabis retail store or a clothing store.

He pointed out that although cannabis is a legally regulated and age restricted operation, the retail stores are otherwise the same as any other business.

So as a retailer, why could we not carry cannabis products in our store? As the city doesn't dictate what kind of products we sell. Our license just says service & retail. Nor do they dictate if my neighbors provide same services or not.

Not saying we would carry that type of product with our current business model but why not if there is no difference between a retail cannabis store and a clothing store.

I don't think anyone should be able to dictate what products or services in a commercial space as long as it is all commercial. Does the health food store need to hold a special permit to sell other herbs and oils? Some can kill you if used improperly.

As for proximity let them be all over the city for accessibility reasons for the medical user.

If all 3 tattoo shops were beside each other I would be fine with that even if we sold the same products. As the customer would have options. It would create competition. We would each try to be better than the next. We would have to create our own brand and weed out the inferior product.

If we had cannabis stores all over the city or next to each other it would just be good for the city and cannabis culture. It would flood the economy for all business here.

Why do you need a separate lenience at all? I thought Prohibition was over and cannabis was legalized? Sure doesn't sound legal at all with all these rules and restrictions. It sure doesn't seem like cannabis is being treated fairly at all.

Thank you for your time and consideration.

Rachel Rose
Ocean Valley Ink
2974 third ave
Port Alberni
V9Y2A7

Dear Mayor and Council,

We would like to propose that you go slow on your cannabis deliberations. When this issue came to the last council it was almost an emergency. They felt as though something had to be done quickly. Now that legalization has happened, that pressure is lifted. Yes people want legal access to cannabis soon, however, they have access right now online and in other communities, so lets take the time to make sure.

We have a very rare opportunity. We know that there are what you could describe as anchor tenants waiting to set up shop in Port Alberni including the BC cannabis store as well as perhaps large private cannabis stores. The location in Kamloops has been described as like an Apple Store; clean, modern and attracting a good clientele. These are large stores that will drive large amounts of business and traffic to them.

With the level of investment the cannabis industry is going to attract, we have a very unique opportunity to harness that capital and use it to build our own community. If the Kamloops store is clean, modern, safe and attractive, what if we created a place for that store and others that was clean, modern, safe and attractive? What if we worked with our community and investors to come up with a location in town that we could transform, funded by DCCs perhaps, that not only provided a location for the stores, but also a great place for the community. Let's try to turn these stores into as much of a positive for the community as we can while also ensuring they are safe.

Think of one of our empty or near empty commercial streets in town on either the uptown or Johnston side. Now think of Lower Argyle and how beautiful it has become as it has redeveloped with trees and places to sit and how it benefits the businesses there.

We could use this opportunity to completely transform an entire street or block just like Argyle has been. We could create strict form and character guidelines and maintenance guidelines for cannabis stores so that it didn't turn into a problem.

But you won't be able to come up with all of that in one meeting. You are going to need to go slow, you might even need to do something like the Johnston Road Charette.

We propose that you have two options:

#1: Agree with the current staff recommendations and continue what we could call the "liquor store" model of having some number of cannabis stores around the community based only on the commercial zoning and distances from schools or each other.

#2: Send the issue back to staff for them to investigate other ways of creating Cannabis retail in our community based on examples from other jurisdictions and with the possibility of using this new investment to revitalize and rebuild a commercial street or neighbourhood.

I think you might find that communities of similar size to ours have taken the opportunity to enhance and improve their community and make the most positive outcome out of this unique situation.

Respectfully submitted,

Chris and Theresa Alemany
3854 6th Avenue
Port Alberni, B.C.
V9Y4M2
h: [250-723-0889](tel:250-723-0889)
m: [250-731-7930](tel:250-731-7930)



November 20, 2018

Dear Mayor and Councillors:

Re: BC Cannabis Stores

On behalf of the BC Liquor Distribution Branch (LDB), please accept my sincerest congratulations on your success in the recent Local General Election, and your commitment to serving your community!

As you are undoubtedly aware, the legalization of non-medical cannabis ("cannabis") became a reality for Canada on October 17th by way of the Federal *Cannabis Act*. The *Cannabis Act* creates a legal framework for controlling the production, distribution, sale and possession of cannabis across Canada. Provinces and Territories have been granted authority to develop, implement and enforce systems to oversee the distribution and retail sale of cannabis in their respective jurisdictions. In BC, the Provincial Government has legislated that the LDB will be the sole wholesale distributor of cannabis and the only entity to provide on-line sales. Retail sales are also permitted through both private and public (LDB) "brick and mortar" stores.

Local governments play a key role in the licensing process for the brick and mortar retail stores, having been granted authority to prohibit or limit the number of stores in their community, determine the types of stores that will be permitted (government, private or a both), set minimum distancing requirements from other cannabis stores and organizations/institutions serving children and youth (e.g. schools, daycares, community centres, etc.), and determine the processes, requirements and fees associated with setting up a cannabis retail store in their community.

The LDB is very interested in operating a BC Cannabis Store in your community. We are committed to working in partnership with local governments and local law enforcement agencies to ensure a smooth and safe introduction of the legal cannabis market across B.C. We have provided information below, and in the attached slide deck, as an introduction to the LDB, our BC Cannabis Stores retail model, and our social responsibility mandate and efforts.

About the LDB

The LDB and the Liquor and Cannabis Regulation Branch (LCRB) have responsibility for the beverage alcohol and cannabis industries in BC. Under the *Liquor Distribution Act* and *Cannabis Distribution Act*, the LDB is mandated with the purchase and distribution of wholesale beverage alcohol and cannabis for the Province. As well, the LDB operates a number of public liquor stores (197 in total), and, in February 2018, the Province announced that LDB will also operate public cannabis retail stores, as well as an e-commerce platform to offer public online sales of cannabis.

Revenue generated through the LDB's wholesale and retail operations contributes to vital public services such as health care and education. For the 2017/2018 fiscal year, the LDB contributed \$1.12 billion towards government services. Revenue generated through LDB's newly implemented cannabis operations (both wholesale and retail) will also be directed back to the Province to support important public services.

.../2



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Social Responsibility and Community Impact

The LDB works closely with LCRB and the Ministry of Public Safety and Solicitor General to encourage the safe and responsible consumption of alcohol and cannabis in BC. The LDB is also committed to working in partnership with local governments to follow all municipal zoning processes and meet all bylaw requirements. LDB will also work with local law enforcement agencies to maintain public safety and to mitigate and/or address any potential negative impacts on communities.

Social Responsibility is part of the LDB's Mission Statement and one of the four pillars we have identified that supports our success. Our efforts are focused on three themes: encouraging and promoting responsible use of alcohol and cannabis, reducing the impact our business has on the environment, and giving back to the communities we serve. We meet these objectives by:

- Delivering products that meet strict product safety and quality requirements - all cannabis products will be purchased through the LDB wholesale channel; product will be lab tested and will only be purchased from producers that have been licensed by Health Canada.
- Ensuring accountability of our key business partners (e.g. Licensed Cannabis Producers).
- Promoting the safe and responsible use of beverage alcohol and cannabis through social responsibility campaigns aimed at keeping alcohol and cannabis out of the hands of youth*, preventing driving under the influence, and informing the public about associated health risks.
- Actively discouraging customers from engaging in high-risk behaviour like drinking or consuming cannabis and driving, consuming alcohol or cannabis during pregnancy and participating in sporting activities while under the influence of alcohol or cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behaviour through various in-store campaigns with strategically placed messaging;
- Raising money through in-store fundraising campaigns for dry grad celebrations, red cross disaster relief, kids in need, and local community charities (through the Provincial Governments Employee Workplace charitable giving campaign); and
- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

****Keeping cannabis out of the hands of minors will be a top priority for the LDB. Unlike liquor stores, minors will not be permitted to enter cannabis retail stores, even if they are accompanied by a parent or guardian. When entering the store, there will be an ID check at the entrance. Individuals without ID or minors (even those accompanying someone of legal age) will not be permitted in the store. As well, all staff will be required to complete a provincial training program.***

Store Operations

BC Cannabis Stores will create local employment opportunities for BC communities. All stores will employ unionized staff. Stores in large municipalities may have approximately 12-20 employees and stores in smaller municipalities may have approximately 6-12 employees. Each store will have a Store Manager, at least one Assistant Store Manager, and a staff of full and part-time Cannabis Consultants. Enhanced criminal background checks are undertaken for all store employees. Proposed store hours are 10:00 a.m. to 9:00 p.m., Monday to Thursday, 10:00 a.m. to 10:00 p.m., Friday to Saturday, and 11:00 a.m. to 6:00 p.m. on Sundays.

.../3

While the LDB does not require a license from the Liquor and Cannabis Regulation Branch (LCRB) in order to operate a public cannabis retail store, we do adhere to the same operational requirements and penalty scheme applied to private retail stores.

BC Cannabis Stores will be bright, clean, welcoming and professional, with the intent of creating a safe and favourable alternative to purchasing cannabis from the illicit market. Storefronts will have frosted windows to align with Health Canada's requirements that cannabis not be visible to minors.

All cannabis products carried by BC Cannabis Stores are sourced from federally licensed cannabis producers that are required to meet Health Canada's guidelines for quality control, Good Production Practices, and inventory management.

The LDB's Neighbourhood Strategy includes:

- Mandatory full day training program, Keep It Safe, required for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. For example, procedures are in place to ensure there are at least two employees in the store at all times and that stores are armed and locked outside business hours. For events that occur outside of the store, staff are trained to contact the mall security, if applicable, or to call 911.
- BC Cannabis Stores have a two ID policy. Customers must show two pieces of ID, one of which must be issued by a government agency and includes their name, birth date, and picture. The second must include an imprint of their name, signature and/or picture. Staff receive training on conducting ID checks and identifying signs of altered ID documents.
- And lastly, defective product will be transported to an off-premise location to be destroyed. Stores will not incinerate or dispose of cannabis products on premise, eliminating any risk that cannabis will come into the hands of minors or the illicit market.

Security

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience in working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC. Crime Prevention Through Environmental Design (CPTED) principles are utilized in all of our retail store layouts.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores will have:

- Centrally maintained province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;

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- A secure storage room where product will be kept that will require access cards to enter;
- Durable and reliable commercial-grade doors and locks;
- Security shutters; and
- Smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached slide deck. We would welcome an opportunity to meet and/or connect with you to discuss the possibility of locating a government operated cannabis retail store in your community. Please contact Kerri Lore, Director of Policy at Kerri.Lore@bcldb.com or 604-252-3196 for further information or to arrange for a meeting or presentation.

Again, I'd like to extend a sincere congratulation on your recent election, or re-election, and offer best wishes for your upcoming term of office. We look forward to potentially serving your community through our government operated cannabis retail stores.

Sincerely,



R. Blain Lawson
General Manager and Chief Executive Officer
BC Liquor Distribution Branch

Attachments:

1. BC Cannabis Stores – Slide Deck

c. CAO
Planner
Bylaw Sales Manager

Item to be received for the next Port Alberni city council meeting.

Submitted by Aaron Brevick of 2840 Highmoor rd

Addressed to Mayor and Council:

I am writing to make a formal request that council does not at this time adopt the retail cannabis report set forth and received at the Nov. 19th committee meeting of the whole. Instead I ask that you request the report be sent back and revised to include all of the legal permits that became available on Aug 14th and Oct 17th respectively. Many of these permits can and should be stacked in the same facility such as production and processing so its important the council understand the entire process prior to possibly ruling that all licenses are valid and legal but require 200 meters apart. Cannabis can legally under one roof be cultivated and processed with the option or receiving a permit to sell to medical patients only. You cannot however have a nursery and a micro production site at the same location. The government has provided a chart, most of the council has already seen which details this better but the planner again is best suited to give these descriptions to council.

If council wishes to continue to proceed with the adoption and implementation of the report set forth by the city planner in regards to retail sales, will the council not require another presentation and COTW meeting on each separate license available?

I will also be forwarding a request to council for the rezoning of my building to include the permitted use of cannabis micro production, sale of medical cannabis, cannabis micro processing, nurseries and research and development. The current wait for production licenses from the province is approx. 2 years...

ENTERED

Bearing in mind a lot of these permits can be permitted together and the government has provided a graph of which ones they won't allow.

This should make zoning issues fairly straight forward for the city planner who has so forth made a great presentation and is most likely up to speed on the information required to do this.

Final Questions:

Can the city planner speak to how difficult it would be or how much time would be required to extend this report to encompass these other available cannabis permits and how they could or could not fit into use of commercial spaces?

It is not my intent to drag this cannabis licensing period out longer than required and perhaps the city planner would be best suited to decide if individual presentations or bundled quick overviews would be the most appropriate use of time.

Thank you for your considerations



CITY OF PORT ALBERNI

BYLAW SERVICES

TO: Tim Pley, CAO
FROM: Flynn Scott
Manager of Bylaw Services
DATE: November 21st, 2018

I concur, forward to next Regular Council Meeting for Consideration:

Tim Pley, CAO

SUBJECT: Remedial Action Requirement – 2622 2nd Avenue

Issue:

This report provides Council with information pertaining to the compliance issues related to 2622 2nd Avenue, legal description: Lot 8, Block 91, District Lot 1, Alberni District Plan VIP197B (the "Property") and seeks Council authorization to impose a remedial action requirement on the Property to bring the Property into compliance. Staff is also seeking Council's authority to proceed with action on the Property if compliance is not achieved by the property owner or representative within the required time limit set by Council.

Background:

Community Charter Remedial Action Authority and Process

Sections 72 through 80 of the *Community Charter* outline the process for remedial action requirements. Remedial action requirements are imposed by Council Resolution and do not require enacting a bylaw.

Section 72 of the *Community Charter* provides the authority for Council to impose remedial action requirements on property owners, lessee's or occupiers of land in relation to hazardous conditions or declared nuisances. Section 2(b)(i-iv) also stipulates the actions that Council may require the person to undertake:

- i. Remove or demolish the matter or thing;
- ii. Fill it in, cover it over or alter it; [drainage or dike]
- iii. Bring it up to standard specified by bylaw; or
- iv. Otherwise deal with it in accordance with the directions of Council or a person authorized by Council.

Section 73 provides clarification and limitations to Council's authority to impose a "hazardous conditions" remedial action requirement on a property. Council may only impose a remedial action requirement in relation to a "hazardous" condition if:

- a) Council considers that the matter or thing is in or creates an unsafe condition; or

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- b) The matter or thing contravenes the Provincial building regulations.

Section 74 provides clarification to Council's authority to impose a "declared nuisances" remedial action requirement on a property. This Section affords Council significant latitude with regards to determining what "matters or things" in relation to a property can be declared a nuisance. This includes the ability for Council to consider a thing that is so dilapidated or unclean as to be offensive to the community.

Section 75 is not relevant to the issues on the Property that are the subject of this report.

Section 76 stipulates the minimum time period that Council can set for compliance must not be less than thirty (30) days from the date of the notice to the affected persons. Section 77 outlines the process the City must follow to notify the property owners or their representatives of Council's decision to impose a remedial action requirement on a property. It also references the ability for the City to exercise its authority under Section 17 of the *Community Charter* [municipal action at defaulter's expense] if the remedial action requirement is not completed by the compliance date. Furthermore, Section 17 authorizes the City to collect all related costs as a debt owed to the City which, if unpaid, would be transferred to taxes as arrears at the end of the year.

Section 78 allows a person affected by the remedial action requirement to request Council reconsideration on their decision and an opportunity to make a representation directly to Council. This Section states the minimum time period that Council can set for an affected person to request reconsideration at not less than fourteen (14) days from the date of the notice to the affected persons; it also defines the reconsideration process.

Section 79 grants Council the authority to reduce both of the time limits stated in Sections 76 and 78, if Council considers there is a significant risk to health or safety if action is not taken earlier.

Section 80 of the *Community Charter* provides a mechanism for the City, under very specific circumstances, to recover municipal costs through the sale of property, should the remedial action requirement not be satisfied by the property owner or affected persons, by the date specified for compliance.

City of Port Alberni Property Maintenance Bylaw No. 4712

The intent of the Property Maintenance Bylaw is to:

- Protect the community from unsightly, hazardous, and blighting conditions that contribute to the deterioration of neighbourhoods;
- To provide for the abatement of such conditions; and
- To prescribe standards for the maintenance of properties in the City.

Principles:

- Property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property, buildings, and other structures in the City;
- Unsightly and hazardous conditions have been found to exist in locations throughout the City;

- The existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods; and
- The abatement of such conditions will improve the general welfare and image of the City.

Relevant Provisions:

The definition of “unsightly” means *an untidy or otherwise non-aesthetic accumulation of filth, discarded materials or refuse on any real property, and includes graffiti.*

Section 4(a) requires all real property to be maintained by the property owner or their designate.

Section 7(h) stipulates: *where an owner of real property fails to comply with a Notice the City may, by its employees or other persons, at a reasonable time and in a reasonable manner, enter on the property and effect the required work at the expense of the property owner.*

City of Port Alberni Building Standards Bylaw No. 4826

Schedule “A” Section 1(1)(a) requires the exterior of every building to be constructed, repaired and maintained in a manner that ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests.

Schedule “A” sets forth the following relevant regulations:

- 1(2) *Without restricting the general obligation set out in subsection (1):*
- a) *All exterior surfaces must consist of materials that provide adequate protection from the weather;*
 - b) *All exterior walls and their components, including coping and flashing, must be maintained in good repair;*
 - c) *All exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;*
 - d) *Exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;*
 - g) *The exterior of every building must be free of graffiti;*
 - i) *All windows are in good repair, and properly glazed; and*
 - j) *All exterior doors to the building are operational, fit tightly within their frames when closed and are locked so as to prevent entry.*

2(1) *Roofs must be constructed and maintained so as to prevent:*

- a) *Rainwater or melting snow falling on the roof from entering the building; and*
- c) *Objects and materials from falling from the roof.*

2(2) *Without restricting the general obligation set out in subsection (1):*

- a) *Roofs, including fascia boards, soffits, cornices, flashing, eaves troughing and downspouts must be maintained in a watertight condition; and*
- b) *Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:*
 - i. *Accumulates or causes ground erosion;*
 - ii. *Causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and*
 - iii. *Accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.*

BC Building Code

Due to the age of the structure, it does not meet the current BC Building Code requirements. All repairs proposed will need to meet the BC Building Code standards.

Financial Considerations:

The City has incurred \$5,374.19 of costs to a City contractor for outstanding work in relation to the Property Maintenance Bylaw No. 4712 and Building Standards Bylaw No. 4826. These costs are recoverable and charged to the property owner/representative. Unrecoverable costs have been incurred for staff resources utilized for inspections and correspondence pertaining to the Property. Further costs will be incurred to monitor the Property and follow through with the implementation of the remedial action requirement, should the Property owner/representative fail to be in compliance by the required deadlines.

It is relevant to note that if any action is taken to obtain compliance with the remedial action requirement, then costs associated with that work shall be charged back to the owner/representative as a debt owed to the City, pursuant to Section 17 of the *Community Charter*. If unpaid, the outstanding debt would be added to the property taxes as arrears at the end of the year.

Discussion:

The registered owner on title for 2622 2nd Avenue is Mr. Henry Forbes. Unfortunately, Mr. Forbes passed away at the start of 2018, leaving no will for his estate. The City of Port Alberni has been in correspondence with a lawyer from Allen & Co. Law Firm (the “Executor”), who has advised they are the executor for the estate. The Executor also advised that the estate does not have any financial means for restoring the Property to comply with both safety and bylaw regulation requirements.

(See Appendix 1)

In May 2018, a formal complaint was received in relation to tenants residing within the dwelling. RCMP later identified both tenants and informed Bylaw Services that one male was identified to be the late owner’s son. Due to there being no written will for his estate, the tenants were not lawfully permitted to remain at the Property.

A brief site history is as follows:

- 04 May 2018** Formal complaint received that tenants were emptying buckets of feces out of a side window of the dwelling.
- 18 May 2018** Follow up complaint received that RCMP were contacted and complainant requested immediate action be taken to address concerns, as raw sewage continued to be emptied from window of the dwelling.

-
- 01 Jun 2018** Second complainant contacted Bylaw Services with similar concerns of raw sewage dumping.
- 04 Jun 2018** Bylaw Officer attended with Building Official and RCMP, who successfully identified one female residing onsite. RCMP advised that there is a history of mental health issues with subject female.
Onsite inspection confirmed that lights only turn on through a breaker switch in the basement, where a person must stand in several inches of accumulated water in order to restore the power.
Significant safety, building, and City bylaw contraventions documented.
(See Appendix 2)
RCMP also identified one male, Neil Forbes, residing at the Property.
RCMP advised of ongoing assaults between both occupants.
RCMP established no contact orders for both occupants with the Property and advised they are not permitted to return.
SPCA notified of nearly twenty (20) feral cats onsite.
- 13 Jun 2018** Bylaw Services and the Building Official determined significant health and safety concerns existed onsite. Building was also vacant for a period in excess of six (6) months. Due to both considerations, a contractor was contacted to board the building to ensure compliance and prevent further violations from occurring.
VIHA was also notified of potential environmental health concerns.
(See Appendix 3)
- 19 Jun 2018** Bylaw Officer spoke with lawyer acting as the Executor of the estate, who advised of intention to sell property once building was demolished.
- 21 Jun 2018** Complaint received that tenant broke into the garage/accessory building and was residing within it.
Bylaw Officer and Building Official attended and located tenant within the garage, allegedly removing parts from a vehicle. City Staff advised that this was theft and tenant was not permitted to remove any items from the Property. RCMP was contacted and arrested tenant for breach of the no-contact order with the Property.
- 11 Jul 2018** Bylaw Officer spoke to tenant and arranged to meet him onsite with Building Inspector, RCMP, SPCA, and local contractor for the purpose of retrieving items tenant had left inside the dwelling.
Tenant was arrested by RCMP for several breaches, unrelated to the Property.
Feral cats were taken by SPCA to be spayed/neutered and later returned.
- 19 Jul 2018** Contractor was requested to continue work re: property maintenance contraventions. Complaint received that a female broke into the garage to reside.
Bylaw Officer attended to resolve and requested contractor return to re-secure garage.
- 26 Jul 2018** Email correspondence between Bylaw Officer and the Executor, reiterating work completed by the City's contractor. Lawyer reiterated intention to tear down building or sell to developer with intent to tear down.
- 27 Aug 2018** Complaint received for bear in yard due to fruit trees unmaintained. Bylaw Officer attended and requested contractor return to resolve contraventions.

- 11 Sept 2018** Property continued to be monitored but remained an attractant for squatters, bears, and minor crime (thefts).
- 19 Oct 2018** Building Official and Bylaw Officer advised Manager of Bylaw Services that 2622 2nd Ave had been listed for sale. Property was listed as “land”, but several inquiries were received by the Building Official with interest to restore derelict building on site for rental purposes.
- 05 Nov 2018** Manager of Bylaw Services advised the Executor that Council’s consideration would be requested to impose a remedial action requirement on the Property. Lawyer advised that a sale has been made. Confirmation received that sale has not gone through.
The Executor also stated that the Property was required to be sold as-is, as demolishing costs would outweigh the fees outstanding on the estate.

Outstanding Contraventions

The Building Official has identified the Property as out of compliance with the City of Port Alberni Building Standards Bylaw No.4826, Schedule “A”, Sections 1.1, 1.2(a)(b)(c)(d)(g)(i)(j), 2.1(a)(c), and 2.2(a)(b) (refer to ‘Background’ section for provisions).

(See Appendix 4)

Additionally, a “Do Not Occupy” was posted on the building on 13 June 2018 due to immediate health and safety concerns:

- An infestation of fleas resulting from feral cats located on the Property;
- Structural damage to the building;
- Holes in floor that pose an immediate danger to any occupants;
- Significant flooding in basement;
- Electrical concerns pertaining to water damage.

Furthermore, a hazardous materials assessment is required to be completed prior to demolition.

In addition to the building onsite, a derelict accessory building will also require remediation. Both the building and accessory building have been deemed structurally unsound by the Building Official. It is also relevant to note that the remediation by demolition of the building will remove the principal use and therefore not permit the accessory building to remain on Property due to zoning requirements.

Time Limit Recommendations for Compliance and Notice to the Owner

City Staff recommend that the timelines set forth in Section 76 and 78 of the Community Charter are appropriate:

- Thirty (30) days’ notice for remedial action; and
- Fourteen (14) days’ notice for requesting Council reconsideration.

City Actions if Remedial Action by the City is Required:

Should the property owner/representative not complete the work prior to the required deadline, the following actions will be taken to implement Council's remedial action(s):

- 1) Determine extent of work required to be completed.
- 2) Obtain bids for the cost of completing the work.
- 3) Review bids for completeness and tentatively award contract.
- 4) Advise the registered property owner/representative in writing of the anticipated cost to complete the work, provide an estimate of City related staff costs, and provide seven (7) days for the property owner/representative to respond to any concerns.
- 5) Award contract at the conclusion of the seven (7) days and schedule a demolition start date.
- 6) Advise the property owner/representative of the demolition start date.
- 7) Monitor the demolition and site clean-up.
- 8) Review the completed work with the property owner/representative (if available).
- 9) Invoice all costs to the property owner (all unpaid invoices shall be transferred to taxes owed at the end of the year).

Summary and Conclusion

The recommendations in this report meet the *Community Charter* requirements and outline the process by which the remaining issues on this Property can be resolved by removing the hazard and nuisance. If approved, the recommendations provide City Staff with the authority to resolve the issues.

Recommendation:

That the report from the Manager of Bylaw Services dated November 21st, 2018 be received.

Remedial Action:

- 1) **THAT** Council, pursuant to the authority provided in Section 74 of the Community Charter and after reviewing the information provided in this report, declare the building and accessory building structure located on the property at 2622 2nd Avenue having a legal description of Lot 8, Block 91, District Lot1, Alberni District Plan VIP197B so dilapidated or unclean as to be offensive to the community and, as a result, declared nuisances that require remedial action to demolish and remove the damaged building and accessory building structure, and to level the site, in order to eliminate the nuisance.
- 2) **AND FURTHER THAT** Council imposes the following remedial action requirements on the property owner/representative (registered owner on title of Mr. Henry Forbes, with representation of the estate by Allen & Co. Law Firm) for the building located on the property at 2622 2nd Avenue having a legal description of Lot 8, Block 91, District Lot1, Alberni District Plan VIP197B with respect to the building/structure noted above in Recommendation 1:

- a) to demolish the damaged building;
- b) to remove all debris from the demolition to an appropriate disposal site; and
- c) level the site;

in order to eliminate the declared nuisances.

Compliance & Reconsideration Notice Time Limit Recommendations:

- 3) **AND FURTHER THAT** Council, pursuant to Section 76 of the *Community Charter*, sets the time limit for completion of all the remedial action requirements described in Recommendation 2 to be not later than 5:00pm on December 27th, 2018.
- 4) **AND FURTHER THAT** Council, pursuant to Section 76 of the *Community Charter*, sets the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation 2 to be no later than 5:00pm on December 10th, 2018.

Municipal Action at Defaulter's Expense:

- 5) **AND FURTHER THAT** Council authorizes City Staff to take all appropriate action in accordance with Section 17 [Municipal Action at Defaulter's Expense] of the *Community Charter* to ensure the subject property is brought into compliance with all remedial action requirements described in Recommendation 2, provided that:
 - a) The property owner/representative has not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; and
 - b) All costs incurred by the City to bring the property into compliance shall be at the expense of the property owner/representative and, pursuant to Section 17 of the *Community Charter*; such costs shall be recovered from the property owner as a debt owed to the City of Port Alberni.

Respectfully submitted,



Flynn Gray Scott
Manager of Bylaw Services

Appendices

- Appendix 1 – Email Correspondence (2 pages)
- Appendix 2 – Inspection Pics (13 pages)
- Appendix 3 – Do Not Occupy (1 page)
- Appendix 4 – Outstanding Concerns (19 pages)

From: [Catherine Miller](#)
To: [Flynn Scott](#)
Subject: RE: 2622 2nd Ave
Date: Monday, November 05, 2018 12:31:27 PM

Hi Flynn,

I had been in previous discussions with Tim and it had originally been my intention to demolish the building. However, that changed when it became apparent that there is no money in this estate. So the only way I can pay for the costs to date, including the over \$4,000 bill from the City of Port Alberni, the probate, Canada Revenue, etc. was to sell the property. I got an estimate to demolish and it would have been an exorbitant amount of money to do this. As it is this estate appears to be bankrupt and the only way that anyone, including myself and the City will get paid is to sell the property.

I have a sale and the company that bought it has been in communication with the City. I am not certain of their intention but they are well aware of the state of the home and of the requirements to either demolish and rebuild or to renovate the house.

Sincerely,

Catherine L. Miller
Barrister & Solicitor
Allen & Company
480 – 10 Street
Courtenay, B.C. V9N 1P6
Ph: 250-703-2583
Fax: 250-703-2582

From: Flynn Scott [mailto:flynn_scott@portalberni.ca]
Sent: November-05-18 9:35 AM
To: 'cmiller@allenlaw.ca' <cmiller@allenlaw.ca>
Subject: 2622 2nd Ave

Good Morning Catherine,

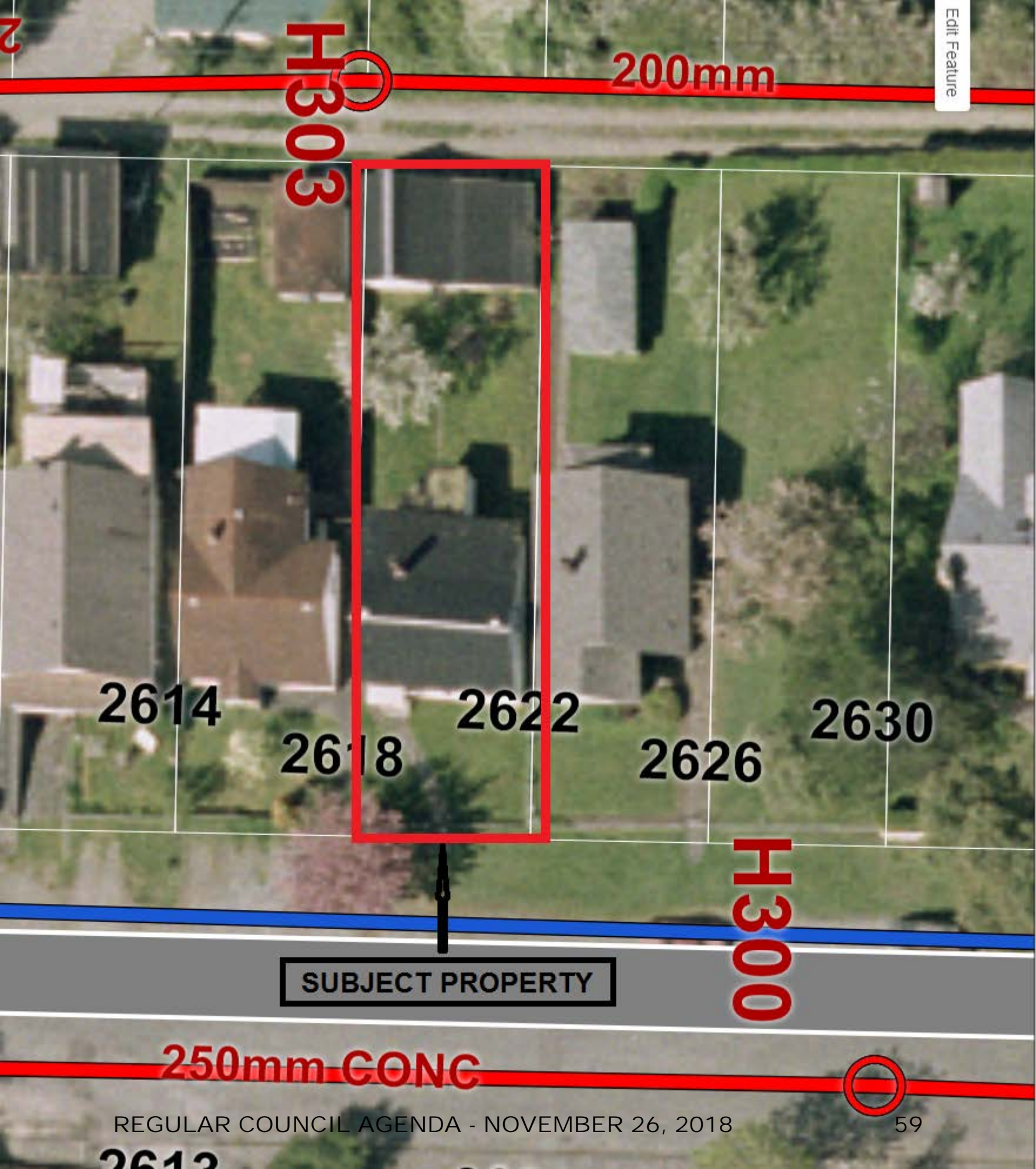
City of Port Alberni Bylaw Officer, Tim Hautzinger, forwarded your contact information to me. I would like to discuss 2622 2nd Ave and am advised you are the appropriate contact for this property. This property has recently been listed for sale and there are growing concerns by City Staff that the building will not be demolished, as recommended due to its current state, but rather sold with intent to occupy the building. I have now taken lead on this file and want to advise you that I will be making a recommendation report to Council to declare this building a nuisance, pursuant to Section 74 of the *Community Charter*. My recommendation will include a remedial action requirement to demolish the building due to its state of dilapidation.

If you would like to discuss this matter further, I am available anytime by email or phone. Again, I just want to make you aware of City Staff intentions for the purpose of clarity. It will ultimately be Council's discretion on how to proceed and I will keep you updated as we progress so that you may update any potential buyers or persons of interest in relation to this matter.

Thank you,

Flynn Gray Scott | Manager of Bylaw Services | City of Port Alberni |
4850 Argyle Street, Port Alberni, BC, V9Y 1V8 | **T:** 250.720.2870*new! | **W:** www.portalberni.ca

This email was virus checked by the City of Port Alberni's email security.



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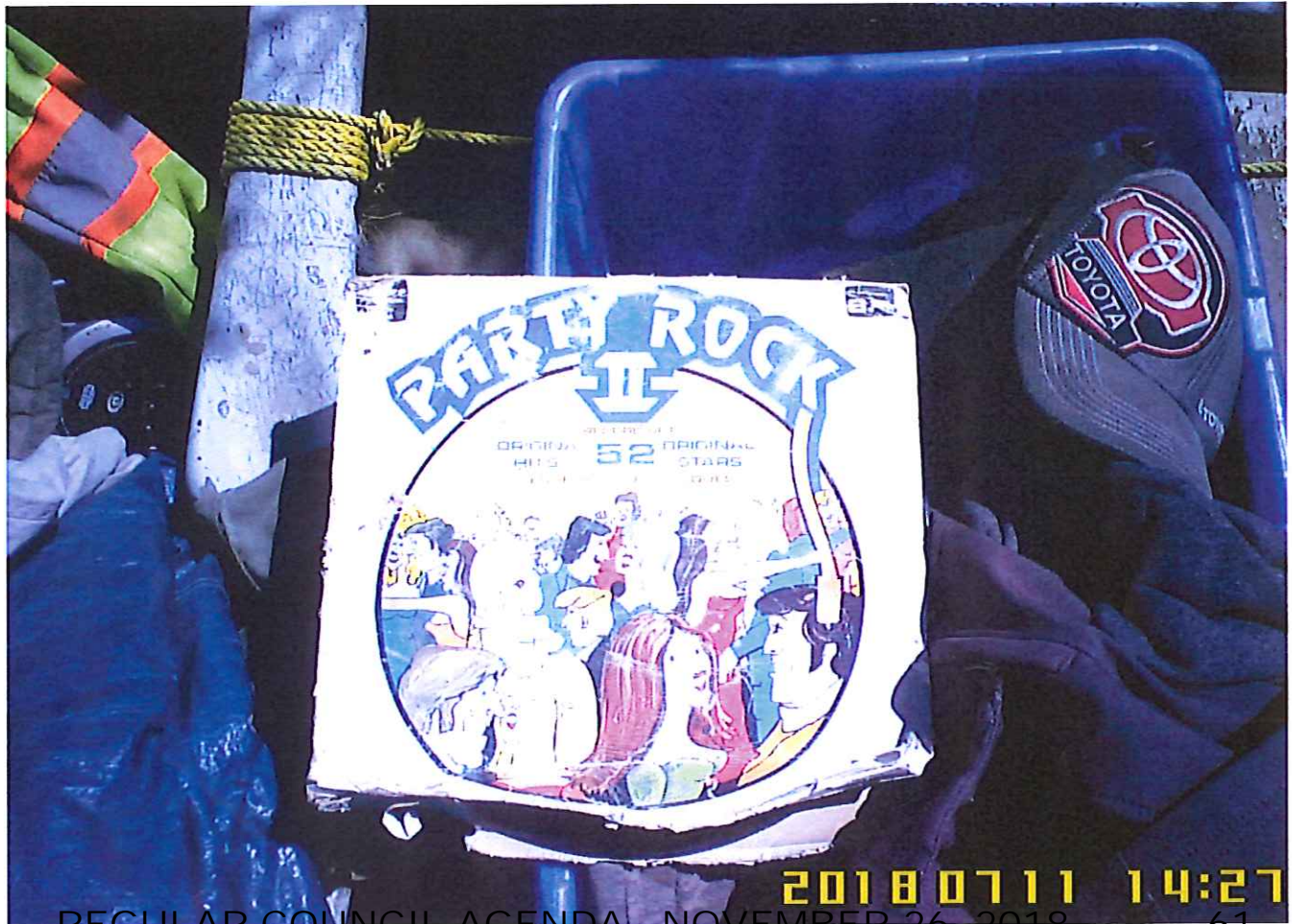
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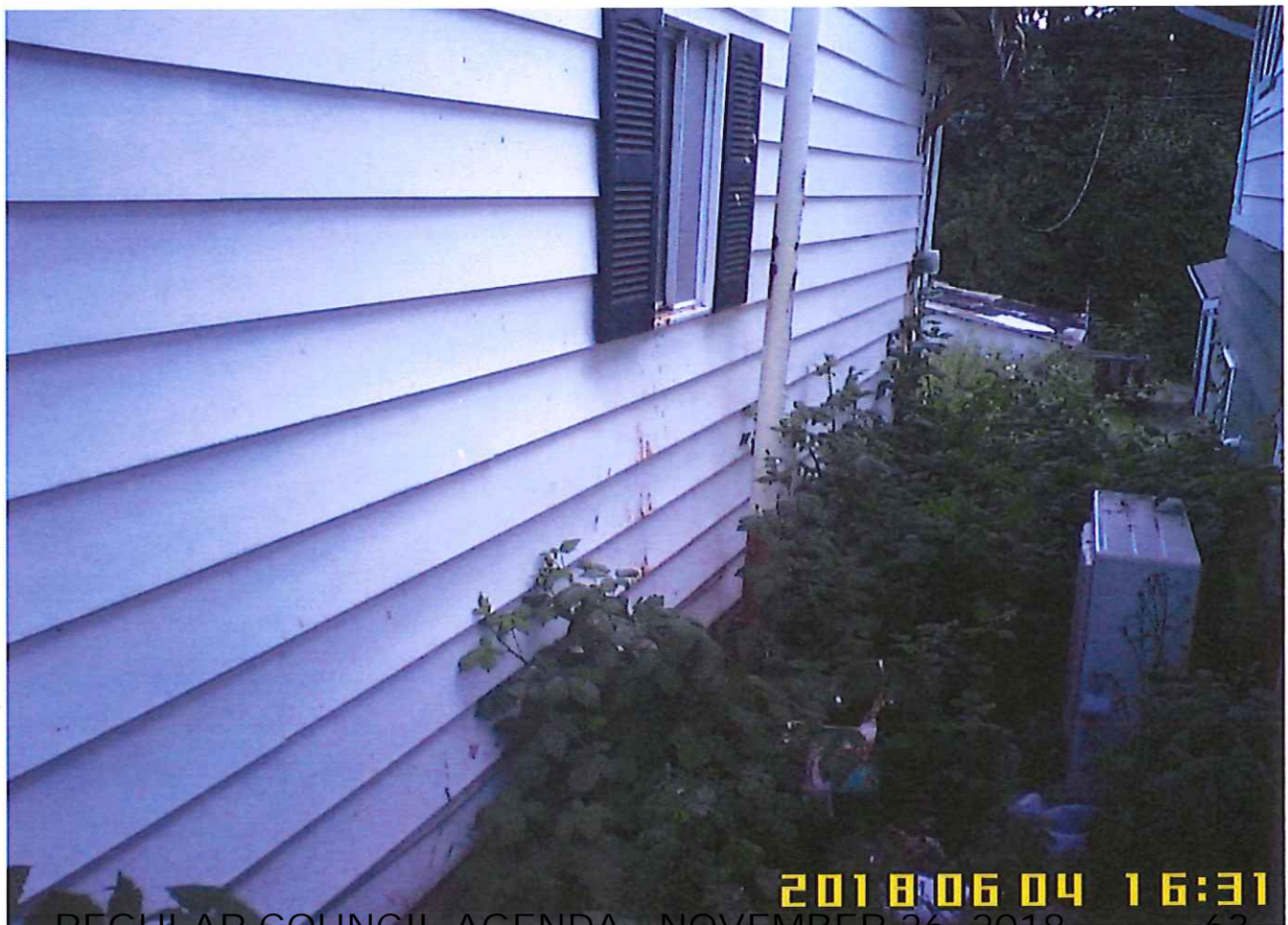
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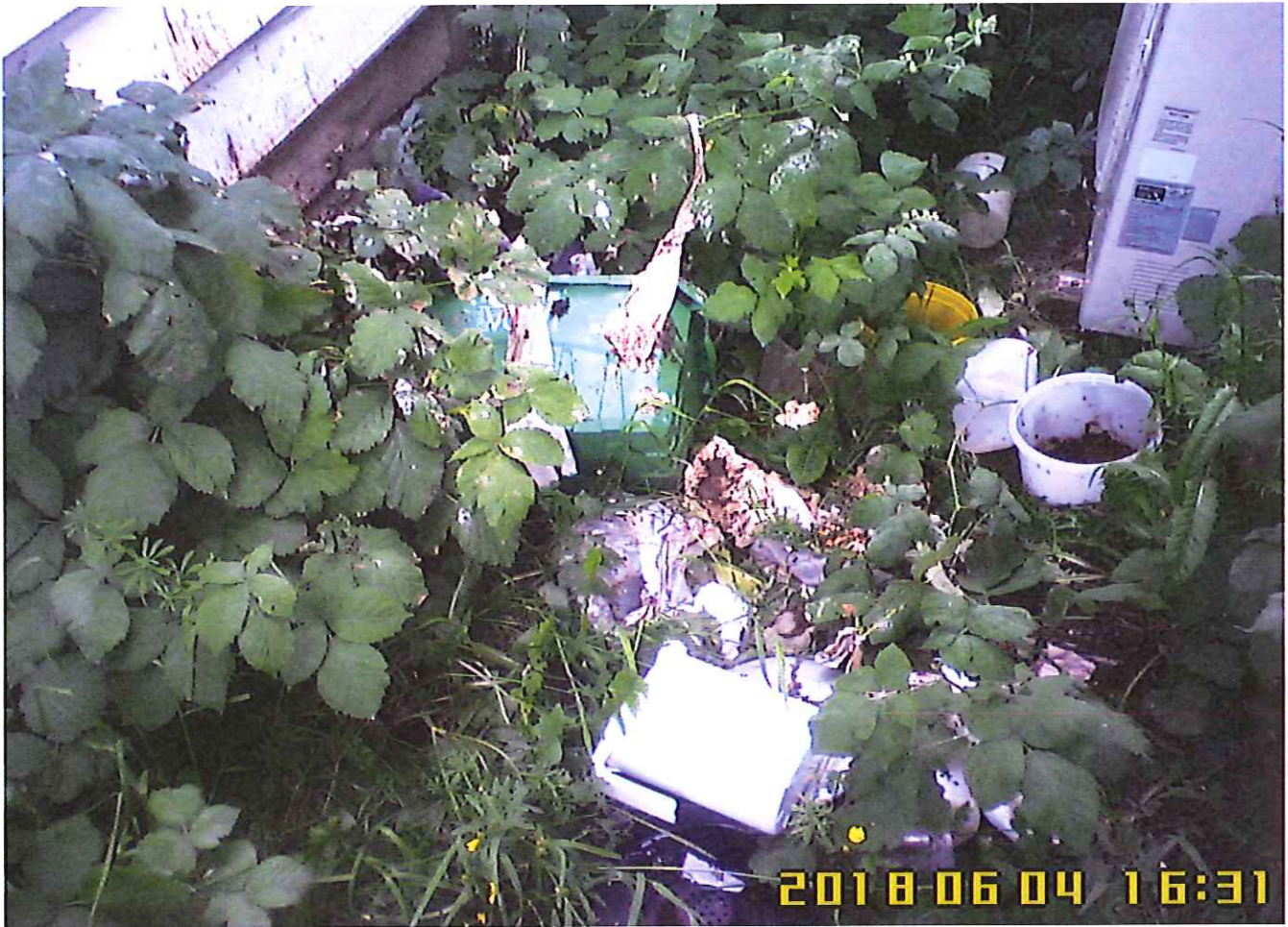
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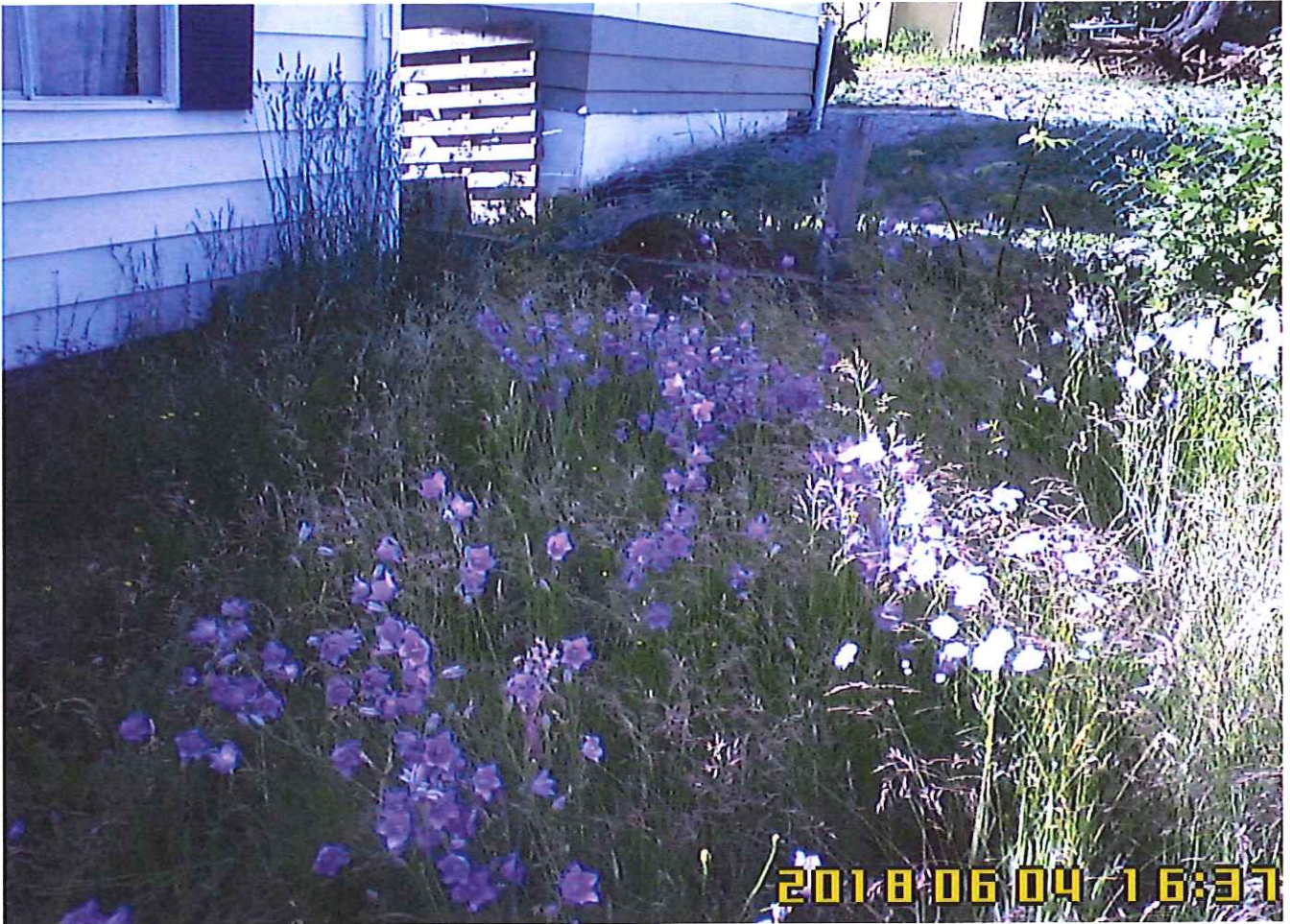


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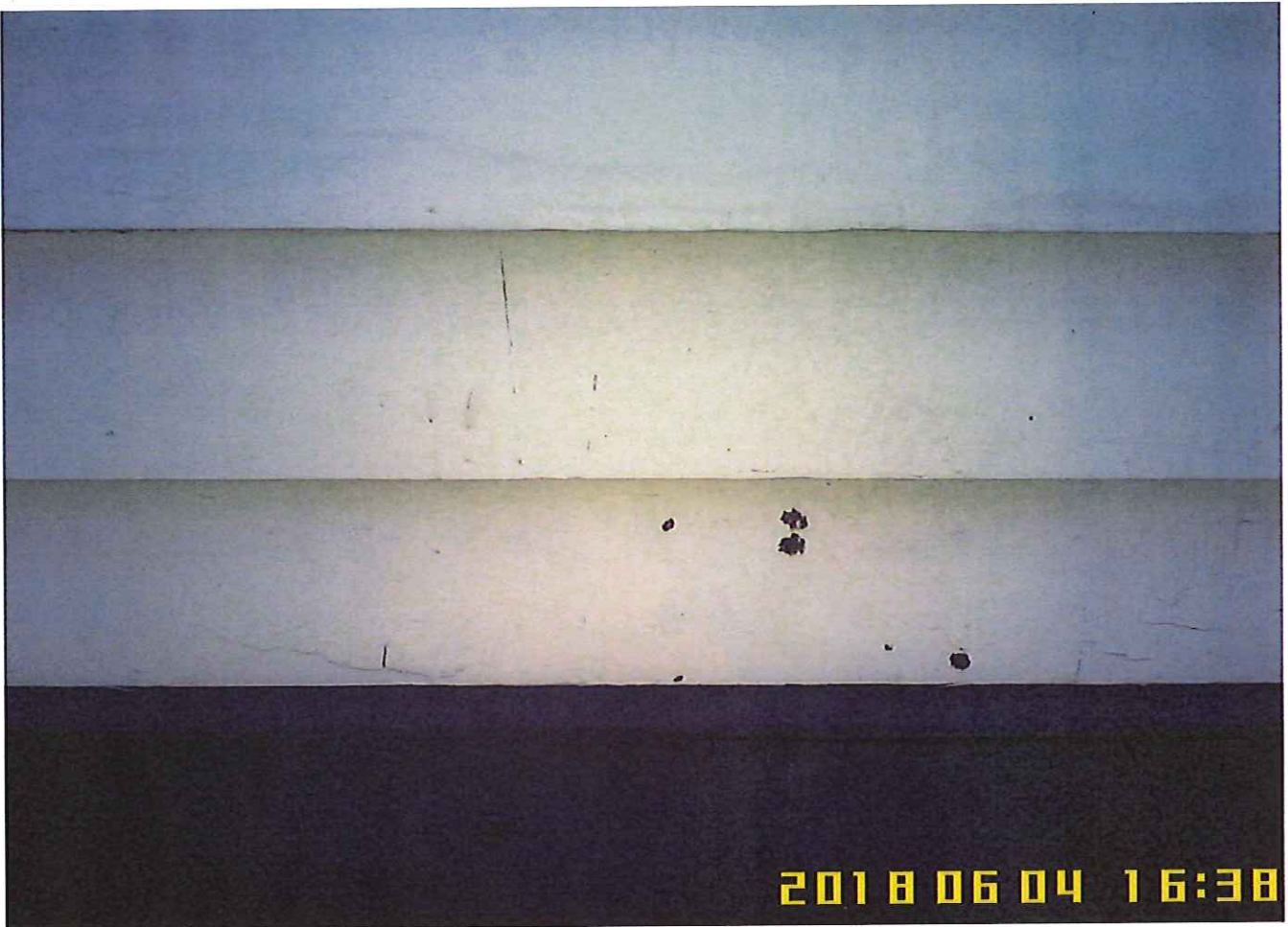


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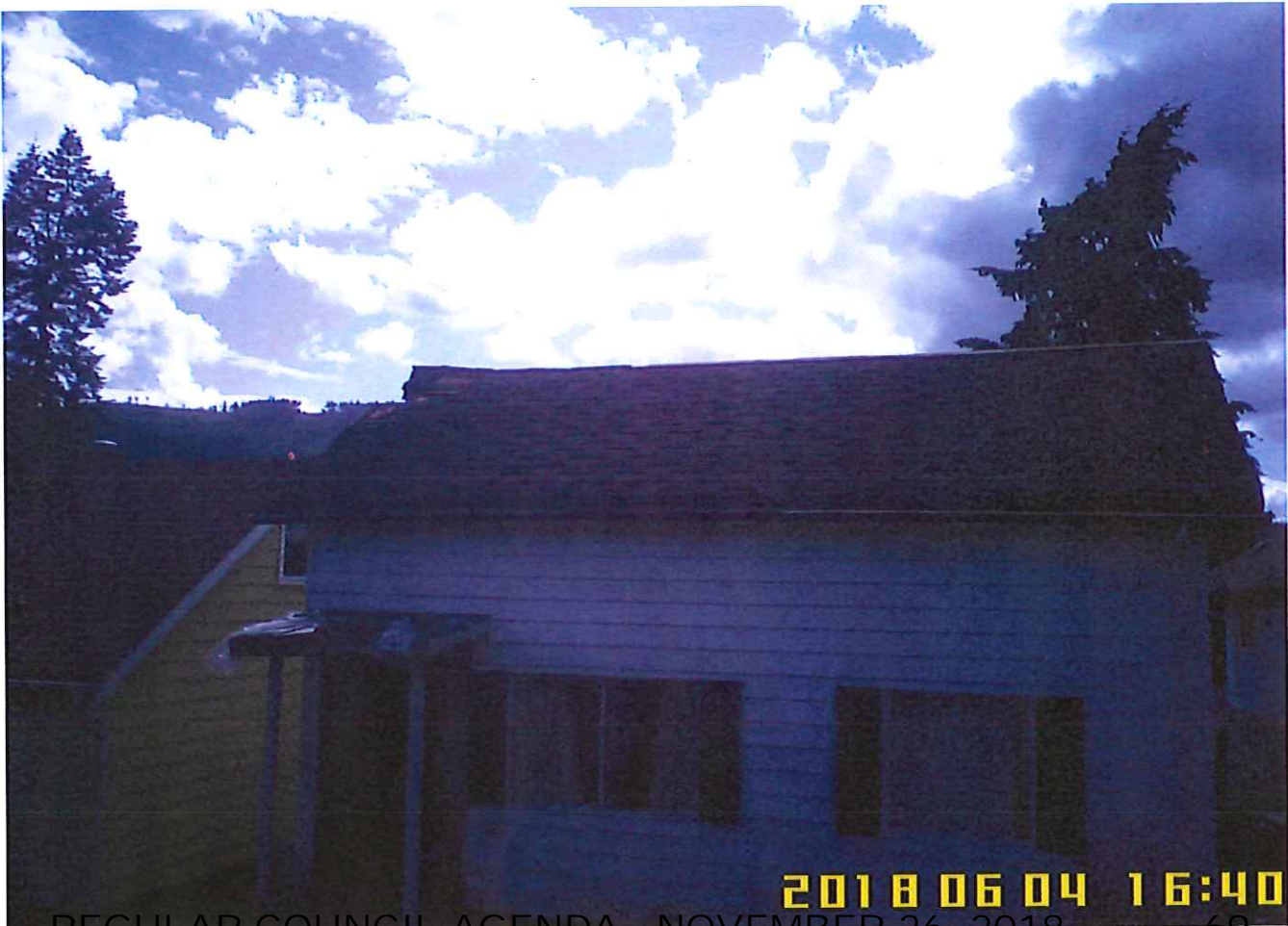






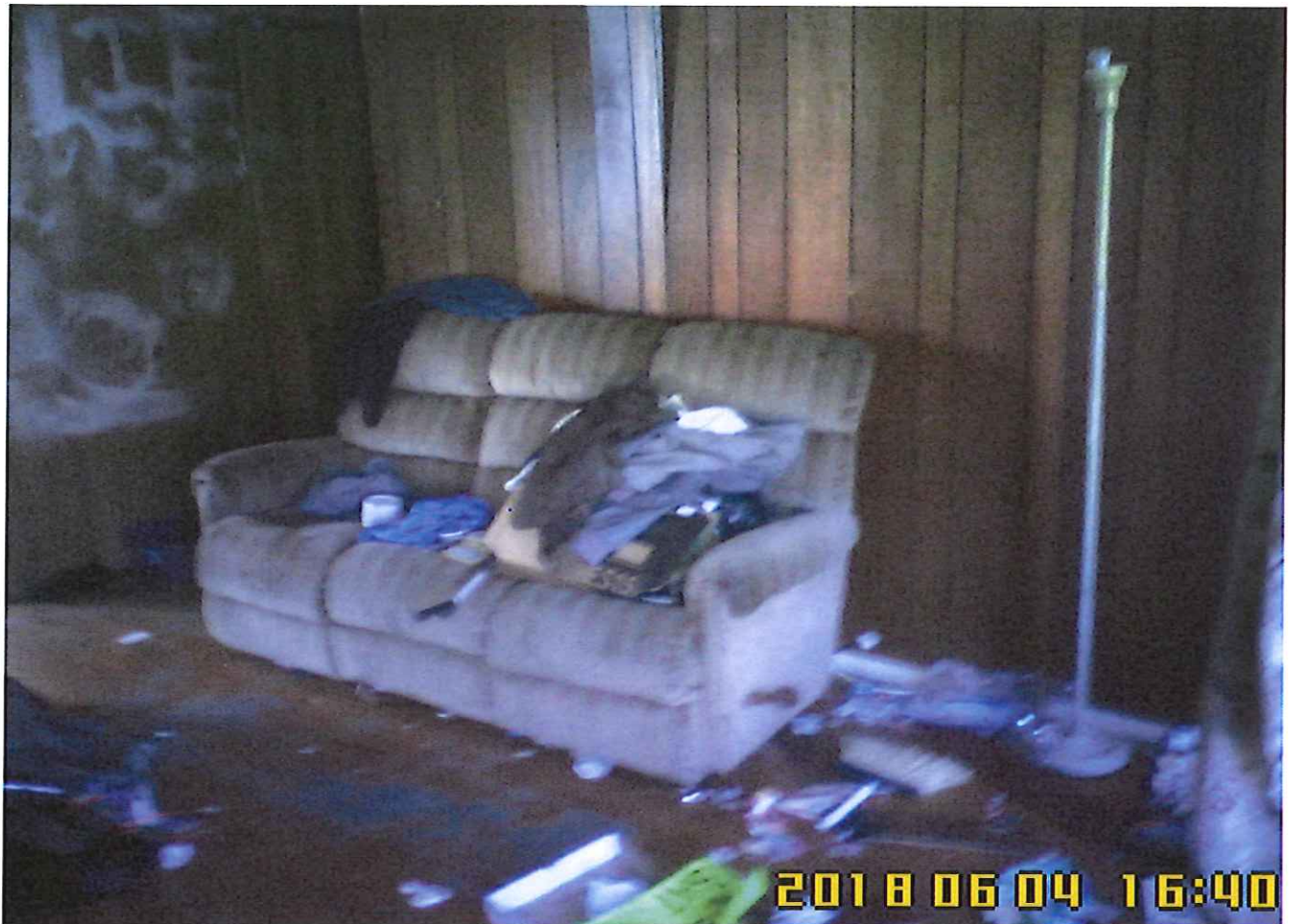


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FOR SALE
CLEM REMILLARD
250-616-6799
ROYAL LEPAGE
REALTY INC.





































LANDLORD: City of Port Alberni
4850 Argyle Street
Port Alberni, B.C. V9Y 1V8

TENANT: Bob & Vicky Lee
7900 Mountain Ranch Rd.
Port Alberni, BC V9Y 8M4

1.0 GRANT:

- 1.1 The Landlord leases to the tenant the following property, ("the premises"):

#17 – 5440 Argyle Street

2.0 TERM:

- 2.1 The term of this lease is:

Beginning Date: June 1, 2018
End Date: May 31, 2020

- 2.2 If the Tenant is not in default, the tenant may renew this lease for a further 2 years, provided that this option must be exercised at least one month before the end of the term by notice in writing to the Landlord.

3.0 RENT:

- 3.1 The annual rent is \$17.43 per sq. ft X 123.48 sq. ft. This is \$179.37 per month, plus applicable taxes, payable in advance on the first day of each and every month of the term. (It is understood that the rent includes an amount for taxes, the payment of which shall be made by the City, from this rental amount).
- 3.2 The rent shall increase on January 1st of each year at a rate equal to the percentage increase in the B.C. Consumer Price Index for all items for the twelve (12) month period running to October 1st of the preceding year.

4.0 PERMITTED USES:

- 4.1 The Tenant may use the premises only for the purpose of farm goods and retail sales.

ENTERED

5.0 TENANT'S COVENANTS:

The Tenant covenants as follows:

- 5.1 To pay rent.
- 5.2 To use the premises only for the purposes set forth in paragraph 4.1.
- 5.3 To pay all water, electrical, gas, security alarm, telephone and other rates and charges imposed for services and utilities in respect of the premises.
- 5.4 To observe and comply with all laws, statutes, regulations, by-laws, rules and orders relating to the premises and the use or occupation thereof.
- 5.5 To indemnify and save harmless the Landlord from and against all claims and losses arising out of or in connection with any activities of the tenant, its servants, agents, contractors, or invitees.
- 5.6 The Tenant shall obtain and maintain for the Term, at its sole expense, comprehensive general liability insurance providing coverage for death, bodily injury, property loss and damage arising out of the Tenant's use and occupation of the Premises, in the amount of not less than \$2,000,000 per occurrence, all inclusive; and

Each insurance policy shall:

- (a) name the Landlord as an additional insured;
 - (b) be issued by an insurance company entitled under provincial law to carry on business in British Columbia;
 - (c) state that the policy;
 - (i) applies to each insured in the same manner and to the same extent as if a separate policy of insurance had been issued to each insured; and,
 - (ii) cannot be cancelled, lapsed or materially changed without thirty (30) days written notice to the Landlord;
 - (d) be maintained for a period ending twelve months after this Lease is terminated;
 - (e) not include any deductible amount greater than \$5,000.00 per occurrence; and
 - (f) be on other terms acceptable to the Landlord, acting reasonably.
- 5.7 To obtain the Landlord's approval of, and to keep up, any exterior signs, fences, furnishings and leasehold improvements.
 - 5.8 To leave the premises in good repair.

- 5.9 Not to assign, sublet or part with possession of the premises, or any part thereof, without leave.
- 5.10 Not to register this lease in the Land Titles Office.
- 5.11 To repair.
- 5.12 Not to carry on any activity, that may be deemed a nuisance, on the premises.
- 5.13 Not to allow any liens to be filed against the premises. If any improvement as defined in the Builders Lien Act is made to the premises, the Tenant shall post and maintain notices in accordance with that Act.
- 5.14 To lawfully dispose of all waste and debris created by the Tenant on the premises in a manner satisfactory to the Landlord; to keep the premises free of flammable and/or explosive material; to have on the premises at all times fire extinguisher/s as advised are necessary by the Landlord; and to immediately notify the Landlord of any fire damage or other damage or hazards in the vicinity of the premises.
- 5.15 To open the shop for retail sales a minimum of two or three days per week.

6.0 LANDLORD'S COVENANTS:

The Landlord covenants:

- 6.1 For quiet enjoyment.

7.0 RE-ENTRY:

- 7.1 Proviso for re-entry by the Landlord on non-payment of rent or non-performance of covenants.

8.0 TENANT'S BANKRUPTCY:

- 8.1 If the Tenant becomes bankrupt, this lease shall be terminated immediately.

9.0 TERMINATION:

- 9.1 Despite the term of this lease, it may be terminated by either party upon thirty (30) days written notice to the other party of its intention to terminate.
- 9.2 On the termination of this lease, the Tenant shall, at his expense and if the Landlord requires, remove all fixtures and improvements installed by the Tenant on the premises.
- 9.3 In case the premises, or any part thereof, is damaged by fire or tempest so as to render it unfit for the Tenant's use, the said term shall immediately come to an end.

10.0 HOLDING OVER:

10.1 If the Tenant continues to occupy the premises after the end date of the term and the Landlord accepts rent, then the tenancy created shall be deemed to be on a month-to-month basis and the Tenant shall continue to comply with all other terms and conditions of this agreement.

11.0 NOTICES:

11.1 All notices shall be in writing and are deemed duly given if delivered by hand or facsimile or mailed by registered mail postage prepaid addressed to the party concerned at the addresses set out in this lease or to another address a party may designate in writing. Any notice is deemed give and received, if delivered by hand or by facsimile, on the day delivered, and if mailed, when it should have been received in the ordinary course of post.

12.0 ENUREMENT:

12.1 This lease enures to the benefit of and is binding on the respective successors and permitted assignees of the parties.

13.0 INTERPRETATION:

13.1 The singular includes the plural and vice versa; the masculine includes the feminine and vice versa. The headings are inserted for convenience of reference only and do not affect the construction or interpretation of this lease.

14.0 INTEREST CHARGES:

14.1 The Tenant shall pay the Landlord interest at a rate of 2% monthly on any overdue rent or amounts payable under this lease.

15.0 OTHER TERMS:

15.1 The Tenant and his staff shall park only in areas approved or designated by the Landlord.

IN WITNESS WHEREOF the parties herein have signed this lease as of the effective date.

CITY OF PORT ALBERNI

TENANT

The Corporate Seal of the City of Port Alberni
was hereunto affixed in the presence of:

Mayor

VICKI LEE BOB LEE
(Tenant's Name – PRINT)

Clerk

Vicki Lee Bob Lee
(Tenant's Signature)

Witness Signature

J:\Clerks\Agreements & Leases\ALBERNI_HARBOUR_QUAY\Current Leases\AHQ #17_Vicki Lee_2018_sd.doc



CITY OF PORT ALBERNI

ECONOMIC DEVELOPMENT MANAGER REPORT

TO: Tim Pley, CAO
FROM: Pat Deakin, Economic Development Manager
COPIES TO: Davina Hartwell, City Clerk
DATE: For presentation at the November 26, 2018 Council Meeting

SUBJECT: CRUISE SHIP ATTRACTION EFFORTS
FOR INFORMATION ONLY; NO DECISION REQUIRED AT THIS POINT

Issue:

Financial and human resources are being invested in an effort to ensure the community has done all it can to impress Holland America Line (and other observing cruise ship companies) with the three scheduled cruise calls in 2019 so that they will commit to visits in 2020 and beyond. This is a report for information only; no decisions are required at this point. .

Discussion:

In our recent visit with Holland America Line and the Holland America Group, we learned the three cruise ship visits planned for 2019 are a market test for a new 'Expedition Venture' cruise product segment. This segment is using smaller vessels and is targeted at a younger and more active demographic of passengers. They believe Port Alberni is a good fit for this test market for them because of the 'fjord-like' passage into the community and the perception that we are a good area for a variety of outdoor recreation activities. We also learned that a sister company, Seabourn Cruise Line, is actively testing the Expedition Venture segment elsewhere and that 32 smaller vessels designed specifically for this segment are currently under construction for various cruise companies also targeting this new cruise product offering.

Accordingly, the Port Alberni Port Authority and the City of Port Alberni are partnering to ensure the 'Expedition Venture' segment visits planned for 2019 are so well-received that Holland America and others will see the merit in sending cruise ships here in 2020 and beyond.

The efforts will likely represent a total investment of ~\$60,000 cost shared by a few partners as follows:

- Community Cruise Ship Readiness Training: \$15,000
 - Offered by Aquila, a company specializing in community cruise ship readiness
 - Viewed by Holland America as an indication of our commitment to the industry
 - Cost shared by PAPA, CPA and Alberni Valley Tourism

- Port Alberni Cruise Ship Committee: \$10,000
 - Steered by Alberni Valley Chamber of Commerce
 - Funds requested by Chamber to ensure effort is well-resourced

- Tentatively to be cost shared by PAPA and CPA
- Commitment of City staff and infrastructure during cruise ship visits (estimated) \$5,000
- Completion of a video (estimated \$2,000)
 - demonstrating 'Zodiac' and kayak touring opportunities in the harbour, estuary and Somass River
 - cost shared by PAPA and CPA
- Presentations at Seatrade Conference \$13,000
 - Recommended by Holland America
 - Cost shared by PAPA, CPA and possibly another partner
- Partial makeover of Harbour Quay (guesstimated at \$15,000)
 - Will rejuvenate the Quay for the benefit of other visitors and residents as well

Conclusion:

The City through its economic development function (primarily) will likely invest \$25,000 to \$30,000 in the effort to ensure the 2019 cruise ship visits are really well-received; attract the Expedition Venture segment of cruise ships in 2020 and beyond; and give Harbour Quay a partial makeover.

The guesstimate for the partial makeover of Harbour Quay does not include the costs or redoing the Clocktower with the Tseshaht First Nation.

The Port Alberni Port Authority will likely invest a similar amount in this initiative (minus the Harbour Quay makeover).

This is a report for information only; no decision is required of Council at this time.



Pat Deakin
Economic Development Manager

Regular Meeting of Council
November 26, 2018
Staff Report → Parks, Recreation and Heritage

Capital Projects

In Progress

I concur, forward to next Regular Council Meeting for Consideration:



Tim Pley, CAO

Project	Note	Expected Completion Date
Bob Dailey Irrigation		Dec. 15
Harbour Quay → Playground Windbreak		Dec. 1
Mill Stone Park		Dec. 15
Trail Development → Roger Creek	To complete after winter weather	Spring 2019
Gyro Youth Centre → Upstairs upgrades	Washrooms complete, doors widened, flooring and paint to complete	Dec. 15
Canal Beach → Pier Pilings Assessment		Dec. 15
Bob Dailey Stadium → Support Post Assessment		Dec. 15

Complete

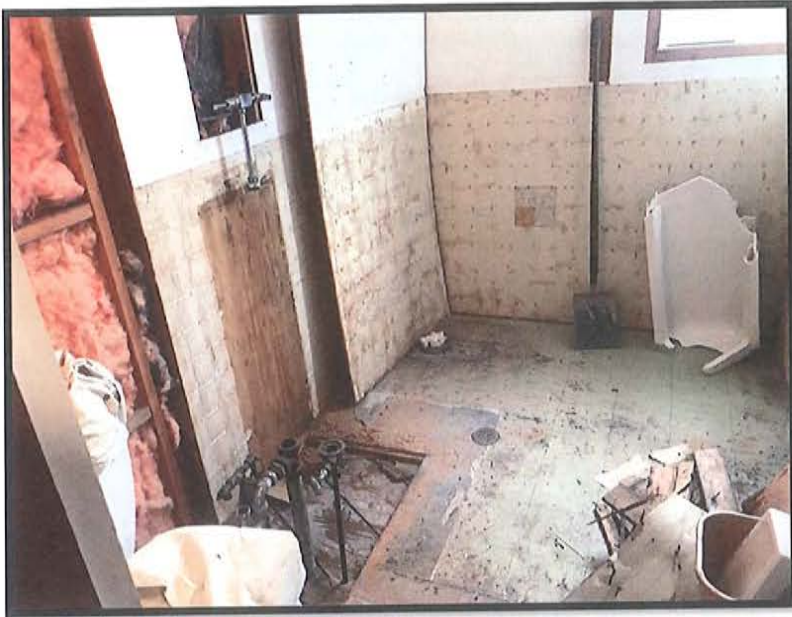
Project
Aquatic Centre → Water Bottle Filling Station
Blair Park → Playground Surface
Blair Park → Spray Park Surface/Drainage
City Hall → Elevator
City Hall → Flooring
Gyro Youth Centre → Accessibility Ramp
Gyro Youth Centre → Perimeter Drains & Walkway
Harbour Quay → Playground Surface
Recreation Park Revitalization → Phase 2



Gyro Accessibility Ramp – before and after

ENTERED

F 6 (a)



Gyro Washrooms – before and after

Programs

- Halloween events were very successful:
 - The Aquatic Centre had approximately 100 swimmers in costume.
 - The Multiplex had 80-100 guests, about 3 times as busy as last year and there were many more costumes



Trick-or-treaters keeping a close eye on Dr. Tremblay



Serious staff shenanigans

- Participation in fitness programs continues to be strong. Using the Multiplex for fitness programs is working out very well. There are currently three programs being offered in the Upper Lounge and all are doing great. We expect to see increased participation in these drop-in sessions now that the weather has changed.
- A new skating lesson format will be introduced at the Multiplex in January. Staff participated in skating lesson instruction training in June and have incorporated the recommendations into our new levels. In previous years, 6 levels have been offered for both preschool and school age children and the three most advanced levels for both groups were continuously cancelled because of lack of registration. Adjusting the lesson content will introduce logical progressions that should keep participants interested and challenged longer.

Alberni Valley Museum

- The AV Museum’s Alberni Film Fest fall series of three films has been well attended with the last film screening on November 18th.
- Two Chapters of Beta Sigma Phi each held their meetings in the museum and received tours of the Dressing Alberni exhibit. These chapters reaffirmed their commitment to the Beta Sigma Phi Legacy Fund established to sponsor the museum school programs.
- The Museum hosted the Jane Austen Society with an Afternoon Tea and tour of the Dressing Alberni exhibit members from Island communities attended.
- The Museum hosted the Book Launch for Kris Patterson as he unveiled his fourth and last book in the This is Then series – the museum is the only venue selling the book.
- Dressing Alberni exhibit is well attended and the textiles will be changed out mid - November and one of the features will be some of the sports uniforms.
- Museum staff and our intern have been working through the gallery exhibits updating the catalogues adding items to the cases – rearranging and re shooting everything to digitize the catalogue records it’s a big project and Aneil Richardson our Intern has done a marvellous job so far. We have month left on his internship.
- A successful Halloween themed Dad’s night out was held in the museum.
- Museum was successful in its grant application to the Museum Assistance Program for funding for the Franklin Exhibit. We will receive \$15,000.00 to assist with the travel and presentation of the exhibit in Port Alberni. Staff is working on other sponsorship and a programming plan for this exhibit.



Kris Patterson’s Book Launch: “This is Then”



Jane Austen Society Tea

Western Vancouver Island Industrial Heritage Society

- Have installed new LED lighting in the Industrial Heritage Centre
- Agreement of IHC/City has expired and meetings with City CAO are in the works
- Hosted a successful Dad's Night Out and a Beaver group
- #7 Boiler teardown proceeding safely with volunteer boilermakers and IHS members. All boiler tubes now removed and descaling of boiler underway. Water tank and insulation removed with additional items being reviewed during this major rebuild. Anticipate another 2 weeks to complete all work and tests (mag tube sheets, check shell thickness etc. Budget for teardown costs is estimated at \$7 to 8,000. Budget for new materials and installation equipment and labour has started but will remain incomplete until teardown, testing, inspections and reports are complete.
- JJ Logging large pedestal mounted logging block has been cleaned up and painted and now on display outside the Heritage Centre front door on 9th Ave.

Port Alberni Maritime Heritage Society

- The Centre held a very successful Haunted Maze and Family Halloween Program.
- The Society is looking into the long term loan of a collection of diving equipment from the Working History of Diving Group. Bryce Casavant presented an option for a Living History exhibit for the Maritime Centre.
- The Society has agreed to collect the ship Pelican/Nahanni a WW2 crash rescue boat. The hope is to have it in place by the end of November.
- Exploring the updating of the security systems at the Centre.



CITY OF PORT ALBERNI

STAFF REPORT

TO: Tim Pley, CAO
FROM: Rosalyn Macauley, Deputy Director of Finance

COPIES TO: Mayor and Council
Davina Hartwell, City Clerk
Cathy Rothwell, Director of Finance
Wilf Taekema, Director of Engineering &
Public Works
DATE: Nov 21st, 2018

I concur, forward to next Regular Council Meeting for Consideration:


Tim Pley, CAO

ATTACHMENT: Cemetery Rates Comparison Matrix

SUBJECT: New Cemetery Management Bylaw- Background on the Cemetery Care Fund

Issue:

To provide further clarification on the Greenwood Cemetery Care Fund and proposed charge rates.

Background:

At the November 13th meeting of Council a revised Cemetery Management Bylaw was presented for Council's consideration. The revised bylaw was received by Council, and three readings of the bylaw were passed. At the November 26th meeting of Council final adoption of the revised bylaw will be considered.

Consumer Protection BC regulates Cemetery operations in the province. A Cremation, Interment and Funeral Service Act (CIFSA) provides regulation on how cemeteries are to operate. Many of the regulations in the Cemetery Bylaw are legal requirements from the CIFSA act.

One of those legal requirements for managing a Cemetery includes making sure there are long term funds available to ensure the Cemetery is well maintained in perpetuity. The City of Port Alberni is required to deposit 33% of all proceeds from cemetery services into an irrevocable trust fund known as the "Care Fund Trust". Only the interest income earned by investing the trust fund's money can be used to maintain the Cemetery year over year. The monies contributed to the care fund cannot be expended. The sole purpose of the fund is to generate interest income to fund Care and Maintenance of the Cemetery.

As of October 31st, 2018 the total funds within the Cemetery Trust are \$160,281 which is currently invested in a GIC at an interest rate of 1.75% generating an average interest income of \$2,300 per year. The figure below is a 5 year comparison of revenues and expenses for cemetery services and maintenance costs. All services provided show a loss year over year due to misalignment of service fees versus the actual cost to provide the services.

ENTERED

It would take a significant increase to Care Fund contributions and to market interest rates to generate enough Interest Income to offset maintenance expenses. However, increasing our tariffs and fees to align revenues with expenses would significantly reduce the overages funded by general revenues. To provide further clarity on proposed rates, please see the attached cemetery rate comparison which looks at rates from comparable municipalities and the Albern Valley Memorial Park, a local privately owned cemetery.

Cemetery Revenue & Expense Analysis						
	2018 as of September	2017	2016	2015	2014	Comments
Marker Installations:						
Revenue	\$ 5,750.00	\$ 8,783.00	\$ 6,895.00	\$ 5,025.00	\$ 5,195.00	Should be self sustaining
Expenses	\$ 15,436.64	\$ 21,697.94	\$ 17,292.38	\$ 14,007.00	\$ 15,584.00	Increase revenues to offset installation expenses
Gain/(Loss)	\$ (9,686.64)	\$ (12,914.94)	\$ (10,397.38)	\$ (8,982.00)	\$ (10,389.00)	
Interment:						
Revenue	\$ 23,307.00	\$ 35,091.01	\$ 23,112.63	\$ 15,090.00	\$ 20,990.00	Should be self sustaining
Expenses	\$ 27,455.22	\$ 39,800.23	\$ 44,275.48	\$ 19,771.00	\$ 29,155.00	Increase to going rates - any excess funds would be used to offset Maintenance
Gain/(Loss)	\$ (4,148.22)	\$ (4,709.22)	\$ (21,162.85)	\$ (4,681.00)	\$ (8,165.00)	
Plot Sales:						
Revenue	\$ 11,844.50	\$ 15,621.00	\$ 7,908.50	\$ 11,155.00	\$ 9,546.00	City Revenue -Should not fund maintenance and care should go to Cemetery improvements
Maintenance Expense :						
CareFund-Interest (Est 2018)	\$ 2,180.53	\$ 2,135.13	\$ 2,412.35	\$ 2,695.00	\$ 2,364.00	Care Fund interest should be used to offset costs of maintenance & care of Cemetery
Maintenance Expenses	\$ 10,179.48	\$ 12,533.62	\$ 15,982.43	\$ 12,837.00	\$ 22,385.00	
Gain/(Loss)	\$ (7,998.95)	\$ (10,398.49)	\$ (13,570.08)	\$ (10,142.00)	\$ (20,021.00)	
overall loss for year	\$ (9,989.31)	\$ (12,401.65)	\$ (37,221.81)	\$ (12,650.00)	\$ (29,029.00)	General Revenue funds this loss (property taxes)

Respectfully submitted,

Rosalyn Macauley
Deputy Director of Finance

Cemetery Rates Comparison:

	Greenwood Cemetery Port Alberni						Other Cemeteries								
	Existing			Proposed			AV Memorial Park		Qualicum		Courtenay		North Cowichan		Campbell River
Cemetery Space (Resident)	Tariff	Care Fund	Total	Tariff	Care Fund	Total	Tariff (private)	Tariff	Carefund	Tariff	Carefund	Tariff	Carefund	Tariff	Carefund
Adult	\$ 546.00	\$ 182.00	\$ 728.00	\$ 628.00	\$ 210.00	\$ 838.00	\$ 1,295.00	\$ 825.00	\$ 210.00	\$ 549.00	\$ 183.00	\$ 1,010.25	\$ 336.75	\$ 686.00	\$ 342.00
Child	\$ 378.00	\$ 126.00	\$ 504.00	stays same			n/a	n/a		\$ 225.00	\$ 75.00	\$ 358.50	\$ 119.50	\$ 418.00	\$ 209.00
Infant	\$ 252.00	\$ 84.00	\$ 336.00	stays same			n/a	n/a		\$ 131.25	\$ 43.75	n/a		\$ 209.00	\$ 105.00
Cremated	\$ 252.00	\$ 84.00	\$ 336.00	\$ 290.00	\$ 97.00	\$ 387.00	\$ 845.00	\$ 350.00	\$ 90.00	\$ 225.00	\$ 75.00	\$ 322.50	\$ 107.50	\$ 209.00	\$ 105.00
Columbarium Niche							\$3080 or \$2145	\$ 1,300.00	\$ 325.00	\$ 900.00	\$ 100.00	\$ 1,250.10	\$ 138.90		
Columbarium Niche - Bottom Row										\$ 720.00	\$ 80.00	\$ 1,098.90	\$ 122.10		
Cemetery Space (Non-Resident)															
Adult	\$ 819.00	\$ 273.00	\$ 1,092.00	\$ 1,023.75	\$ 341.25	\$ 1,365.00	\$ 1,295.00	\$ 1,525.00	\$ 385.00	\$ 855.00	\$ 285.00	\$ 2,217.12	\$ 758.88	\$ 860.00	\$ 432.00
Child	\$ 567.00	\$ 189.00	\$ 756.00	stays same			n/a	n/a		\$ 315.00	\$ 105.00	\$ 708.75	\$ 236.25	\$ 530.00	\$ 266.00
Infant	\$ 378.00	\$ 126.00	\$ 504.00	stays same			n/a	n/a		\$ 246.00	\$ 82.00	n/a		\$ 276.00	\$ 138.00
Cremated	\$ 378.00	\$ 126.00	\$ 504.00	\$ 472.50	\$ 157.50	\$ 630.00	\$ 845.00	\$ 625.00	\$ 160.00	\$ 315.00	\$ 105.00	\$ 732.00	\$ 244.00	\$ 276.00	\$ 138.00
Columbarium Niche								\$ 1,850.00	\$ 465.00	\$ 1,620.00	\$ 180.00	\$ 2,496.60	\$ 277.40		
Columbarium Niche - Bottom Row										\$ 1,440.00	\$ 160.00	\$ 1,818.75	\$ 606.25		
Cemetery Services:															
Open & Close of Grave for Burial															
Adult (add Grave Liner Cost)	\$ 880.00	\$ -	\$ 880.00	\$ 1,350.00		\$ 1,350.00	\$ 845.00	\$ 725.00		\$ 1,215.00		\$ 1,527.00	\$ -	\$ 1,123.00	
Grave Liner Cost	\$ 212.50	\$ -	\$ 212.50	\$ 335.00	cost	\$ 335.00	\$ 155.00	\$ 400.00		n/a		\$ 721.00	\$ -	\$ 393.00	
Memorial Installations:															
Bronze(all sizes)	\$ 182.00	\$ 50.00	\$ 232.00	\$ 232.00	\$ 50.00	\$ 282.00	\$ 375.00	\$ 150.00	\$ 40.00	\$ 150.00	\$ 10.00	\$ 362.00	\$ 25.00	\$ 169.00	\$ 85.00
Add: installed in concrete	\$ 100.00	\$ -	\$ 100.00	\$ 175.00		\$ 175.00	\$ 275.00					308 Single/366 Double			
Granite (all sizes)	\$ 117.00	\$ 50.00	\$ 167.00	\$ 200.00	\$ 50.00	\$ 250.00	\$ 375.00	\$ 150.00	\$ 40.00	\$ 150.00	\$ 10.00	\$ 362.00	\$ 25.00	\$ 169.00	\$ 85.00
Add: installed in concrete	\$ 100.00	\$ -	\$ 100.00	\$ 150.00		\$ 150.00	\$ 275.00					308 Single/366 Double			
Rem. & Repl. Memorial for engraving	\$ 162.50	\$ -	\$ 162.50	\$ 170.00		\$ 170.00	\$ 345.00			\$ 40.00	\$ 10.00	n/a			
Add: reinstall in concrete	\$ 100.00	\$ -	\$ 100.00	\$ 150.00		\$ 150.00	\$ 275.00								
Columbarium Niche Marker								\$ 265.00	\$ 40.00			\$ 405.00	\$ 25.00		

CITY OF PORT ALBERNI

BYLAW No. 4976

A BYLAW TO PROVIDE FOR THE REGULATION, OPERATION, AND MAINTENANCE OF GREENWOOD CEMETERY

WHEREAS pursuant to the *Community Charter* Council may, by bylaw, among other powers, regulate, maintain and operate cemeteries and establish the fees, terms and conditions under which persons may acquire the right to make use of areas or lots in a municipal cemetery, subject to the *Cremation, Interment and Funeral Services Act*;

AND WHEREAS the *Cremation, Interment and Funeral Services Act*, provides that every operator of a cemetery must make bylaws, including bylaws respecting the administration and operation of the cemetery, the rights, privileges and responsibilities of the operator, rates and charges and sizes, class and kind of memorials;

AND WHEREAS the City of Port Alberni, which owns and operates a cemetery, has established itself as a Board of Cemetery Trustees in accordance with the *Cremation, Interment and Funeral Services Act, Section 37 (2) (b)*;

AND WHEREAS the Council of the City of Port Alberni wishes to delegate to the Director of Engineering & Public Works certain specific administrative powers of the Council relating to the operation and management of the cemetery owned by the City of Port Alberni;

NOW THEREFORE, under its statutory powers, including Section 8(f) of the *Community Charter, S.B.C. 2003, c.26*, the Council of the City of Port Alberni in open meeting assembled enacts the following provisions:

1. **Title**

This Bylaw may be cited for all purposes as “**City of Port Alberni Cemetery Management, Bylaw No. 4976**”.

2. **Definitions**

In this Bylaw terms defined in the *Cremation, Interment, and Funeral Services Act* and this Bylaw shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

Administration Fee means fees levied to cover additional administrative costs associated with the issuance of a Transfer or Surrender Licence as prescribed by the City, with respect to a Right of Interment pursuant to Section 5 of this Bylaw.

Administrative Authority means the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act, S.B.C. 2004, C.3*.

Administrator means the Director of Engineering & Public Works, or duly appointed designate.

Applicant means an individual who has made petition to the City for a Right of Interment.

Care Fund means an irrevocable trust fund established, held and administered in accordance with CIFSA for the purpose of financing the future maintenance and care of a Cemetery or Columbarium

Caretaker means the person duly authorized by the Administrator to perform Interments and to care for and maintain the Cemetery.

Cemetery means the "Greenwood Cemetery" at 5360 Josephine Street, being lands described as:

Block 1, District Lot 10, Alberni District, Plan 7429

Block 3, District Lot 10, Alberni District, Plan 938

Block 5, District Lot 10, Alberni District, Plan 938

Block 6, District Lot 10, Alberni District, Plan 938

Graveyard (1 acre) in the south East corner of Block 5, District Lot 10, Alberni District, Plan 938

set apart or used as a place of burial of human remains or cremated remains, together with any incidental or ancillary buildings on the land.

Child means a person one (1) year of age up to and including fourteen (14) years of age.

CIFSA means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Administrative Authority, as may be amended or superseded from time to time and all regulations made thereunder.

City means the City of Port Alberni.

Columbarium means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building or as freestanding sections, niches for the inurnment of cremated remains.

Control of Disposition means the authority to control the disposition of the Human Remains or Cremated Remains in accordance with section 5 of CIFSA.

Council means the Council of the City.

Cremated Remains means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.

Disinterment means the removal of Human Remains along with the casket or container, or any remaining portion of the casket or container holding the Human Remains, from the Lot in which the Human Remains had been interred.

Exhumation means the exposure of interred Human Remains for viewing or for examination, whether in or removed from the Lot in which the Human Remains had been interred.

Family Member means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a Spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

Fees means the schedule of fees as prescribed in Schedule A

Funeral Provider means an individual licensed to arrange, conduct or direct funerals or the transfer or disposition of Human Remains, or to arrange burials.

Grave Liner means a receptacle made of durable material placed around the casket to provide reinforcement to the Lot. A Grave Liner may, or may not, have a bottom and is placed during the burial process.

Holiday means any of the following days, namely New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day or part of a day proclaimed a civic holiday.

Human Remains means a dead human body in any stage of decomposition, but does not include Cremated Remains.

Infant means any person up to the age of one (1) year.

Interment Permit means a permit document as prescribed by the City that authorizes the interment of a deceased person and is issued pursuant to Section 5 of this Bylaw.

Interment Right Holder means a person who holds a Right of Interment.

Interment Authorization means a document completed at time of need as prescribed by the City and subject to Section 5 of this Bylaw, that may include statistical, executor and next of kin information that authorizes Interment of the deceased by the person with Control of Disposition

Lot means a discrete space used, or intended to be used in a Cemetery, for the Interment of Human Remains or Cremated Remains under a Right of Interment and includes a grave, crypt, niche or plot.

Medical Health Officer means the person from time to time having jurisdiction as the Medical Health Officer for the City.

Memorial means a structure installed at the Cemetery to identify and commemorate a deceased person that may, or may not, be interred at the Cemetery. This includes, but is not limited to, markers, tablets, monuments, pillows and plaques.

Memorial Permit means a permit issued by the Administrator, as prescribed by the City and subject to Section 8(b) of this Bylaw.

Non-Resident means any person who is not a Resident as defined.

Resident means any person who has resided or owned property within the City of Port Alberni (limits) for a period of six (6) months immediately preceding the purchase of a Right of Interment.

Right of Interment means a certificate as prescribed by the City, that provides for the future right to inter Human Remains or Cremated Remains in a designated Lot or Columbarium pursuant to Section 5 of this Bylaw

Spouse as defined in CIFSA, means a person who is:

- a) married to another person;
- b) is united to another person by a marriage that, although not a legal marriage, is valid at common law; or
- c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death.

Urn means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

3. Application of Bylaw

- a) This Bylaw applies to the Cemetery, and to the Interment within the Cemetery, of the human deceased, and for its management, operation and preservation and the terms, conditions and fees set out shall apply to every Right of Interment within the Cemetery
- b) The administration of the Cemetery shall be carried out in accordance with CIFSA, regulations pursuant to CIFSA and this Bylaw.
- c) The Council of the City shall continue as the Board of Cemetery Trustees.
- d) Council shall have power to determine from time to time the size and layout of the Lots, the developments and improvements to be carried out and made in and to the Cemetery, subject to compliance with the requirements of CIFSA.

4. Administration of Bylaw

The Administrator is responsible for the general administration of the By-law and will:

- i. maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority under CIFSA;
- ii. issue all Rights of Interment and permits required and authorized by this Bylaw, except as otherwise provided in this By-law; and

5. **Right of Interment**

- a) The City may, subject to payment of Fees, grant to any person a Right of Interment for a vacant, unreserved Lot. A Right of Interment does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.
- b) The issuance of a Right of Interment does not entitle the holder to require the City to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the holder complies in all respects with the provisions of the By-law, including, without limitation, the payment of all Fees related to the Interment.
- c) A Right of Interment for any unused Lots may be transferred to a Family Member at the discretion of the Administrator. The Interment Right Holder or executor must supply this request in writing and the original Interment Right must be surrendered to the City. Fees, payable to the City, associated with an interment right transfer may include:
- i. an Administration Fee;
 - ii. the difference between Fees paid originally and current Fees if there has been a change in residency status; and
 - iii. the difference between Fees paid originally and current Fees if there have been changes in fee rates.
- d) An Interment Right Holder shall either reserve the right to use that Lot for themselves or authorize another person to be interred in the Lot to which the Interment Right refers. An Interment Right Holder may only designate one Lot for their own use.
- e) A Right of Interment may be surrendered to the City at the discretion of the Administrator. A refund, equal to the purchase price less the Care Fund contribution, will be issued to the Interment Right Holder provided:
- i. there are no Interments in the designated Lot;
 - ii. the Interment Right Holder or his executor provides written notice to the City for intent to surrender the right;
 - iii. the original license or Right of Interment is surrendered;
 - iv. an Administration Fee is paid; and
 - v. any Fees associated with the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
- f) The City may, by agreement with a society, church or other organization, and upon payment of the agreed upon fees, reserve a section of a Cemetery to be used exclusively for the interment of deceased members of the society, church or other organization concerned. Upon such an agreement being made, no person shall be interred in the reserved section without the written authorization of the society, church or other organization.
- g) Upon approval of the Administrative Authority a Right of Interment may be reclaimed by the City if:

- i. the Interment Right Holder would be at least 90 years of age;
 - ii. a minimum period of 50 years has elapsed from the date of purchase;
 - iii. a minimum 90 days has passed since notice of intent to reclaim has been sent to the Interment Right Holder; and
 - iv. the City has made diligent attempts to contact the Interment Right Holder.
- h) If a right of interment for a lot is sold in the circumstances described in Section 5 g), and the right of interment is subsequently required for use by the original interment right holder, the Administrator must provide another right of interment of equal or greater value that is acceptable to the original Interment Right Holder or the person who has authority under Section 5 of CIFSA with respect to the deceased interment rights holder.

6. Interments

- a) An Interment shall be made within the Cemetery once the person with Control of Disposition has completed and duly signed an Interment Authorization and having paid all applicable Fees has been issued an Interment Permit.
- b) Only Human Remains, or Cremated Remains of a human body, shall be interred and memorialized in the Cemetery.
- c) Interments:
 - i. shall only be performed within the Cemetery by the Caretaker or a person under the authority of the Caretaker;
 - ii. shall only be conducted in predefined Lots approved by the Administrative Authority and;
 - iii. shall be conducted with all reasonable care and attention.
- d) Application for an Interment Authorization and Interment Permit shall be made at least forty-eight (48) hours before the Interment is to take place. The Administrator may schedule the Interment in a shorter time frame subject to full compliance with all other applicable provisions of this By-law.
- e) The Interment of Cremated Remains is to be completed within 30 days of all Fees being paid.
- f) The bodies of persons who have died having any infectious disease, as defined in the *Health Act R.S.B.C. 1996, C.179*, shall be interred within thirty-six (36) hours after death occurs and the Medical Health Officer shall furnish the Administrator with specific instructions respecting Interment and the safety of all persons who may come into contact with the casket or container bearing the Human Remains in each case. The Administrator shall ensure that the instructions of the Medical Health Officer are carried out in the preparation and placement of the Interment. When an Interment for a person with an infectious disease needs to occur outside regular working hours, authorization is required by the Administrator and the Medical Health Officer's instructions must be carried out.

- g) The following apply to all in-ground Interments:
- i. A Grave Liner is required for each in-ground burial Interment.
 - ii. All Cremated Remains must be interred in a sealed container constructed of permanent, durable material approved by the Administrator.
 - iii. The Administrator may allow for the interment of Cremated Remains in addition to the interment of one (1) Human Remains subject to the terms of sub-section e) of this section provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in CIFSA.
 - iv. The Administrator may allow for the maximum number of interments per grave Lot as follows:
 - a. Adult size grave Lot – four (4) interments of Cremated Remains or one (1) interment of Human Remains and not more than three (3) interments of Cremated Remains;
 - b. Child size grave Lot – three (3) interments of Cremated Remains or one (1) interment of Human Remains and not more than two (2) interments of Cremated Remains;
 - c. Infant size grave Lot – three (3) interments of Cremated Remains or one (1) interment of Human Remains and not more than two (2) interment of Cremated Remains;
 - d. Cremated Remains size grave Lot – one (1) interment of Cremated Remains.
 - e. Columbarium Niche Lot – two (2) interments of Cremated Remains.
 - vi. The approximate size of grave Lots shall be:

Adult – 1.3m x 2.6m (4' x 8')

Infant – 1.3m x 1.3m (4' x 4')

Child – 1.3m x 2m (4' x 6')

Cremated Remains 0.6m x 0.6m (2' x 2')

Columbarium Niche .3m x .3m x .45m (1' x 1' x 1.5')
 - vii. Each full casket interment in the Cemetery shall be made in a grave, which when filled and closed, provides not less than one (1) meter of earth between the upper surface of the Grave Liner and the general ground level around the gravesite.
 - viii. Each in-ground interment of Cremated Remains shall be made in a grave dug to a depth of 0.6 meters, except where the concrete encased container of cremated remains is used as a foundation base for a tablet memorial installed on the grave according to the requirements of Section 36 f).
 - ix. The Administrator must supply permission for the purchase of any Grave Liner from a source other than the City, with permission based on the item's size, design, material and construction. The installation of Grave Liners will be subject to a handling Fee and must be paid in full prior to installation. The Administrator may request that Grave Liners be installed by their supplier, under the supervision of the Caretaker, with the installation being at the Applicant's expense.

- x. Any charges incurred by the Cemetery above and beyond the standard scope of services, in the handling of Grave Liners not supplied by the City will be charged to the Applicant and paid prior to Interment.
- h) Interments shall be performed within the following hours, or at other times approved by the Administrator:
 - i. Interments shall be performed between the hours of 8:00 am and 4:00 pm, Monday to Friday.
 - ii. The Administrator may schedule Saturday, Sunday or Statutory Holiday Interments subject to the payment of additional Fees and availability of the Caretaker.
 - iii. The person with Control of Disposition shall be responsible for any late arrival Fees if the Human Remains or Cremated Remains are delivered to the Cemetery outside of the above prescribed times.

7. Exhumations and Disinterments

- a) Pursuant to Section 16 of the CIFSA a Cemetery must not exhume or disinter Human Remains or Cremated Remains until:
 - i. the Administrator receives a written request to do so from the person who has the Control of Disposition of the remains;
 - ii. approval of the Exhumation by the Administrative Authority is received by the Administrator;
 - iii. the Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when the Human Remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and
 - iv. payment of the prescribed Fee is received, or acceptable payment arrangements have been made with the Administrator.
- b) The City shall exercise all due care and attention in making an Exhumation or Disinterment but is not responsible for damage sustained to any casket, Urn or other container during Exhumation or Disinterment.
- c) The City's responsibility with respect to Exhumation or Disinterment is limited to:
 - i. excavation of sufficient quantities of soil to permit access to the Human or Cremated Remains;
 - ii. removal of intact burial containers; and
 - iii. closure of the Lot.
- d) A person who makes a request for the exhumation or disinterment of Human Remains must ensure that a Funeral Provider is present for the handling of any Human Remains in the existing Lot or any transfer of the remains to the new Lot or location. The Funeral Provider shall be employed at the expense of the Interment Right Holder or their successors.

8. Memorials

- a) Memorials will only be installed, removed or modified in the Cemetery when:
 - i. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator;
 - ii. the applicable contribution is paid to the Care Fund as required in the CIFSA;
 - iii. All outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
 - iv. the deceased person has been interred in the Lot.
- b) All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator. All Memorials shall conform to the approved plan of the Cemetery and its sections, and shall be constructed of stone or bronze. Bronze memorials must be set on a concrete base. All Memorials shall conform to the specifications set out in Sub-section 8.1 d) of this Bylaw.
- c) Installation of Memorials shall occur during regular business hours. Installations will be made as soon as possible after delivery of the Memorial to the City and timelines may vary depending on scheduling issues, weather conditions and ground conditions.
- d) The City shall not be held liable for, or be obliged to repair, any breakage or damage to any Memorial in the Cemetery, except as shall arise as the result of the negligence of the Caretaker.
- e) The Interment Right Holder, or the deceased's descendants, is required to keep in proper repair, at their expense and to the satisfaction of the City, all Memorials upon their Lot. Should any Memorial or Lot adornment erected in the Cemetery fall into a state of disrepair, then the Administrator will document the condition and have the Memorial or Lot adornment removed from the Cemetery, in each case at the expense of the Lot holder or their successors. Interment Right Holders may request that the City make repairs. All costs associated with the repairs will be borne by the Interment Right Holder.

8.1 Ground Interment Memorials

- a) A Memorial in respect of an in-ground Interment, including those for cremation Lots, shall be installed flush with the ground.
- b) A Memorial Permit as prescribed by the City, shall be issued by the Administrator to authorize installation of all ground interment Memorials not supplied by the City.
- c) The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.

- d) Any tablet type Memorial may be installed on a grave Lot in the Cemetery provided the Administrator deems the tablet to be acceptable and conforms to the following:
- i. each bronze memorial tablet shall be attached to a concrete base of not less than 10cm (4") thick, with side surfaces true and perpendicular with the top surface of the attached tablet.
 - ii. each stone tablet shall be not less than 7.5cm (3") thick and shall have its side surfaces true and perpendicular with the top surface.
 - iii. the top surface of memorial tablets and concrete bases for the memorialization of one person shall be no larger than 30cm x 50cm (12" x 20") and no smaller than 20cm x 28 cm (8" x 12") except that where two related persons are buried side by side in adjacent grave Lots one 45cm x 75cm (18" x 30") tablet which provides for memorialization of both persons may be used instead of two separate tablets provided the single tablet so used is set to embrace evenly the two grave Lots.
 - iv. a bronze memorial tablet intended for installation on the grave of an adult or child may be smaller than it's concrete base provided the concrete base conforms to the size required by sub-section (c) above, and provided the part of the base extending beyond the tablet does not exceed 5cm (2") wide and has a smooth, slightly beveled surface to shed water at its outer edges.
 - v. only one memorial tablet per interment may be installed on each grave Lot.
 - vi. for memorialization of Cremated Remains a Memorial base which conforms to the requirements of sub-section (c) and which supports either a stone or bronze tablet, may enclose a container of Cremated Remains of a deceased person provided such container, except for the top, is encased in concrete not less than 4cm (1.5") thick.
 - vii. raised inscriptions shall only be permitted on memorial tablets when the letters are not raised more than 6mm (1/4") above the face of such tablet.

9. General Provisions and Regulations

- a) Every person, including those in funeral processions, when entering and while within a Cemetery, shall obey the instructions of the Caretaker. Any person not behaving with proper decorum within a Cemetery or who disturbs the peace, quiet and good order of a Cemetery may be evicted by the Caretaker, and in addition, shall be guilty of an infraction of this By-law.
- b) No person shall discharge any firearm within a Cemetery, except at Military Funerals where the discharge of firearms is permitted only in regular volleys, under the command of the officer in charge, and only during the conduct of the burial service.
- c) Each Cemetery shall be open to the public at seven o'clock (7:00 am) every morning and closed to the public at eight o'clock (8:00 pm) every evening.
- d) Cemetery roadways are for the exclusive use of Interment processions, Cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed fifteen (15) kilometres per hour. All operators of vehicles shall at all times obey the directions and orders of the Caretaker.

- e) No person owning or having custody, care or control of a dog shall allow the dog to be within a Cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.
- f) No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a Cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner not within the Cemetery.
- g) Administrator approved above-ground containers or other devices for the purpose of holding flowers, wreaths or floral offerings may be permitted in the Cemetery.
- h) Cut flowers, wreaths and floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the maintenance or appearance and beauty of the Cemetery.
- i) No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a Cemetery.
- j) No grave Lot shall be defined by a fence, railing, coping, hedge or by any other marking except as permitted in the Memorial provisions of this By-law.
- k) No person shall solicit orders for goods or services within a Cemetery.
- l) No person shall destroy, damage or deface any Lot, Memorial, fence, vegetation, gate or any structure in a Cemetery or injure or destroy any Cemetery improvements.
- m) No person shall deposit any rubbish or offensive material within a Cemetery.
- n) No person shall play at any game or sport within a Cemetery.
- o) No children under the age of twelve (12) shall be allowed in the Cemetery unless accompanied by a person over the age of eighteen (18) year.

10. Care Fund

- a) A Care Fund for the future maintenance and care of the Cemetery and the Lots therein is hereby established, set aside and maintained. All monies in the Care Fund will be held and invested as trust funds by the City and in accordance with the requirements of the CIFSA.
- b) The Care Fund will be maintained with the City's bankers in an account to be designated as the "Cemetery Trust Fund". The Administrator and Director of Finance will be responsible for all deposits to such account and for ensuring that:
 - i. the account at all times complies with the provisions of the CIFSA;
 - ii. any investment of any monies in the Care Fund is permitted under the CIFSA; the *Local Government Act*, the *Community Charter* and this By-law; and
 - iii. any interest earned on the investments of the Care Fund may be used for maintenance and care of the Cemetery.

- c) The Administrator may, on behalf of the City, accept voluntary payments to the Care Fund from any person or organization.
- d) The principal sum of the Care Fund will not be reduced other than in accordance with an order from the Administrative Authority pursuant to the CIFSA.

11. Penalty for Infractions

- a) Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits or neglects to fulfill, observe, carry out or perform an duty or obligation imposed by this by-law, shall be liable on summary conviction to a penalty of not less than \$125 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding six (6) months, or both.

12. Repeal of Prior Bylaws

"Greenwood Cemetery Bylaw No. 4976" and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS 13TH DAY OF NOVEMBER, 2018

READ A SECOND TIME THIS 13TH DAY OF NOVEMBER, 2018

READ A THIRD TIME THIS 13TH DAY OF NOVEMBER, 2018

FINALLY ADOPTED THIS — DAY OF NOVEMBER, 2018

Mayor

Clerk

SCHEDULE "A" TO BYLAW NO.

EFFECTIVE DATE JANUARY 1, 2019

	Price	Care Fund Contribution	Total(plus applicable taxes)
Adult Size - Resident	\$628.00	\$210.00	\$838.00
- Non-Resident	\$1,023.75	\$341.25	\$1,365.00
Child Size - Resident	\$378.00	\$126.00	\$504.00
- Non-Resident	\$567.00	\$189.00	\$756.00
Infant Size - Resident	\$252.00	\$84.00	\$336.00
- Non-Resident	\$378.00	\$126.00	\$504.00
Cremated Remains - Resident	\$290.00	\$97.00	\$387.00
- Non-Resident	\$472.50	\$157.50	\$630.00
Cemetery Services			
Opening & closing of grave for Burial			
Adult Size	\$1,350.00	0	\$1,350.00
Grave Liner Cost	\$335.00	0	\$335.00
Grave Liner Cost - Oversize	\$600.00	0	\$600.00
Child Size	\$530.00	0	\$530.00
Infant Size	\$465.00	0	\$465.00
Cremated Remains	\$450.00	0	\$450.00
Opening & closing of grave for Exhumation			
Adult Size	\$2,700.00	0	\$2,700.00
Child Size	\$1,060.00	0	\$1,060.00
Infant Size	\$930.00	0	\$930.00
Cremated Remains	\$900.00	0	\$900.00
All Burials after 4:00 pm, Monday to Friday	Add 50% to opening & closing burial rates		
All Burials on Saturday, Sunday or Statutory Holidays	Add 75% to opening & closing burial rates		
Miscellaneous Fees			
Bronze Memorials, All Sizes	\$382.00	\$50.00	\$432.00
Granite Memorials, All Sizes	\$200.00	\$50.00	\$250.00
- installed in concrete, add	\$150.00		\$150.00
Removal & Reinstallation of Memorials	\$170.00	0	\$170.00
- re-installed in concrete, add	\$150.00	0	\$150.00
Flower container	\$50.00	0	\$50.00
Add: set in concrete base	\$75.00	0	\$75.00
Field of Honour Crosses	\$55.00	\$25.00	\$80.00
Tent Set Up	\$100.00	0	\$100.00
Transfer or Surrender of License	\$25.00	0	\$25.00

CITY OF PORT ALBERNI

BYLAW NO. 4929-3

A BYLAW TO AMEND “BYLAW OFFENCE NOTICE ENFORCEMENT BYLAW, 2016, BYLAW NO. 4929”

WHEREAS section 137 of the *Community Charter* provides that the power to adopt a bylaw includes the power to amend or repeal it;

AND WHEREAS the Council of the City of Port Alberni wishes to amend Bylaw No. 4929 by amending Schedule “A”;

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

1. Title

This Bylaw may be known and cited for all purposes as the “**Bylaw Offence Notice Enforcement Bylaw No. 4929-3, 2018**”.

2. Text Amendments

Bylaw Offence Notice Enforcement Bylaw No. 4929 is hereby amended as follows:

a) Amending Schedule “A” by removing:

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Penalty Discount	A3 Late Payment Penalty
Building Standards Bylaw No. 4826	5	Obstruct a Peace Officer	\$200.00	\$150.00	\$250.00
	7	Fail to maintain	\$200.00	\$150.00	\$250.00
	8(a)	Fail to obtain a permit	\$200.00	\$150.00	\$250.00
	8(b)	Fail to board	\$200.00	\$150.00	\$250.00

And replacing it with:

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Penalty Discount	A3 Late Payment Penalty
Building Standards Bylaw No. 4975	3(1)	Fail to maintain	\$200.00	\$150.00	\$250.00
	3(4)	Obstruction	\$500.00	\$400.00	\$500.00
	4(1)(a)	Fail to obtain VBR permit	\$200.00	\$150.00	\$250.00
	4(1)(b)	Fail to comply	\$200.00	\$150.00	\$250.00
	4(1)(c)	Fail to secure	\$200.00	\$150.00	\$250.00
	4(2)(a-b)	Unauthorized Vacant Building	\$200.00	\$150.00	\$250.00

	4(3)	Failure to maintain facilities	\$200.00	\$150.00	\$250.00
	4(4)(a-c)	Failure to meet conditions	\$200.00	\$150.00	\$250.00
	7(3)	Failure to display permit	\$200.00	\$150.00	\$250.00

READ A FIRST TIME THIS 13TH DAY OF NOVEMBER, 2018.

READ A SECOND TIME THIS 13TH DAY OF NOVEMBER, 2018.

READ A THIRD TIME THIS 13TH DAY OF NOVEMBER, 2018.

FINALLY ADOPTED THIS

Mayor

Clerk

COPY AVAILABLE FOR PUBLIC INSPECTION

CITY OF PORT ALBERNI

BYLAW NO. 4975

A Bylaw to regulate Building Standards

WHEREAS Section 8(3)(l) of the *Community Charter* grants authority that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures;

AND WHEREAS the *Community Charter* authorizes officers, employees and agents of the municipality to enter at all reasonable times on any property to ascertain compliance with the municipality's bylaws;

AND WHEREAS Council deems it appropriate to require an owner of property to safeguard, secure and maintain buildings;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. **TITLE**

This Bylaw may be cited as "**City of Port Alberni Building Standards, Bylaw No. 4975, 2018**".

2. **DEFINITIONS**

In this Bylaw:

"**Accumulation**" means a buildup, growth or collection, either scattered amassed or piled, existing at the time of inspection.

"**Building**" means any structure or construction for any use or occupancy.

"**Building Official**" includes The Building Official and Building Officials designated by the Corporation of the City of Port Alberni.

"**Bylaw Enforcement Officer**" means the persons duly appointed by Council as such, and shall include any peace officer.

"**City**" means the City of Port Alberni or the area within the municipal boundaries as the context may require.

"**Council**" means the Council of the City of Port Alberni.

"**Fire Chief**" means the person duly appointed by Council as the Fire Chief or otherwise authorized by the City of Port Alberni to act as a designate.

"**Hazard or Hazardous**" shall mean a physical condition created by neglect, a controlled substance property, fire, or flood damage and is considered unsafe for habitation or

storage without remedial action. Hazardous conditions may arise in violations to City and Provincial Health and Safety regulations, bylaws, or as determined by a certified hygienist. Hazardous conditions could arise from:

- Substantial mold growth;
- Water damage which could contribute to mold or structural failure;
- Subsiding of foundations which could lead to water damage and structural failure;
- Incomplete construction (expired permit) which could deteriorate and lead to structural failure or hazards to adjacent properties and or general public;
- Incomplete demolition or standing water in excess of 24" in depth; and
- Electrical, plumbing, mechanical or a combination of which could adversely affect structural integrity.

"Manager of Bylaw Services" means the person duly appointed by Council as such or otherwise authorized by the City of Port Alberni to act as a designate.

"Monitoring" shall mean a periodic site review to ascertain whether the:

- Buildings that are the subject to complaints ;
- Buildings that are dilapidated;
- Buildings that are eyesores (nuisance);
- Buildings that are dangerous (hazard);
- Boarded buildings; and
- Buildings that have been vacant for extended periods of time.

"Occupant" includes:

- A person residing on or in the property;
- The person entitled to the possession of property if there is no person residing on or in the property; and
- A leaseholder, and shall include the agent of any such person.

"Owner" means the person(s) or organization listed as the title holder on a property's legal certificate of title.

"Peace Officer" has the same meaning as in the British Columbia Interpretation Act and includes a Bylaw Enforcement Officer.

"Person" includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.

"Real Property" means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property.

"Special Safety Inspection" means a specific on-site review to ascertain the status of health, structural and life safety conditions of a building and may include the Building Official, the Fire Chief of the City, a member of the Royal Canadian Mounted Police of the City, a Provincial Health Inspector, a certified hygienist, BC Safety Authority Inspector or the deputy or designate of such a person.

"Uboard" shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals. The boarding requirements are outlined in Schedule "B".

"Vacant Building" means a Building that is deemed by the Building Official or Bylaw Enforcement Officer as unoccupied or unsecured, displays some visible signs of deterioration, is or should be boarded up, may be considered a danger to life or property, does not hold a valid building permit or vacant building permit, and does not include a Building already approved for demolition.

3. GENERAL REGULATIONS

- (1) Every owner or occupier of a real property that contains a Building shall maintain the Building in compliance with the standards set out in Schedule "A", attached hereto and forming part of this Bylaw.
- (2) Every owner of a real property that contains a residential, commercial or industrial Building in the City of Port Alberni shall maintain the Building in accordance with the requirements of this Bylaw.
- (3) If, at any time, the Bylaw Enforcement Officer, Building Official, or Fire Chief, or any combination of the three, determines that an immediate risk to health, safety, or welfare of the occupants or community exists, a "Do Not Occupy" order shall be posted on the premises and the Building shall be vacated and boarded in accordance with Schedule "B" of this Bylaw. Costs incurred by the City shall be recoverable as specified in the Fees & Charges Bylaw.
- (4) No person shall obstruct or interfere with a Bylaw Enforcement Officer or Building Official in the exercise of his duties.

4. VACANT BUILDING REGULATIONS

- (1) No person shall allow a residential, commercial or industrial Building to stand vacant unless the owner or occupier has:
 - (a) obtained a Vacant Building Registration (VBR) permit within thirty (30) days after receiving an order from a Bylaw Enforcement Officer or Building Official;
 - (b) maintained the Building in compliance with the standards set out in Schedule "A"; and
 - (c) secured the Building in accordance with the standards set out in Schedule "B", attached hereto and forming part of this Bylaw.
- (2) No owner or occupier shall allow a residential, commercial, or industrial use Building to stand vacant unless:

- (a) the Building is the subject of a valid demolition permit or an approved building permit for the repair and rehabilitation with the work to be completed within thirty (30) days of issuance of the permit; or
 - (b) the building meets all applicable codes, is ready for occupancy and is actively being offered for sale, lease, or rent at fair market value.
- (3) In addition to 4(2)(a) and 4(2)(b), the building is to be supplied with minimum utilities to maintain the proper functioning of the facilities as well as to prevent damage to mechanical and plumbing facilities from freezing. Commercial buildings that are classified to have a fire alarm and or fire suppression systems must maintain electrical and heating systems to maintain these life safety components.
- (4) Vacant Building must ensure:
- (a) that all combustible materials within a Vacant Building are removed to reduce any potential fire load;
 - (b) there is no illegal occupancy; and
 - (c) there is no existence of rodents or any health or safety risks to the community.

5. PERMITS AND INSPECTIONS

Where a Bylaw Enforcement Officer reasonably believes the building or structures on a property are considered a Vacant Building, the Bylaw Enforcement Officer or Building Official shall notify the owner of the Vacant building in writing to:

- (1) apply for Vacant Building Registration Permit;
- (2) apply for and obtain a Building Permit prior to renovating a Building or structure to a state of safe occupancy as specified in this Bylaw; or
- (3) resolve all contraventions documented within a specified timed limitation.

6. INSPECTIONS OF EXTERIOR

A Bylaw Enforcement Officer or Building Official may enter onto land without notice to, and without the consent of, the owner in order to monitor a Building that is boarded or appears to be vacant in order to determine whether:

- (1) the Building is a Vacant Building; or
- (2) the building complies with this Bylaw.

7. VACANT BUILDING REGISTRATION PERMIT

- (1) In order to obtain a Vacant Building Registration (VBR) permit, an owner must:
- (a) apply to the Building Official for a special safety inspection within thirty (30) days of receiving an order and pay the fee hereby imposed for such special safety inspection as specified in of the City of Port Alberni Fees & Charges Bylaw;
 - (b) provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service;
 - (c) pay any application or permit fee as established within the City of Port Alberni Fees & Charges Bylaw; and
 - (d) ensure that all combustible materials within a Vacant Building are removed to reduce any potential fire load, as determined by the Fire Chief.
- (2) Upon completion of the requirements in Section 7(1), the Owner may obtain from the City a Vacant Building Registration permit for a period of twelve (12) months from the date it was issued. The permit is automatically transferred to the next Owner of the property but for clarity it retains its original expiry date.
- (3) Owners shall display the permit in a prominent location as determined by the Building Official.

8. MONITORING INSPECTIONS

- (1) Every owner with a VBR permit shall allow for entry into a Vacant Building by a Bylaw Enforcement Officer or designate no less than once within a thirty (30) day period for the purpose of ensuring:
- (a) the building is maintained as per Schedule "A" of this Bylaw;
 - (b) the building is secured against unauthorized entry as per Schedule "B" of this Bylaw;
 - (c) that all combustible materials within a Vacant Building are removed to reduce any potential fire load;
 - (d) there is no illegal occupancy; and
 - (e) there is no evidence of the existence of rodents or any other potential health or safety risks to the community.

9. PARTIAL REFUND OF PERMIT FEE

- (1) The current owner of a VBR permit is entitled to a partial refund of the permit fee referred to in Section 7(1)(c) if the Building subject to the permit is remediated or demolished within six (6) months of registration. Any outstanding fees, utility charges, or

penalties imposed on the Owner pursuant to this or another Bylaw are to be deducted from any refund paid.

10. ADDITIONAL PERMIT

- (1) Upon application by an Owner in possession of a valid VBR permit and payment of any outstanding fees or penalties, the Building Official may issue an additional VBR permit in respect of the Building that is effective upon the expiry of the original VBR permit.
- (2) In determining whether to approve an additional permit, the Building Official must take into account:
 - (a) Whether the Building creates a hazard or nuisance to adjacent Buildings, properties, and the surrounding neighbourhood;
 - (b) The viability and credibility of the Owner's plans to bring the Building into compliance and maintain it thereafter in compliance with this Bylaw and other City bylaws;
 - (c) The likelihood that the Building will be re-occupied or demolished in the future; and
 - (d) The Owner's record of compliance or non-compliance with this Bylaw and other Bylaws of the City at the subject property.
- (3) In approving the issuance of an additional VBR permit, the Building Official may impose any terms or conditions he or she considers reasonable. The permit will be valid for twelve (12) months and may be cancelled by the Building Official if he or she reasonably concludes that the conditions imposed on it have not been met or have been breached.
- (4) An additional permit issued under Section 10(2) is conditional upon payment as described in the City of Port Alberni Fees & Charges Bylaw, including payment for any additional inspections that any appropriate City staff have deemed necessary.

11. ADDITIONAL COMPLIANCE ORDERS

- (1) If an Owner of real property fails to comply with a requirement of this Bylaw, the Building Official or Bylaw Enforcement Officer may issue a written order requiring that the Owner bring the real property into compliance with the provisions of this Bylaw within fourteen (14) days of the date of delivery of the order.
- (2) Notice of an order issued under Section 11(1) of this Bylaw must state:
 - (a) the civic address of the subject real property;
 - (b) the legal description of the subject real property;
 - (c) the particulars of non-compliance with this Bylaw to be remediated;

- (d) that the non-compliance with this Bylaw must be remediated within fourteen (14) days of the date of delivery of the order; and
- (e) that if the Owner or occupant fails to comply with the order, the City may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the Owner or occupant, or both, may be subject to prosecution for an offence under this Bylaw.

12. NOTICE BY THE CITY

- (1) The Building Official or Bylaw Enforcement Officer may serve any notice or order under this Bylaw as follows:
 - (a) by registered mail addressed to the Owner as recorded in the property records of the City;
 - (b) by hand-delivering it to the Owner or occupant of the real property that is subject to the notice; or
 - (c) if the Building Official is unable to effect notice pursuant to either (a) or (b) above, by posting it in a conspicuous place on the real property that is the subject of the notice and the notice shall then be deemed to be validly and effectively served for the purposes of this Bylaw at the expiration of five (5) days immediately following the date the notice was posted.
- (2) Service of any notice or order under this Bylaw will be considered sufficient if a copy of the notice or order is provided as set out in Section 12(1) of this Bylaw. No liability or responsibility other than that set out in accordance with this Bylaw rests with the City to prove delivery of the notice.

13. CITY MAY CARRY OUT WORK REQUIRED

- (1) If an Owner fails to comply with a Building Official or Bylaw Enforcement Officer's compliance order within the time period specified in such notice, the City, by its workers or others, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the owner. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, but not limited to:
 - (a) administrative costs;
 - (b) costs to attend property by City employees or its contractors; and
 - (c) costs for hazardous materials testing, removal, clean up, and disposal.

- (2) If an Owner defaults in paying the cost referred to in Section 13(1) to the City within thirty (30) days after receipt of a demand for payment from the City, the City may either recover from the Owner, in any court of competent jurisdictions, the cost as a debt to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

14. REMEDIAL ACTION REQUIREMENTS

- (1) Without limiting the foregoing, if at any time Council determines that a Building or Vacant Building is a nuisance or creates a hazard, Council may impose a remedial action requirement in accordance with Division 12 of Part 3 of the *Community Charter*, which may include, in part, a requirement that the Owner demolish the Building or Vacant Building.
- (2) The Owner may seek reconsideration by Council of a remedial action requirement within fourteen (14) days of receiving the order by delivering written notice to the City.
- (3) Notice of a remedial action requirement must be provided in accordance with Section 77 of the Community Charter.

15. RECOVERY OF CITY COSTS THROUGH SALE OF PROPERTY

- (1) In accordance with Section 80 of the *Community Charter*, if remedial action requirements have not been satisfied by the date specified for compliance, the City may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

16. OFFENCE

- (1) Any person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of, or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and is liable to the penalties imposed.
- (2) Where the offence is continuous, each day the offence continues shall constitute and new and separate offence.

17. Repeal

That "Building Standards Bylaw No. 4826" is hereby repealed.

READ A FIRST TIME THIS 13TH DAY OF NOVEMBER, 2018.

READ A SECOND TIME THIS 13TH DAY OF NOVEMBER, 2018.

READ A THIRD TIME THIS 13TH DAY OF NOVEMBER, 2018.

FINALLY ADOPTED THIS

Mayor

Clerk

SCHEDULE "A"

The Owner of a Building or Vacant Building must comply with the following maintenance standards of this Schedule.

PART 1: EXTERIOR WALLS

- 1.1** The exterior of every building must be constructed, repaired and maintained in a manner that ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests.
- 1.2** Without restricting the general obligation set out in subsection 1.1:
- (a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
 - (b) all exterior walls and their components, including casing and flashing, must be maintained in good repair;
 - (c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the Building;
 - (d) exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain, or other protective coating;
 - (f) the mortar of any masonry or stone exterior wall may not be loose or dislodged.

- (g) the exterior of every building must be free of graffiti;
- (h) loose material must be removed from exterior walls, doors, and window openings;
- (i) all windows must be in good repair and properly glazed; and
- (j) all exterior doors to the Building must be operational, fit tightly within their frames when closed, and are locked so as to prevent entry.

PART 2: ROOFS

2.1 Roofs must be constructed and maintained using standard roofing material so as to prevent:

- (a) rainwater or melting snow falling on the roof from entering the Building;
- (b) rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and
- (c) objects and materials from falling from the roof.

2.2 Without restricting the general obligation set out in subsection 2.1:

- (a) Roofs, including fascia boards, soffits, cornices, flashing, eaves troughs and downspouts must be maintained in a watertight condition;
- (b) Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - (i) accumulates or causes ground erosion;
 - (ii) causes dampness in the walls, ceilings, or floors of any portion of any neighbouring Building; and
 - (iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.

2.3 Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

PART 3: FIRE ESCAPES, STAIRS, BALCONIES, AND PORCHES

3.1 Fire escapes, stairs, balconies, and porches shall be maintained:

- (a) In a safe and clean condition;

- (b) In good repair; and
- (c) Free from holes, cracks, excessive wear and warping, and hazardous obstructions.

PART 4: WINDOWS

- 4.1 Existing windows and frames shall be in sound condition, shall be weathertight and shall operate to provide light and ventilation.
- 4.2 Maintenance of window as referred to in subsection 4.1 may include painting, refitting, repairing or replacing damaged, decayed, or deteriorated window sashes, window frames, and casings.

PART 5: PEST PREVENTION

- 5.1 An owner shall ensure that residential and commercial premises are kept free of rodents, vermin, and insects at all times, and appropriate extermination measures shall be taken, as necessary.

PART 6: FLOORS

- 6.1 Every floor shall be reasonably level, smooth, and maintained in good condition.

PART 7: DOORS

- 7.1 Existing doors and frames shall be maintained in good repair and weather tight.
- 7.2 At least one entrance door in every Building shall be capable of being locked from both inside and outside.

PART 8: FIRE PROTECTION SYSTEMS

- 8.1 Any fire protection system, including alarm and monitoring systems required by the BC Building Code and BC Fire Code, must be maintained in an operational condition.

SCHEDULE "B"

The owner of a Vacant Building must comply with either **PART I** or **PART II** of this Schedule.

PART I

- 1) In order to comply with PART I of this Schedule, the owner of a Vacant Building must ensure that the following requirements are met:
 - (a) all exterior doors to the building are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
 - (b) all windows are permanently sealed or locked so as to prevent entry;
 - (c) all windows, doors, basement and attic hatchways and their frames are constructed and maintained to completely exclude rain and substantially exclude wind from entering the Building; and
 - (d) all windows are maintained in good repair and properly glazed.

PART II

- 2) In order to comply with Part II of this Schedule, the owner of a Vacant Building must ensure that the following requirements are met:

- (a) all doors, windows, and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered with a solid piece of plywood that is a minimum of 11 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.
- (b) The principal entrance must be covered with a solid piece of plywood that is a minimum of 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, and spaced not more than 150 millimeters on center.
- (c) Windows, doors, and other openings at the second floor level must be covered with a solid piece of plywood that is a minimum of 8 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.
- (d) Windows, doors, and other openings at the third floor level or higher must be:
- (i) secured in accordance with Part I of this Schedule; or
 - (ii) covered with a solid piece of plywood that is a minimum of 8 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.
- (e) Windows, doors, and other openings at the third floor level or higher may be secured from inside the building, whereas plywood applied to all other openings must be secured from the exterior.
- (f) Plywood applied to all openings must be installed and maintained in a manner that is weather-tight and protected from the elements with at least two coats of white paint. A hole must be cut in the plywood just large enough for the door hardware to protrude.
- (g) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to a Bylaw Enforcement Officer.
- (h) Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- (i) Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to a Building Official or Bylaw Enforcement Officer.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on November 15, 2018,
in the Committee Room at City Hall, at 12:00 p.m.)**

Advisory Planning Commission

Ken McRae (Chair)
John Douglas (Vice-Chair)
Jeannette Nichols
Cynthia Dick, Tseshah (č išaaʔath) First Nation
Sandy McRuer
Chris Washington, SD #70 Liaison
Amy Anaka
Councillor Deb Haggard, Council Liaison
S. Sgt. Terry Smith, R.C.M.P. Liaison

Staff

Joe Calenda, Consulting City Planner
Cara Foden, Dev. Services Technician

Guests

Members of the Public – none present
K. Buick and B. Crema (applicants)
S. Sattar (applicant)

Regrets

Jim Tatoosh, Hupačasath First Nation
Don Ferster
Rob Gaudreault, Parks Liaison
John Douglas (Vice-Chair)
Rick Newberry, P.A.F.D. Liaison

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
Sgt. Dave Boyce (Alternate–R.C.M.P.)
Larry Ransom (Alternate S.D.70)
Steve Tatoosh (Alternate Hupačasath First Nation)



1. Adoption of October 18, 2018 Minutes

- Recognition that the APC is meeting within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations.
- Introductions were made and those in attendance were welcomed by the Chair.
- The minutes of the October 18, 2018 meeting of the Advisory Planning Commission were adopted.

(Nichols / Washington) CARRIED

**2. DEVELOPMENT APPLICATION – Zoning Bylaw amendment
4000 Burde Street**

A portion of - Lot 1, District Lot 46, Alberni District, Plan VIP11651 (PID: 004-971-418)

Applicant: Kurtis Buick dba District Development Corp.

- The City Planner summarized a report to the APC dated November 9, 2018.
- The APC discussed the application as follows:
 - B. Crema (applicant) noted that the RM3 zone was desirable for the project in order to accommodate a mix of residential densities and also allow flexibility for the development of facilities that fall under the *Community Care Facilities Act*. There is no care facility ensured however the applicants have been speaking with operators and are hopeful that this type of facility would become possible.
 - Traffic Signal light at 10th and Burde – it was expressed that the Traffic Study would determine if a signal light at the intersection is needed. A 4-way stop option may be a consideration.



- Green space requirements of 5% were discussed and the agreement between the developer and the City will see the required green space dedicated on or before May 31, 2023. Geo technical reports have been done and the site continues to be monitored for sloughing on the sloped areas. Green space requirements for Phase 2 development will be considered under the Development Permit process.
- Services – and Engineering study has been done on the site and an agreement is ready to be signed that will ensure city services will be available to service the entire site (Phase 1 and Phase 2). The proposed onsite infrastructure capacity has been studied and is viable.
- The proposed apartment buildings are four stories and include a mix of unit types from bachelor suites to three (3) bedroom units suitable for families.
- Detailed design and layout will be required for the Development Permit process. The applicants are currently testing the market to determine what types of ‘Townhome’ designs are most viable.
- Parking – Single family and semi-detached / townhome housing styles will have garages. The apartment buildings will have surface parking only. Parking space requirements will be considered during the Development Permit process.

MOTIONS:

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation of the subject portion of Lot 1, District Lot 46, Alberni District, Plan 11651, (PID: 004-971-418), located at **4000 Burde Street**, from ‘P1 – Institutional’ to ‘**RM3 High Density Multi-Family Residential**’ zones.*
2. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*
 - a. *Complete a traffic study for the immediate area, specifically studying the need for a traffic signal at 10th Avenue and Burde Street prior to final adoption of the zoning amendment.*

(Douglas / McRuer) CARRIED

3. DEVELOPMENT APPLICATION – Zoning Bylaw amendment

3503 11th Avenue

Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181)

Applicants: S. Sattar and D. Sattar

- The Development Services Technician summarized her report to the APC dated November 9, 2018.

MOTIONS:

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation of Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181) located at **3503 11th Avenue** from ‘R2 – One and Two Family Residential’ to ‘**R3 – Small Lot Single Family Residential**’.*

Page 2 of 3

2. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*

a. *Receive a Preliminary Layout Approval letter for the proposed subdivision from the City of Port Alberni's Approving Officer.*

(Nichols / Washington) CARRIED

4. **Update** – Joe Calenda, Consulting City Planner, updated the APC regarding current projects he is undertaking for the City.

5. **Other business** - None

6. **Adjournment** – The meeting adjourned at 1:00 p.m. The next regularly scheduled meeting is December 20, 2018.

(Douglas / McRuer) CARRIED

Davina Hartwell - City Clerk



Ken McRae – Chair



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Cara Foden, Development Services Technician
Joseph A. Calenda, Consulting City Planner to the City of Port Alberni

DATE: November 8, 2018

SUBJECT: DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment
3503 11th Avenue - Lots 3 and 4, District Lot 1, Alberni District, Plan 5990
(PID: 005-934-923, 005-935-181)
Applicant: S. and D. Sattar

Issue

The purpose of this report is to consider an application for a map amendment to the Zoning Bylaw for the property at 3503 11th Avenue.

Background

An application has been made to amend the Zoning Bylaw to rezone 3503 11th Avenue from 'R2 – One and Two Family Residential' to 'R3 – Small Lot Single Family Residential' in order to facilitate a subdivision application (Lot line adjustment). The property is made up of two residential lots currently occupied by a single family dwelling located near the intersection of North Park Drive on the east side of 11th Avenue. The applicant is proposing a lot line adjustment between the two lots (subdivide) to remove an encroachment of the existing house onto one of the lots. The lot line adjustment would increase the size of the lot with the existing home and create a small, vacant residential lot for development.

Official Community Plan and Zoning Bylaw

- a) The Official Community Plan designation on **3503 11th Avenue, Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181)**, is currently 'Residential' on the Official Community Plan Schedule A – Land Use Map. The property does not lie within a Development Permit Area on the Schedule B – Development Permit Areas Map. No amendments are required.
- b) The properties at **3503 11th Avenue, Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181)**, is currently zoned R2 – One and Two Family Residential. A map amendment to the Zoning Bylaw Schedule A - Zoning Map is required to designate the properties as **R3 – Small Lot Single Family Residential**.

Discussion

Zoning:

The properties at 3503 11th Avenue have a total frontage along 11th Avenue that measures 25.9 metres (85.0 ft.) and a lot depth measuring 38.1 metres (125.0 ft.). The total area of the site is $\pm 987 \text{ m}^2$ (10,625 ft²).

The R3 zone has a minimum frontage requirement of 10 metres (33 ft.) and a minimum lot area requirement of 350 m^2 (3,767 ft²). With the total site area being $\pm 987 \text{ m}^2$ (10,625 ft²) it should be possible to subdivide the property to create one slightly larger lot to accommodate the existing residence and eliminate the side yard setback encroachment. In addition one smaller vacant lot would be created on the north portion of the site. Both lots would exceed the minimum lot size requirement of 350 m^2 in the R3 zone. The smaller of the two proposed lots would have frontage of $\pm 10.2 \text{ m}$ ($\pm 35 \text{ ft.}$) along 11th Avenue and a total area of $\pm 388.6 \text{ m}^2$ ($\pm 4,183.2 \text{ ft}^2$). The maximum site coverage permitted in the R3 zone is 50% which is adequate to allow development on the smaller lot. See attached conceptual site plan.

Surrounding Area

The area is predominately single family residential use to the immediate, west north and south. Across 11th Avenue to the east there are three lots zoned R3. The larger block includes several multiple family residential parcels. Further to the south across North Park Drive is a large forested area containing portions of the City trail network through Dry Creek Ravine.

Infrastructure

The City water and sanitary and storm drain service mains are readily available and located as per the service card (see attached).

Water: Main runs along 11th Ave.

Sewer: Main runs along 11th Ave. There is a connection to Lot 4 (existing house)

Storm: Unavailable.

Utilities: There are private utilities in the area.

The detailed issues and costs regarding servicing requirements will be specified during the Subdivision process and included in a Preliminary Layout Approval letter to the applicant.

Referrals

RCMP: Interests unaffected.

Conclusions

In considering the Zoning amendment, the Advisory Planning Commission and City Council should consider whether the proposed amendment is appropriate for the site and for the community.

The R3 - Small Lot Single Family Residential zone allows for slightly greater density while maintaining a single family residential character. The proposed small lot subdivision meets the strategic goal of a livable and sustainable community. The Official Community Plan is supportive of encouraging development within existing developed areas through infill and redevelopment. The proposed zoning and subdivision are compatible with the character of the neighbourhood and the Planning Department supports the zoning amendment to the R3 zone.

Recommendations

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation of Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181) located at **3503 11th Avenue** from 'R2 – One and Two Family Residential' to '**R3 – Small Lot Single Family Residential**'.*
2. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*
 - a. *Receive a Preliminary Layout Approval letter for the proposed subdivision from the City of Port Alberni's Approving Officer.*

Respectfully submitted,



Cara Foden, Development Services Technician

Reviewed by:



Joseph A. Calenda, MCIP, RPP (Rtd.), DTM
Consulting City Planner to the City of Port Alberni

i

SUBJECT PROPERTY – 3503 11th Avenue



3503 11th Avenue

Bylaw 4832

R3 – SMALL LOT SINGLE FAMILY RESIDENTIAL

5.13 The purpose of this zone is to provide for greater density in areas of the city that are being redeveloped and where small lots already exist.

5.13.1 Permitted uses

Principal Uses

Single family dwelling

Accessory Uses

Home occupation

5.13.2 Site Development Regulations

Minimum Lot Area	350 m ²	(3767 ft ²)
Minimum Frontage	10 m	(32.8 ft)
Maximum Coverage	50%	
Minimum Setbacks:		
Front yard	5 m	(16.4 ft)
Rear yard	5.5 m	(18.0 ft)
Side yard	1.5 m	(4.9 ft)
Maximum Floor Area Ratio	0.5	
Maximum Height, Principal Building	10 m	(32.8 ft)
Maximum Number of Principal Building Storeys	2.5	

5.13.3 Conditions of Use

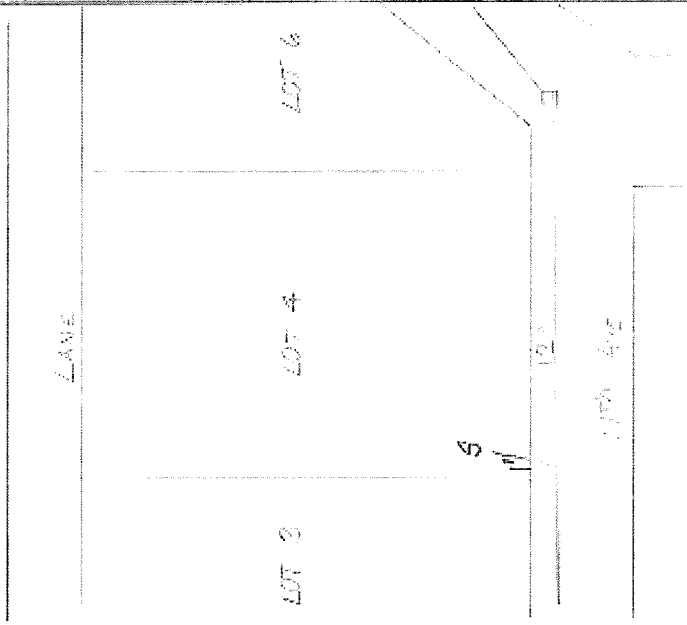
Notwithstanding the provisions of 5.13.2,

- (a) On a corner lot, the side yard by the flanking street must be not less than 3.0 metres (9.8 ft) wide.
- (b) For single family dwellings having no carport or attached garage and with no access to the rear or the side of the lot from a street or lane, the minimum side yard requirement shall be increased to 3 m (9.8 ft) for one side yard.
- (c) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a highway other than a lane is 5.8 m (19 ft).

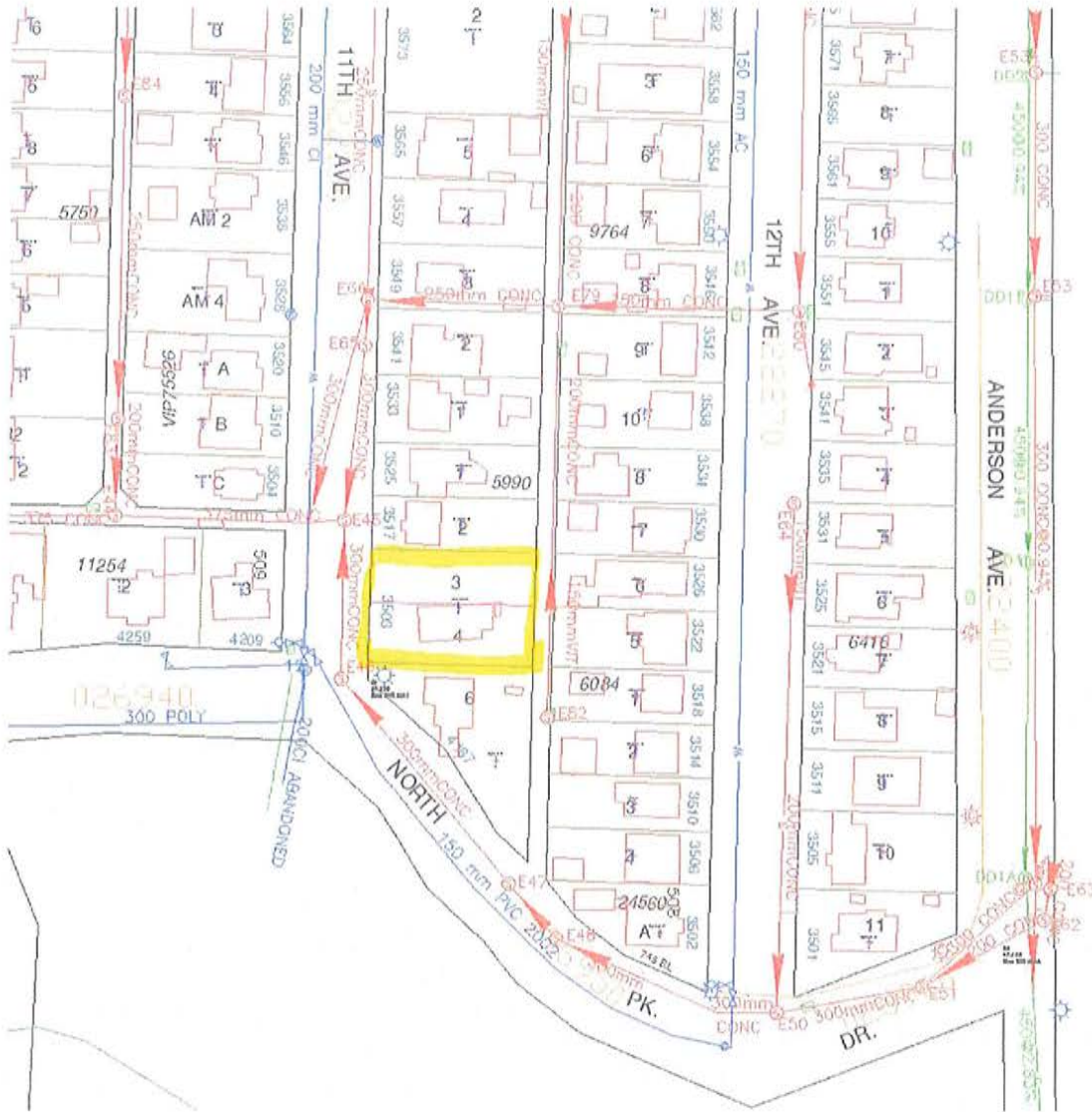
PID # 005-935-101 WATER & SEWER SERVICE CONNECTION RECORD CARD

3503 HOUSE NO. 17th AVE STREET D.L. 364 BLK. 5090 LOT PLAN

STORM		WATER		SEWER	
INSTALLATION DATE	INSTALLATION DATE	INSTALLATION DATE	INSTALLATION DATE	INSTALLATION DATE	INSTALLATION DATE
CONNECTION DATE	CONNECTION DATE	CONNECTION DATE	CONNECTION DATE	CONNECTION DATE	CONNECTION DATE
SIZE	SIZE	SIZE	SIZE	SIZE	SIZE
LENGTH	DISTANCE FROM MAIN TO CURB STOP	DISTANCE FROM MAIN TO CURB STOP	DISTANCE FROM MAIN TO CURB STOP	LENGTH	LENGTH
F. SER	CURB STOP	CURB STOP	CURB STOP	RIBER	RIBER
FITTING AT MAIN	CURB STOP	CURB STOP	CURB STOP	FITTING AT MAIN	FITTING AT MAIN
..... BENDS	COUPLINGS	COUPLINGS	COUPLINGS BENDS BENDS
DEPTH AT PROPERTY LINE	REDUCER	REDUCER	REDUCER	DEPTH AT PROPERTY LINE	DEPTH AT PROPERTY LINE
DISTANCE FROM M.H. TO FITTING ON MAIN	DISTANCE FROM M.H. TO FITTING ON MAIN	DISTANCE FROM M.H. TO FITTING ON MAIN	DISTANCE FROM M.H. TO FITTING ON MAIN	DISTANCE FROM M.H. TO FITTING ON MAIN	DISTANCE FROM M.H. TO FITTING ON MAIN
MEASURED	MEASURED	MEASURED	MEASURED	MEASURED	MEASURED
				AS SHOWN	



Infrastructure





J:\Engineering\Planning\Development Applications\ZoningAmend\ZON-2018\3503-11thAve-Sattar\3503-11thAve-Sattar-APCreport.docx

CITY OF PORT ALBERNI

BYLAW NO. 4977

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "Zoning Bylaw Map Amendment No. 30 (4000 Burde Street – Anderson Hill), Bylaw No. 4977".

2. Zoning Amendment

2.1 That a portion of Lot 1, District Lot 46, Alberni District, Plan VIP11651 (PID: 004-971-418), located at **4000 Burde Street**, as shown outlined in bold on Schedule A attached hereto, and forming part of this bylaw, is hereby rezoned from 'P1 Institutional' to '**RM3 High Density Multiple Family Residential**'.

3. Map Amendment

Schedule "A" (Zoning District Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME THIS DAY OF , 2018.

READ A SECOND TIME THIS DAY OF , 2018.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2019.

READ A THIRD TIME THIS DAY OF , 2019.

FINALLY ADOPTED THIS DAY OF , 2019.

Mayor

Clerk

CITY OF PORT ALBERNI

BYLAW NO. 4978

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Bylaw Map Amendment No. 31 (3503 11th Avenue – Sattar), Bylaw No. 4978**".

2. Zoning Amendment

2.1 That *Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181)*, located at **3503 11th Avenue**, as shown outlined in bold on Schedule A attached hereto, and forming part of this bylaw, are hereby rezoned from 'R2 – One and Two Family Residential' to '**R3 Small Lot Single Family Residential**'.

3. Map Amendment

Schedule "A" (Zoning District Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME THIS DAY OF , 2018.

READ A SECOND TIME THIS DAY OF, 2018.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2019.

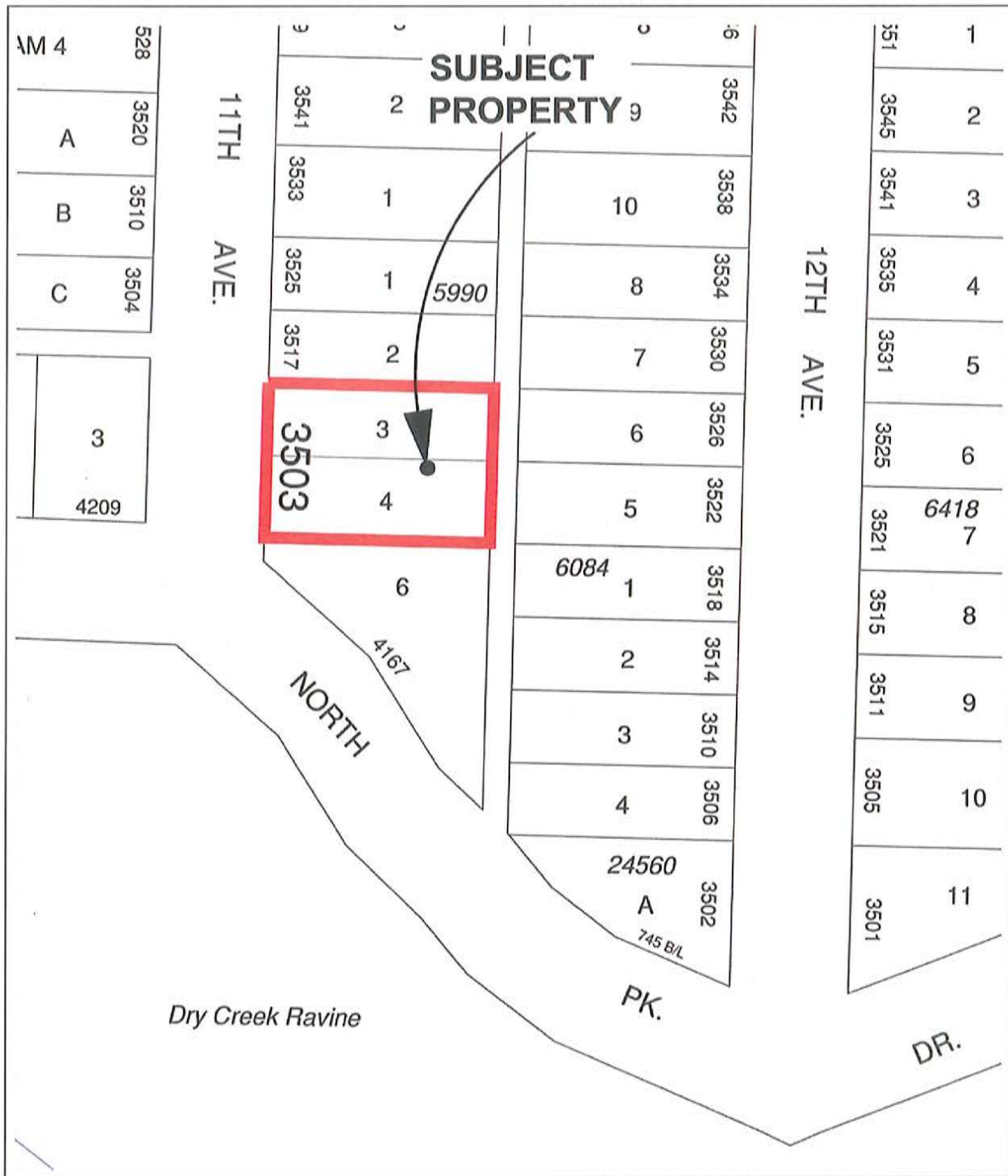
READ A THIRD TIME THIS DAY OF , 2019.

FINALLY ADOPTED THIS DAY OF , 2019.

Mayor

Clerk

Schedule "A" to Bylaw No. 4978



3503-11thAve-Saltar-ZonMapAmendBylaw



CITY OF PORT ALBERNI

FINANCE DEPARTMENT

TO: Timothy Pley, CAO
FROM: Cathy Rothwell, Director of Finance
COPIES TO: Mayor and Council
Davina Hartwell, City Clerk
DATE: November 20, 2018

I concur, forward to next Regular
Council Meeting for Consideration:

Tim Pley, CAO

SUBJECT: Five Year Financial Plan 2018-2022, Amendment No. 1, Bylaw No. 4960-1

Purpose

This report seeks Council's approval for the attached Five Year Financial Plan 2018-2022, Amendment No. 1, Bylaw No. 4960-1.

Background

Section 165(1) of the Community Charter provides authority for the City's Five Year Financial Plan. Section 165(2) allows the City to amend the Financial Plan, by bylaw, at any time in order to provide for changes that occur during the year. Section 173 of the Charter indicates that expenditures not provided for in the Financial Plan are unauthorized expenditures.

Discussion

The City's practice, which is common to other municipalities, is to review budget to actual amounts for revenues and expenditures and/or capital project changes throughout the year and to amend the City's Five Year Financial Plan towards the end of the year so the Plan reflects more accurate budget projections, for operations and capital. Often, information is received subsequent to the legislated deadlines and may differ substantially from original projections. For example, senior governments may change grant opportunities, or utilities may have more or less revenue. The purpose of this amendment is to adjust some budget allocation accounts, a formula error, and adjusting budgets where subsequent information may affect original budgeted amounts. The table in the following Analysis section of this report provides more detail of the changes.

Analysis

Revenue	Account	Amendment	Original Budget	Increase (Decrease)
Community Gaming	Adjusted to amount approved in financial plan	445,840	445,000	840
Transfer from Surplus	Accumulated adjustments to operating revenue & expense	399,160	400,000	(840)
Capital Grant Revenue	Water Works – Cowichan Water Supply Main – project removed (unsuccessful grant application)	0	3,835,000	(3,835,000)
Expenses				
Capital Expenditure	Water Works – Argyle St – 17 th Ave to 21 st Ave	800,000	700,000	100,000
Capital Expenditure	Water Works – 21 st Ave – Cowichan Reservoir to Burde St	300,000	400,000	(100,000)
Capital Expenditure	Water Works – Cowichan Water Supply Main – project removed (unsuccessful grant application)	0	3,835,000	(3,835,000)

Capital Purchases and Construction

The 2018 General Capital Expenditure Program is proposed to be amended to accurately reflect Council's motion of November 13, 2018 that transfers \$100,000 from the 21st Avenue segment of the overall Cowichan Reservoir to Burde Street project to the Argyle Street – 17th Avenue to 21st Avenue project. The amendment to the capital budget removes the Cowichan Water Supply Main project and the grant funding, due to the unsuccessful grant application.

Financial Impact

The financial impact of the changes to general operating expenses nets to zero for 2018.

Conclusion and Recommendation

To more accurately reflect the City's 2018 operations budget, the Director of Finance recommends that Council approve the amendments to the 2018-2022 Five Year Financial Plan.

That the report from the Director of Finance dated November 20, 2018, be received.

Respectfully submitted,



Cathy Rothwell
Director of Finance

Attachments: Five Year Financial Plan 2018-2022, Amendment No. 1 Bylaw 4960-1

CITY OF PORT ALBERNI

BYLAW NO. 4960-1

A BYLAW TO AMEND THE FINANCIAL PLAN FOR THE YEARS 2018-2022

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:**

1. Title

This Bylaw may be known and cited for all purposes as "Five Year Financial Plan 2018-2022, Amendment No. 1, Bylaw No. 4960-1".

2. Financial Plan

Schedule "A" attached to Bylaw No. 4960, is hereby deleted and the Schedule "A" attached hereto is substituted therefore.

READ A FIRST TIME THIS DAY OF , 2018.

READ A SECOND TIME THIS DAY , 2018.

READ A THIRD TIME THIS DAY OF , 2018.

FINALLY ADOPTED THIS DAY OF , 2018.

Mayor

Clerk

Schedule "A"



CITY OF PORT ALBERNI
AMENDED CONSOLIDATED FINANCIAL PLAN 2018-2022

	2018	2019	2020	2021	2022
Revenue					
Taxes					
Property Taxes	22,483,474	23,151,219	23,839,405	24,548,237	25,278,334
Other Taxes	613,700	613,700	613,700	613,700	613,700
Grants in Lieu of Taxes	218,700	218,700	218,700	218,700	218,700
Fees and Charges					
Sales of Service	3,283,298	3,362,165	3,428,499	3,492,352	3,538,687
Sales of Service/Utilities	6,646,513	6,884,738	7,133,173	7,392,302	7,536,449
Service to other Government	167,000	167,000	167,000	167,000	167,000
User Fees/Fines	217,640	218,640	219,640	220,640	222,640
Rentals	142,100	143,200	144,300	145,500	146,700
Interest/Penalties/Miscellaneous	775,400	620,400	625,400	778,700	783,700
Grants/Other Governments	1,345,540	1,055,540	1,055,540	1,055,540	1,055,540
Other Contributions	773,801	224,900	72,500	29,900	29,900
	36,667,166	36,660,202	37,517,857	38,662,571	39,591,350
Expenses					
Debt Interest	396,128	396,128	396,128	396,128	396,128
Capital Expenses	7,621,275	4,948,141	7,346,638	5,812,270	3,972,245
Other Municipal Purposes					
General Municipal	3,730,159	3,668,519	3,718,365	3,749,235	3,844,792
Police Services	6,974,474	7,029,877	7,171,451	7,340,713	7,511,034
Fire Services	3,502,787	3,591,006	3,656,286	3,748,853	3,870,919
Other Protective Services	258,329	260,383	262,638	265,036	267,201
Transportation Services	4,261,679	4,191,986	4,200,471	4,357,602	4,389,787
Environmental Health and Development	1,825,097	1,788,439	1,807,769	1,820,664	1,847,037
Parks and Recreation	5,492,734	5,502,044	5,583,012	5,621,971	5,689,653
Cultural	1,444,083	1,433,822	1,415,544	1,392,468	1,407,144
Water	1,483,330	1,466,372	1,519,779	1,503,559	1,557,720
Sewer	1,212,850	1,228,428	1,244,373	1,260,694	1,276,540
Contingency	200,000	200,000	200,000	200,000	200,000
	38,402,925	35,705,145	38,522,454	37,469,193	36,230,200
Revenue Over (Under) Expenses Before Other	(1,735,759)	955,057	(1,004,597)	1,193,378	3,361,150
Other					
Debt Proceeds	-	-	-	-	-
Debt Principal	(347,143)	(347,143)	(347,143)	(347,143)	(347,143)
Transfer from Equipment Replacement Reserve	392,800	716,100	2,594,100	2,167,600	665,400
Transfer from Land Sale Reserve	-	-	-	-	-
Transfer from Cemetery Trust	2,000	2,000	2,000	2,000	2,000
Transfer from (to) Other Reserves	1,688,942	(1,325,174)	(1,243,520)	(3,014,995)	(3,680,567)
Transfer from (to) Surplus	(840)	(840)	(840)	(840)	(840)
	1,735,759	(955,057)	1,004,597	(1,193,378)	(3,361,150)
Balanced Budget	-	-	-	-	-



**HOLY FAMILY/NOTRE DAME
ROMAN CATHOLIC PARISH**

4731 Burke Road
Port Alberni, BC V9Y 5P1
Telephone (250) 723-8912
Fax (250) 723 0123
rc-portalberni@shaw.ca

RECEIVED

NOV 09 2018

November 9th, 2018

CITY OF PORT ALBERNI

City Council
City of Port Alberni
4850 Argyle Street
Port Alberni, B.C.
V9Y 1V8

WORLD DAY OF PEACE - WALK

Dear members of City Council:

Our Development and Peace Organization would like to hold our 20th annual Walk for Peace on January 1st, 2019 and we are asking once again for permission to hold this event.

This simple Walk for Peace is an external witness for that desire and commitment to make a positive difference in our communities and to the world, that peace is achievable only once through justice. So as a New Year's resolution, this walk for Peace in the cold and wet snow or ice won't come without an effort or price. In order to overcome injustice and evil, the good must prevail. This peace is what we long for, amid the injustices of war, greed, power, or control.

This year we would like to meet at 11:30 am at Glenwood Centre, walk down 12th Ave. to Roger St., turn right to 10th Ave., cross left and continue the walk to Redford St., cross right over 10th Ave. to Abbeyfield Seniors Home on Redford.

Come join our humble efforts to rekindle the fire in our hearts to make a difference and show politicians we desire peace through justice.

God Bless,

Jack Granneman
Development and Peace
JG/cmh



November 16, 2018

City of Port Alberni
4850 Argyle Street
Port Alberni, BC
V9Y 1V8

Dear Mayor and Council,

Re: Community Child Care Planning Program funding

The Community Child Care Planning Program is an opportunity to pull together a regional plan to enhance child care services within the Alberni-Clayoquot Regional District (ACRD). (First two pages of program are attached; full program details can be found on the UBCM website.)

After some investigation we have confirmed that no one municipality has plans to pursue this opportunity. Accordingly, the ACRD Board has endorsed a regional project inclusive of all communities in the ACRD with the Regional District as the fiscal host for the project.

At the regular Board of Directors meeting on October 10, 2018, the Board considered a Request for Decision (attached) and the following resolution was adopted:

THAT the Alberni-Clayoquot Regional District apply to the provincial Community Child Care Planning Program for funding to undertake child care planning activities and develop a 'community child care space creation action plan' for the region's communities;

AND THAT if successful, engage the services of Marcie DeWitt, Maggie Hodge Kwan and Tracy Smyth to complete the key project activities of the project.

The Board has selected this approach based on the experience at the Alberni-Clayoquot Health Network working with Ms. DeWitt. As we move forward on this application, we are seeking Motions from the District of Ucluelet, the District of Tofino and City of Port Alberni to support this application. Please do not hesitate to contact me with any questions or clarifications you may have.

Regards,

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Community Child Care Planning Program

2019 Program & Application Guide

1. Introduction

In order to better meet the child care needs of families, the Province of British Columbia recently announced expanded investment in the child care sector totalling \$1 billion over three years. This includes \$237 million to improve access to child care, including funding the creation of 22,000 new licensed child care spaces. Strong planning at the community level will ensure that this investment creates child care spaces in areas with the greatest need.

The BC Ministry of Children and Family Development is earmarking \$2.85 million for the Community Child Care Planning Program. Under the program, eligible projects can receive up to \$25,000. The program is administered by the Union of BC Municipalities (UBCM).

In addition to the provincial investments outlined above, the Community Child Care Space Creation Program, funded under the Canada-British Columbia Early Learning and Child Care Agreement and administered by UBCM, will provide approximately \$13 million to fund the creation of new licensed child care spaces in local government-owned facilities. Please see the Community Child Care Space Creation Program guide for details.

Community Child Care Planning Program

The Community Child Care Planning Program will provide funding for local governments to engage in child care planning activities in order to develop a community child care space creation action plan.

Through partnerships and engagement, all funded projects will collect information regarding the child care needs of the community; create an inventory of existing child care spaces; identify space creation targets over the next 10 years; and identify actions that can be taken to meet those space creation targets.

The information gathered through these plans will be shared with the BC Ministry of Children and Family Development, and may inform future investments in child care space creation that the Government of British Columbia may provide your community through programs such as the [Child Care BC New Spaces Fund](#). Please note that completion of a community child care space creation action plan does not guarantee future space creation funding.

2. Eligible Applicants

Local governments, including municipalities and regional districts, in BC are eligible to apply. Eligible applicants can submit one application per intake, including collaborative projects.

3. Collaborative Projects Among Multiple Local Governments

Funding requests from two or more eligible applicants for collaborative projects may be submitted as a single application for eligible projects. In this case, the maximum funding available would be based on the number of eligible applicants included in the application.

The primary applicant submitting the application for a collaborative project is required to submit a resolution as outlined in Section 8 of this guide. All partnering applicants are required to submit a Council or Board resolution that clearly states their approval for the primary applicant to apply for, receive and manage the grant funding on their behalf.

4. Eligible Projects & Guiding Principles

Eligible projects include the completion of a community child care space inventory (using the required Excel template) and the development of a community child care space creation action plan. These planning activities should result in local governments collecting information regarding the child care needs of the community and identifying short-term, medium-term, and long-term actions that can be taken to improve access to child care in the community through the creation of new child care spaces.

Eligible projects will demonstrate a commitment to the following guiding principles:

- Community Driven — Community solutions are based on local priorities and plans, and address the unique needs of the community
- Catalysts for Action — Funded activities enable local governments and community partners to create new child care spaces and improve access to affordable, quality child care in their community
- Coordinated — Activities of different levels of government (including local governments, school districts, Métis Nation BC, and neighbouring First Nations) and community partners (including organizations providing child care to underserved communities) encourage collaboration, avoid duplication among programs and projects, and facilitate the co-location of child care services with other child and family services
- Sustainable Results — Will result in an actionable plan, supported with sufficient resources, that will improve access to affordable, quality child care over time

In addition, to qualify for funding, projects must be:

- A new project or new project component (applications for retroactive projects are not eligible to receive funding under this program)
- Capable of completion by the applicant within one year from the date of grant approval

5. Requirements for Funding

As part of the approval agreement, all approved applicants are required to adhere to the following requirements:

- Comply with all applicable privacy legislation



To: Board of Directors

From: Josie Osborne, Mayor, District of Tofino
Douglas Holmes, CAO

Meeting Date: October 10, 2018

Subject: Community Child Care Planning Program

Recommendation:

THAT the Alberni-Clayoquot Regional District apply to the provincial Community Child Care Planning Program for funding to undertake child care planning activities and develop a 'community child care space creation action plan' for the region's communities;

AND THAT if successful, engage the services of Marcie DeWitt, Maggie Hodge Kwan and Tracy Smyth to complete the key project activities of the project.

Summary:

The Province of BC recently announced expanded investment in the child care sector totaling \$1 billion over three years. This includes \$237 million to improve access to child care, including funding the creation of 22,000 new licensed child care spaces. Strong planning at the community level will ensure that this and future investments create child care spaces in areas with the greatest need.

To support the identification of community needs, a funding stream entitled the 'Community Child Care Planning Program' has been created by the Province. The funding program will support local governments and child care stakeholders to:

- collect information regarding the child care needs of each community;
- create an inventory of existing child care spaces;
- identify space creation targets over the next 10 years; and
- identify actions that can be taken to meet those space creation targets.

The information gathered through these plans will be shared with the BC Ministry of Children and Family Development, and may inform future provincial investments in child care space creation

For efficiency and knowledge sharing in the ACRD region's closely connected communities and network of child care providers, a team of experienced consultants has proposed a regional approach to undertake this work for ACRD communities (see below). As the ACRD does not have a service (and therefore staff) to deliver this project, we recommend the consultant team be authorized to pursue the funding and, if successful, conduct the work on behalf of the ACRD. While the information from this project dovetails nicely with the

goals of the Alberni Clayoquot Health Network and will greatly inform their activities, the funding would flow directly from the Province to the ACRD and the contract would be separate from the ACHN's activities.

The project would be conducted by the following team members:

Marcie DeWitt – Marcie has a decade of community development, engagement and systems change experience. This has included coordination of the Coastal Family Resource Coalition, where she also oversaw the Early Years Table, and the Alberni Clayoquot Health Network. Marcie has formal training in project management.

Maggie Hodge Kwan – Maggie has been a facilitator for the Alberni Children First Network and the Alberni Valley Childcare Connections group (the former is now defunct due to lack of funding). Maggie has formal training in project management, data analytics, and non-profit evaluation.

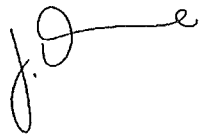
Tracy Smyth – Tracy has been an early year's community developer for two decades with a focus on supporting multi-organization collaboration to improve supports to families. She was the community facilitator for both the Alberni Valley and West Coast communities and has been an instructor for North Island College's Early Child Care and Education certificate and diploma program.

Time Requirements – Staff & Elected Officials:

Minimal staff time required to support the application submission.

Financial:

The Community Child Care Planning Program can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$25,000 per community. A Board or Council resolution will be required for each participating local government.



Submitted by: _____

Josie Osborne, Mayor, District of Tofino



Submitted by: _____

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

November 16, 2018

Attention: Mayor Minions and Council for the City of Port Alberni

Dear Madam Mayor,

Commercial sawmilling activity at McLean Mill ceased operations in 1965. The property where the former mill operated, was more or less dormant for about the next 20 years. Then, around the mid-eighties, decisions were made by local public officials to acquire the property from then owner, MacMillan Bloedel. A portion of the property was designated a National Historic Site on June 22, 1989, and the City of Port Alberni received title to the property on April 14, 1997.

Recently, soil samples for analysis were taken from the mill pond to determine if harmful elements may be evident on the McLean Mill property. The samples were obtained from locations ranging about 200 to 250 meters from where a former tank that contained liquid wood preservative for dipping sawn lumber in, is situated. The soil analysis revealed that concentration levels for some of the most dangerous chemicals to humans are higher than acceptable, current standards. TerraWest Environmental, who conducted the analysis, reported to D. R. Clough Consulting, that there be, "an assessment of the wider mill property and historical uses to attempt to identify the source of the contaminants currently identified in the pond."

In light of recent events regarding this property, several questions are raised:

- 1) If these chemicals migrated easterly up to 250 meters away from the known location of a dip tank that contained liquid wood preservative, did the chemicals also migrate in other directions?
- 2) Chemicals do degrade over time, but when first introduced to the environment, they would be at their maximum levels of toxicity. So, if the toxicity levels recently identified in the soil samples taken from the McLean Mill pond are above acceptable standards for human safety at this time, what was the toxicity level like 10 years ago in 2008, or 24 years ago in 1994, when the City began to officially take over the property from MacMillan Bloedel, or in the late sixties after industrial activity ceased operations on the property?
- 3) What, if any, has been the exposure level over time to visitors, or downstream users of water from Kitsuksis Creek, if these chemicals can be proven to have been present over the past decades, particularly with respect to their potential toxicity levels when they were first introduced to the environment at or before 1965, and regardless of their rate of degradation over time to their current levels of toxicity?
- 4) The former Toquaht Bay Recreational area campground in western Barkley Sound, was closed and relocated at a safe distance away from that former site, because of high levels of local contamination resulting from tailings from the former mine operations in that area. In 2018, the McLean Mill Society put in camping spaces, and disturbed soil to put in basic infrastructure to service their new camping spaces, just meters from where the known chemical dip tank was located, as mentioned previously. How can a new campground be put at or near a former, known

chemical dip tank area on the McLean Mill property, while a campground in Barkley Sound was closed and relocated because of contamination concerns at that location?

When service stations are decommissioned, it is not uncommon that, due to soil contamination by gasoline, diesel and oil, that several yards of soil are removed from the former site as part of the clean-up. Afterward, it's not uncommon that a fence goes around the property, and intermittent testing of soils in the immediate area are conducted for two or more years while the area heals. Residential furnace oil tanks are no longer installed underground, because it's not best practice. But in cases where they've been left underground, regulatory changes now require that property owners remove them. Finding an underground furnace oil tank on a residential property can be very costly to remediate. But the property insurer doesn't care about that. Nor does the regulator. It must be remedied.

There is a long list of items related to the McLean Mill property, that years of researching and compiling data has shown to be incomplete, particularly regarding paperwork, and the status of certain infrastructure. Some of those items have been addressed, but only after continued pressing by others, or by myself. And, unfortunately, some items remain inadequately addressed. I am very confident in my assertion that if the McLean Mill property were held by a private land owner, and not by the City of Port Alberni, that the private land owner would be treated in a manner by the various agencies that do have regulatory oversight for various aspects of the property, more forcefully than appears to be the case for how those agencies are conducting enforcement to the public land owner, City of Port Alberni. I believe this would be particularly so in light of potential soil contamination or sewerage system issues and how those agencies would apply enforcement orders to remedy these before normal business activity on the property could resume. Many of those same agencies have, in the past, left the impression that they have deflected, delayed or dismissed public concerns about certain issues related to proper documentation being in place, or did not take seriously enough, public concerns about other issues with the property, such as with the sewerage system, or of possible toxic contaminants being present in the soil.

We're not talking here, about a relatively non-persistent contaminant such as furnace oil that was recently found in soil at the McLean Mill property, the same furnace oil for which residential property owners are ordered to remove in-ground tanks and remediate the area no matter the cost. We're talking about persistent, carcinogenic and toxic dioxins and furans that were found in the soil at the McLean Mill property, including the dioxin TCDD, which is a chemical chain known to be resistant to metabolism, and biomagnifies up the food chain.

Subsequent investigating also revealed that the sewerage system appears not to have been built to the engineered drawings for the property that were produced in April, 1997 by Graeme & Murray Consultants. On behalf of the City of Port Alberni and MMS, an inspection of the sewerage system at the McLean Mill property was conducted in January, 2017. However, it was performed by a person unauthorized by the Applied Science Technologists and Technicians of B.C. to do so. Subsequent to this information making its way to ASTTBC, the person performing the inspection was sanctioned by ASTTBC, but to date, neither the City of Port Alberni as the property owner, or the McLean Mill Society as the property operator, have obtained a sewerage system inspection by a qualified inspector. Interestingly though, a permit to open and operate a restaurant on the site was issued by the Port Alberni Environmental Health Office to the MMS in mid-2017. A logical question that arises is how could a permit be issued if such issuance was based in part on a

sewerage inspection report that was provided to the local EHO by a person unauthorized to do the inspection in the first place?

Any of us may know a very qualified, red-seal carpenter and consult him or her to provide us with drawings to build a new structure in the city. So we proceed, and all other approvals fall into place. Of course that doesn't happen. Our red-seal carpenter friend might know carpentry and the building code inside out, and can produce a set of drawings, but those drawings do not confer any authority for us to proceed in building our structure. Only the building inspector for the city, who is authorized, can do that. None the less, at the McLean Mill property, a restaurant received a permit to open based in part, on a sewerage system report produced by an unauthorized person.

My regular questions of public officials have attracted the attention of several people I don't know. Some telephone me at home, some reach out to me through Facebook, and some stop me in the local grocery store. In all cases, they are appreciative that there is some effort by someone to keep public officials accountable.

One of the people who contacted me, who I did not know previously, but who was reading my submissions to our local city council and decided to reach out, is John Adams, who owns acreage adjacent to the McLean Mill property. He has been described as the "crazy farmer out Beaufort way that is stirring up shit." Ironically though, despite his gruff style of communicating his concerns, his credibility regarding his concerns with the McLean Mill property continues to rise, while simultaneously, the credibility of multiple agencies who do have regulatory or operational oversight for this property continues to decline. This is happening as the slow seepage of evidence brings to light that perhaps, there has been poor implementation of applicable standards, or no more than cursory investigation of issues at the McLean Mill property having been conducted over the decades, even after the public had taken their concerns to these same agencies believing their concerns would be investigated, and regulations would subsequently, be enforced.

I think some of the confusion regarding what level of regulatory oversight is required of this property, and of the economic activities on it, is because of the designation of the property being a National Historic Site. But the property is not a National Park, nor is it owned by the Federal Government of Canada. As stated previously, the City of Port Alberni is the registered owner. While investigating, it came to light that even WorkSafe BC was not clear of this fact until recently. I enquired of WorkSafe BC seeking to find out if the MMS was registered with them. As of late January this year, 14 months after incorporation as a society in November, 2016, and after a full year of business operations in 2017 on the property, the MMS had still not registered with WorkSafe BC, as confirmed by an email I received from WorkSafe BC stating this fact. This is another example of inadequate paperwork standards being met.

It is time, once and for all, that everything that is required to be remedied, repaired or renewed regarding the McLean Mill and railway project is put on the table in full view of the taxpayers who have funded this with millions and millions of dollars of public money over the past 20 years. Even with all of that money spent, taxpayers, particularly because of the direction of previous elected officials, currently find themselves responsible for a non-operating steam sawmill, a steam powered locomotive in need of costly boiler repairs, a railway bed that has good steel rails, but an abundance of rotting ties and inadequate ballast, a sewerage system that does not appear to meet

the standards required for the number of guests that the MMS wishes to attract to the site, and confirmation recently of a soil contamination issue that may be very costly to fix.

Perhaps, if the expenses are not onerous, all of the items can be remedied, or perhaps they cannot be. Either way, I believe we've more than reached the point in time where a full, public and transparent accounting for everything that is going on with, and related to the McLean Mill/railway file, including a realistic assessment for the amount of money that will be required to address all of the identified and unresolved issues, is necessary. This needs to happen despite all of the personnel changes over just the last two years at the MMS, with City and ACRD staff, and at the political level. Many of the issues identified, predate personnel who've had a role in the governing, in some form or other, of this project. But many of the same issues remain after so many have departed their posts. Once a full, public accounting has been had, then, and only then, can we all decide together if, or how, we wish to proceed with this project.

Respectfully submitted,
Roland Smith

November 20th, 2018

Re: **Welcome Signage in Port Alberni**

Dear Mayor Minions and Council,

In 2017 I wrote two letters to the City asking that the welcome signs be fixed to say "Port Alberni" instead of "Alberni Valley". Attached are both letters for your reference. I received a letter from the City saying that my letter was sent to staff for study. After that, I never heard back from the City on this matter.

I am encouraged that with new leadership in the Mayor's position and on Council, this issue can be re-examined and dealt with quickly.

"Port Alberni" on our welcome signs will help people and businesses in Port Alberni compete with other communities that successfully name their city on their signage. Duncan welcomes people to "Duncan", not to the "Cowichan Valley".

The business owners on Port Alberni City Council know the importance of proper names as businesses who attract customers from outside Port Alberni are specifically looking for the City of Port Alberni. The City of Port Alberni is actually working against the interests of those who promote and market Port Alberni by misnaming our community. This doesn't make sense.

Why make it hard for customers and visitors to know they're in Port Alberni? City Council should be supporting the image and brand of the City of Port Alberni in this simple and fundamental way. We're in a competitive world and it's hard to say we're in the competition when we don't say who we are. It's a very weak opening impression for visitors and investors.

Could you direct the City Manager to make the simple changes our welcome signs? This will solve the problem. Please have the City respond to this letter once a determination has been made as to how the City wishes to proceed.

Much appreciated,



Owner
Batstar Adventure Tours



**Award Winning Guided
Sea Kayak Tours
since 1999**

6360 Springfield Road
Port Alberni - British Columbia
Canada - V9Y 8L8
toll free (855) 724-2050
phone (778) 419-1331
e-mail: tours@batstar.com
www.batstar.com

October 13, 2017

Re: **Welcome Signage in Port Alberni**

Dear Mayor Ruttan and Council,

I wrote to you in June encouraging the City of Port Alberni to change the name on the welcome signs from Alberni Valley (a place that does not exist geographically*) to Port Alberni (the legal name of the City). Other than a form letter saying that City Hall has received my letter, I have not heard back from the City and frankly, this is disappointing.

Could you please let me know the status of this file and let me know when the changes to the sign can be anticipated? I've heard various reasons in the community why it's so hard to change the name and all of them are facile:

- The sign is on ACRD land and this makes it difficult to change the sign,
- The City wants to amalgamate ACRD land and wants to show inclusivity,
- The City feels the name Port Alberni creates hard feelings between the old towns of Alberni and Port Alberni,
- The City doesn't understand that companies who market outside of Port Alberni want the sign to say Port Alberni to make a welcoming environment for customers coming specifically to our city to make purchases.

I know that when there's a will, there's a way when it comes to decisions at City Hall. This is evidenced by the Rainbow Crosswalk beside City Hall that went from idea to reality in a few weeks this past summer. This was the right decision and it showed leadership.

To stimulate movement on changing the name of the welcome signs, would you like me to rally the business community to get them to ask City Hall to get their name right on the welcome signs? Would you like me to ask for money to help pay for the changes?

Please let me know how I can help.

I look forward to your reply.

Blake Johnson



Owner
Batstar Adventure Tours



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6360 Springfield Road
Port Alberni · British Columbia
Canada · V9Y 8L8
fax (866) 558-2200
toll free (855) 724-2050
phone (250) 724-2050
e-mail: tours@batstar.com
www.batstar.com

* Alberni Valley

BRITISH COLUMBIA | BC Geographical Names

Search Place names **Alberni Valley** More options

Welcome Search Results

161 results
Showing 1-20

- Alberni (Community)** Official
In City of Port Alberni, head of Alberni Inlet Barkley Sound
- Alberni 2 (Indian Reserve-Rserve Indienne)** Official
Vancouver Island, on east shore of Alberni Inlet, at Polly Point, 2 miles south of Port Alberni
- Alberni Inlet (Inlet (3))** Official
Extends NE from head of Barkley Sound, SW side of Vancouver Island
- Port Alberni (Port (1))** Official
Above Stamp Point at head of Alberni Inlet, W side of Port Alberni (city)
- Port Alberni (City)** Official
Head of Alberni Inlet, south central Vancouver Island
- Alberni Land District (Land District)** Official
Surrounding Port Alberni (city), between Dunsmuir and Newcastle Land Districts

Port Alberni

BRITISH COLUMBIA | BC Geographical Names

Geographical Names - Province of British Columbia

Search Place names **Port Alberni** More options

Welcome Search Results

82 results
Showing 1-20

- Port Alberni (Port (1))** Official
Above Stamp Point at head of Alberni Inlet, W side of Port Alberni (city)
- Port Alberni (City)** Official
Head of Alberni Inlet, south central Vancouver Island
- Alberni (Community)** Official
In City of Port Alberni, head of Alberni Inlet Barkley Sound
- Alberni 2 (Indian Reserve-Rserve Indienne)** Official
Vancouver Island, on east shore of Alberni Inlet, at Polly Point, 2 miles south of Port Alberni
- Alberni Inlet (Inlet (3))** Official
Extends NE from head of Barkley Sound, SW side of Vancouver Island
- Alberni Land District (Land District)** Official
Surrounding Port Alberni (city), between Dunsmuir and Newcastle Land Districts
- Regional District of Alberni-Clayoquot (Regional District)** Official
SW side of Vancouver Island



June 8, 2017

Re: **Welcome Signage in Port Alberni**

Dear Mayor Ruttan and Council,

Port Alberni is the only city in British Columbia that doesn't identify itself on its welcome signs (Johnston Road and River Road/Clutesi Marina). Please correct this and update the City of Port Alberni welcome signs so they say "**Port Alberni**".

The two signs currently say "**Discover Alberni Valley**".



In the interim, I suggest that the City puts a sticker over "Discover Alberni Valley" with one that says "**Port Alberni**" using a matching font on a quality decal from a local company. This inexpensive solution would give the City time until more appropriate gateway signs for our beautiful city are budgeted for, designed and installed.

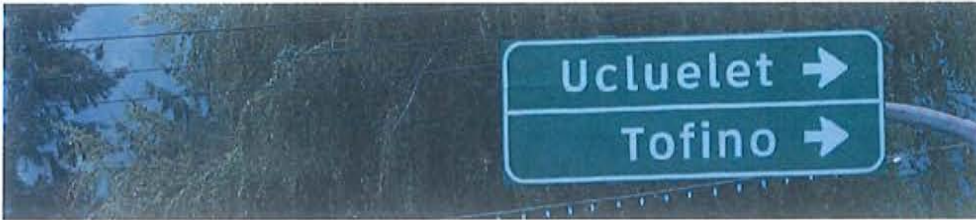
I also suggest keeping the tourism logo as it is on all of the other signs and helps unify the wayfaring signage. The cost to completely change all of the signs would be prohibitively expensive and shouldn't be a priority for Port Alberni right now.



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...2

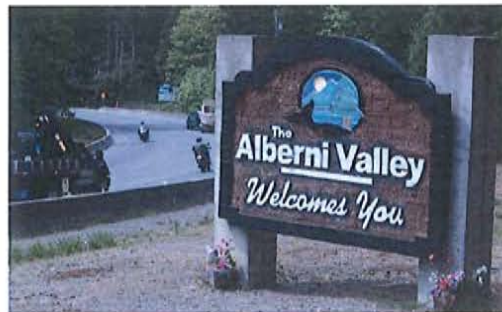


Think about this from a visitor's perspective. On the BC highway distance signs, motorists read "Port Alberni". They are looking to see **Port Alberni**, *not* Alberni Valley on our welcome sign. Type "Alberni Valley" into a search engine and see what comes up.

Motorists are also looking for **Port Alberni** on their car GPS or smart phone displays or printed maps. As you can see in the photos above, the Rotary Club welcomes people to **Port Alberni**, not the City of Port Alberni.

The City of Port Alberni identifies itself as **Port Alberni** online and on printed material, including those used by economic development to attract business investment. Changing the welcome signs to say **Port Alberni** would support the City's existing marketing and administrative efforts. It would also help get visitors to our beautiful sports facilities, parks, trails and the Harbour Quay & Canal Beach area. McLean Mill's address is Port Alberni.

The proper name on the sign would also support local companies that market their location as **Port Alberni**. For years my company's guests have wondered why Port Alberni is not featured on the welcome sign. It's an embarrassing conversation and one that I've had for years with new and repeat customers and also with colleagues in the British Columbia tourism industry.

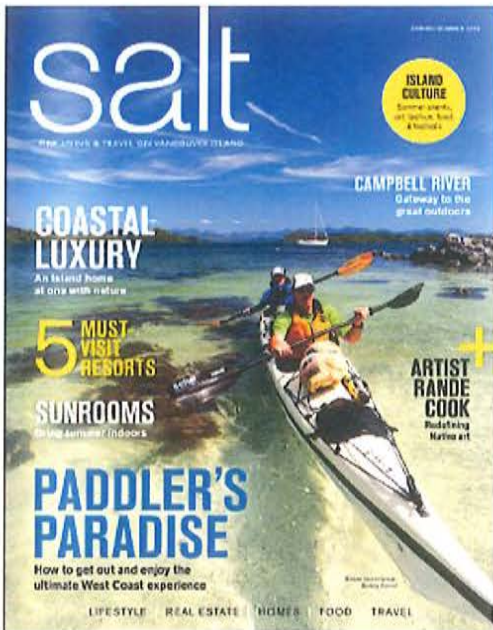


I recently contacted Roger Brooks who consults with communities on branding and tourism. He visited Port Alberni in the early 2000's and helped start the move towards creating Alberni Valley Tourism. He told me it was unusual for a city to *not* name itself. He did mention the Napa Valley as a major tourism destination but each city in that region does name itself on its welcome signs. I recommend you contact Mr. Brooks as he knows Port Alberni well. You can reach him through his website: rogerbrooksinternational.com.

Just up the hill on Highway 4 is another sign that also welcomes people to the Alberni Valley. This is the Alberni Clayoquot Regional District sign that the late Glenn Wong helped create. Between the ACRD sign and the huge COOMBS COUNTRY CANDY sign, the City's Discover Alberni Valley sign really makes it difficult for people to have a clear first impression about the City of Port Alberni.

At night and in dark rainy winter weather the welcome signs are virtually useless as they are not illuminated.





When Batstar wins awards or is featured in articles in magazines, newspapers and online articles, we proudly say we're from Port Alberni. This earned media is free publicity for Port Alberni. In 18 years of advertising we've promoted Port Alberni in our ads. We've brought thousands of people from around the world here. There are lots of other local businesses and community leaders that bring positive attention to Port Alberni yet our brand, Port Alberni, loses value. The nebulous **Discover Alberni Valley** is reducing our brand equity. This is not normal and needs to change.

If you are unsure of what I'm talking about, please do as I have done and talk with tourists in Tofino, Ucluelet and Secret Beach. I can't tell you the number of times I've had tourists ask me about sea kayaking and when I tell them I'm from Port Alberni they say, "Where's that?" You know you have an identity problem when people can't remember the last city they drove through.

I raised my family in Port Alberni and continue to believe in the people and the community. Not getting our name right on our welcome sign reflects poorly on our community. It also plays into any negative narrative and stereotypes about Port Alberni. It's not fair to the people, businesses and organizations in our community. Please put **Port Alberni** back on our welcome signs. A decade missing is long enough.

I look forward to your reply.

Blake Johnson

Owner
Batstar Adventure Tours



p.s. **Logo Usage:** When you use a logo incorrectly, like on the sign coming in from Bamfield, you weaken your legal claim to it. This information should be in your graphics standards manual. If I'm not mistaken, the Alberni Clayoquot Regional District actually owns the Bear Tracks and Lumberjacks logo. You should have an original copy from when the blue wayfinding signs were made. If you need a copy of it, I have one.



Welcome sign on Ship Creek Road, it does say Port Alberni but...



uses an improper logo, all design elements are wrong except colour.



The proper logo, black log ring can be rendered in white.

Consistency: Once you have a wayfinding template, you should stick to it for consistency. The sign to the right is at the top of Argyle Street and should have the tourism logo above it and the wave pattern below like the sign above, but with the correct logo.



The Visual Identity Standards reinforce the City's identity, ensuring continuity across all materials.

A unified visual identity:

- evokes pride
- enhances Edmonton's reputation
- showcases who we are and what we do
- strengthens our ability to connect with Edmontonians
- helps us build a great city

Here's a link to the Visual Identity Standards for the City of Edmonton. It's shows the guidelines for graphics standards to protect their intellectual property.

https://www.edmonton.ca/city_government/news/visual-identity-standards.aspx

To see pictures of the City of Port Alberni wayfinding signs go to my photo site here:

<https://batstar.smugmug.com/Other/City-of-Port-Alberni-Signage/n-ZzMTiJ/i-ngcTFLw>

from City of Edmonton website





CITY OF PORT ALBERNI

ECONOMIC DEVELOPMENT MANAGER REPORT

TO: Tim Pley, CAO
FROM: Pat Deakin, Economic Development Manager
COPIES TO: Davina Hartwell, City Clerk
DATE: November 21, 2018

I concur, forward to next Regular Council Meeting for Consideration:

Tim Pley, CAO

SUBJECT: ENTRY AND WAYFINDING SIGNAGE

Issue:

The issue of entry and wayfinding signage has been raised to City Council. This report provides information on that matter.

Background:

In 2007/08, the City invested ~ \$100,000 in 30 signs that:

- Paid homage to the 'Bear Tracks & Lumberjacks' branding that had been adopted by the City at the urging of the Alberni Valley Chamber of Commerce
- Reflected the waterfront location of the community with a blue colour and a wavy element.
- Referenced the 'Alberni Valley' as opposed to 'Port Alberni' in two 'entry signs'; one of which is between Coombs Country Candy and the Visitor Centre on Highway 4 and the other visible to eastbound traffic on River Road at Clutesi Haven Marina

It has been suggested that the City remove the 'Alberni Valley' reference by overlaying a 'Port Alberni' sticker. City staff have looked closely at one of the entry signs and report that it is not feasible to retrofit the existing signs without incurring costs and engaging an external contractor.

A broader discussion about signage should be had. Over the last 4 or 5 years, many people and organizations have urged that different entry and wayfinding signs be designed and installed to:

- Make a better 1st impression on travelers
- Identify where the City's boundary starts
- Acknowledge specific aspects of the community (i.e. wood industries or water or Salmon Capital/Ulimate Fishing Town or our Bear Smart designation or entry to the traditional territory of the Nuu-chah-nulth people)
- Make people aware of and direct people to our waterfront, several shopping areas and attractions

Conversations about or actions on signage have included (but are not limited to) the following:

- Vancouver Island University tourism students did a 'signage audit'
- The Young Professionals of the Alberni Valley offered to undertake a 'Community Wayfinding Initiative' for a fee
- The Uptown Merchants Association provided the City with samples of entry and wayfinding signs to their business district
- The Alberni Valley Chamber of Commerce collected ideas for a bold entry sign
- The Ultimate Fishing Town Committee proposed a stronger salmon theme throughout the lower Johnston Road area
- Participants in the Johnston Road Charrette discussed signage (October 2016)
- In 2017 Council allocated \$90,000 for an entry sign while acknowledging the amount was probably nowhere near the amount required to make a great impression. The amount was withdrawn from the succeeding budget
- The Port Authority request of the City for help in getting better signage up to direct people to Centennial Pier, Tyee Landing (and the waterfront generally)

Conclusion:

City staff will re-examine the potential for installing a 'Port Alberni' sticker over the 'Alberni Valley' reference on the sign near Clutesi Marina.

City staff will provide a more comprehensive report addressing signage.

This is a report for information only; no decision is required of Council at this time.



Pat Deakin
Economic Development Manager

Dear Mayor and Council,

On behalf of the members of the Food Security and Climate Disruption (FSCD) Committee I would like to extend congratulations on your election to the 2018-2022 City Council.

Through the Committee's work in the community and with the support of Council and Staff the City has:

- Adopted the "*Declaration to The Right To A Healthy Environment*".
- Implemented a \$500 Oil to Heat Pump rebate program that allows up to \$2200 in rebates to be accessed when people upgrade their oil furnace to a heat pump.
- Extended the \$500 rebate in 2018 to include exchanges for Wood Stoves to Heat Pumps done through the ACRD exchange program.
- Installed public water bottle filling stations at the Multiplex and Echo Centre.
- Implemented bike lanes across the City and supported work to promote and increase active lifestyles amongst youth and adults in Port Alberni.
- Encouraged City operations to plant "bee friendly" plants and flowers in City gardens.
- Advocated to the Province for planning to address flood risk management and sea level rise from climate change.
- Pursued a Kitchen and Yard Waste pickup program.
- Created a plan for a Solar installations on City owned buildings.
- Supported work on local agricultural initiatives in partnership with local food banks, service providers and the ACRD.
- Assisted residents in creating market gardens in the City.

The Committee is excited to continue this important and positive work in partnership with the new City Council.

The Committee currently has 3 vacancies of its membership (Rosalind Chapman, Brendan Chase and Sandra Gentleman). Unfortunately, all other members are at the end of their terms which the Committee is worried could lead to a loss of knowledge of work and relationships built.

In light of this, the Committee would like to make two requests:

#1: That Council offer current at large members to stay on if they wish for an additional year to allow a one year transition period for the new members, including appointees from Council and other organizations, to familiarize themselves with the work of the Committee.

#2: As the Alberni Environmental Coalition has ceased to exist, the Terms of Reference be updated and either another member at large be appointed, or that a request be made to School District 70 to appoint a voting member. Many of the Committee's initiatives have led to good partnerships with local schools or impact our youth directly and indirectly.

Finally, we would like to invite all of City Council to our December 6 meeting to learn about the work the Committee is doing and the wonderful Food and Climate related initiatives that are happening right now in and around Port Alberni.

Thank you very much for your consideration of these requests.

Sincerely,

Sam Brownlee (Alberni Valley Transition Town) – Vice Chair

Guy Langlois – Secretary

Gary Swann (Alberni Environmental Coalition)

John Mayba

Rosalind Chapman

From: Charles Wordsworth [<mailto:charles@netsafe.ca>]
Sent: Tuesday, November 13, 2018 11:09 AM
To: mayor@surrey.ca
Cc: David.Izzard@surrey.ca
Subject: Attention Mayor & Council - Proclamation request - ISACA BCWARE Days 2019
Importance: High

Good morning

Your Municipality very kindly proclaimed our 2018 BCWARE days earlier this year and ISACA Vancouver and its affiliates are again taking a leadership role in promoting privacy and security awareness in the Province of BC. Once again, we are uniting Industry, Government and Higher Education to raise public awareness and foster the growth and development of the security and privacy professions.

BC AWARE DAYS CAMPAIGN 2019 ("BC AWARE DAYS") is a professional development campaign designed to engage information technology and cyber-security professionals as well as students who are interested in entering into these fields.

ISACA is therefore requesting your assistance in officially proclaiming January 28 to February 5, 2019 as BC AWARE DAYS. Please see <http://www.bcaware.ca/>

Please feel free to use the attach template as a suggested proclamation

Many thanks for your continued support.

Regards

Charles

Charles W. Wordsworth, CCCI., I.S.P., ITCP., CMC
Volunteer
ISACA BCWARE Campaign 2019
(604) 535 7213

Office of the Mayor
Municipality Name
BRITISH COLUMBIA

Proclamation

“BC AWARE DAYS 2019: Be Secure, Be Aware, days.”

WHEREAS Cybercrime threatens the privacy and security of all citizens and organizations in British Columbia;

AND WHEREAS Cybercriminal activity amounts to a tremendous erosion of economic wealth;

AND WHEREAS Privacy & security issues result from the massive amounts of personally identifiable information processed each day;

AND WHEREAS Awareness of the risks to society must be highlighted to engage citizens and organizations and to galvanize privacy and security professionals around this cause;

AND WHEREAS ISACA Vancouver, a member of ISACA, the leading international association of information security governance professionals, wishes to instil privacy and security awareness amongst all citizens and organizations in British Columbia;

AND WHEREAS **Municipality name** supports the promotion of privacy and security awareness amongst its citizens and organizations, so they can protect themselves from privacy infringements, fraud and other financial crimes;

NOW, THEREFORE, I, **Name, Mayor of Municipality**, DO HEREBY PROCLAIM January 28th- February 5th 2019

“BC AWARE 2019. Be secure, Be aware, days. ”

in the **Municipality Name**.

(Signed)
Mayors name
MAYOR

Community Open Houses

Come join us

Ucluelet · Monday, November 26 · 4:30-7:30pm

Ucluelet Community Centre, 500 Matterson Drive

Port Alberni · Tuesday, November 27 · 4:30-7:30pm

Italian Hall Events Centre, 4065 6th Avenue

Bamfield · Wednesday, November 28 · 4:30-7:30pm

House of Huu-ay-aht, Anacla

Steelhead LNG and Huu-ay-aht First Nations are proposing to develop Kwispaa LNG – a liquefied natural gas (LNG) export facility on lands owned by Huu-ay-aht First Nations at Nuumaqimyis Bay (also known as Sarita Bay) in Barkley Sound.

Come join us, learn more, and provide your feedback. The Kwispaa LNG Team and subject matter experts will be available to hear your questions, interests and concerns.

THE HONOURABLE MOBINA JAFFER, Q.C.
SENATOR - BRITISH COLUMBIA



L'HONORABLE MOBINA JAFFER, C.R.
SÉNATRICE - COLOMBIE-BRITANNIQUE

SENATE | SÉNAT
CANADA

October 24, 2018

RECEIVED

NOV 13 2018

CITY OF PORT ALBERNI

Her Worship Sharie Minions
Mayor of the City of Port Alberni
4850 Argyle St
Port Alberni BC V9Y 1V8

Dear Madam Mayor,

Re: C-48, the Oil Tanker Moratorium Act

For thousands of years, the orca has been a symbol of unspoiled nature and strength for the people of British Columbia. Orcas and whales help make up our unique environment that is uncommon not only in Canada but in the world. It is vital that we do what we can to protect them.

As a Senator and British Columbian, I am proud to sponsor Bill C-48, which seeks to formalize in law a ban on oil tankers in the north coast of British Columbia. The ban extends to the heaviest of oils and those that do not dissipate easily.

Oil spills have long-lasting effects on the environment. The effect of even one spill would be catastrophic to the rich waters that sustain us and millions of salmon, Kermode bears and whales.

Preventing an oil spill rather than responding to a devastation that would result from one is the best way to preserve our coastline, especially if our consideration now means preserving the waters for our children, grandchildren and great-grandchildren.

Please do not hesitate to contact me or my office should you have any questions or concerns. For further information, I have enclosed an appendix and a speech I delivered during second reading in the Senate.

I look forward to working with you on Bill C-48.

Sincerely,

The Honourable Mobina S.B. Jaffer, Q.C.
Senator for British Columbia

ENTERED

J.2

Appendix

Context:

1. The oil tanker moratorium is consistent with a 1972 federal government policy decision to impose a moratorium on crude oil tanker traffic and provide additional protection for B.C.'s northern coastline around Dixon Entrance, Hecate Strait and Queen Charlotte Sound. The area will extend from the Canada-Alaska border in the north, down to the point on B.C.'s mainland adjacent to the northern tip of Vancouver Island, and will also include Haida Gwaii. The Tanker Moratorium will complement the existing voluntary Tanker Exclusion Zone which has been in place since 1985.
2. Oil tankers carrying more than 12,500 metric tonnes of crude oil or persistent oil as cargo will be prohibited from stopping, loading or unloading any of those oils at ports or marine installations within the affected area.
3. Bill C-48 will apply to the shipment of crude oils as defined by the International Convention for the Prevention of Pollution from ships. It will also apply to a range of persistent oil products that are heavier and, when spilled, break up and dissipate slowly.
4. Many Northern B.C. communities rely on marine transportation for resupply - for the provision of goods, including essential fuels (heating oils and other critical petroleum products), needed by residents. The moratorium will not apply to vessels that carry less than 12,500 metric tonnes of crude oil or persistent oil products. At this threshold or below, shipments will be permitted to allow communities to continue to receive these critical goods.
5. Under the proposed legislation, enforcement officers (such as Transport Canada's marine safety inspectors) will have the authority to board vessels to inspect, sample, and seize cargo as required. The legislation would also include significant penalties of up to \$5 million.

Bill C-48, the Oil Tanker Moratorium Act

Senator Mobina Jaffer

Second Reading Speech

Honourable Senators, I am proud to rise today as a Senator of British Columbia and as sponsor of Bill C-48, the *Oil Tanker Moratorium Act*.

Honorables sénateurs, c'est avec fierté que je me lève aujourd'hui en tant que sénatrice de la Colombie-Britannique et marraine du projet de loi C quarante-huit (C-48), Loi sur le moratoire relatif aux pétroliers.

This bill is about our environment. C-48 is an important piece of environmental legislation meant to protect British Columbia's waters. To accomplish this, the bill will enshrine a longstanding crude oil tanker moratorium on the pristine northern coast of my home province, entrench environmental measures that are already long in practice, and implement measures to mitigate the risk and potential scale of oil spills in a very special ecosystem.

On one hand, Bill C-48 is an affirmation of our collective responsibility as stewards of British Columbia's ecologically rich and relatively untouched coastal environment, with its kelp forests, salmon runs, resident orcas and Kermode bears.

On the other hand, Bill C-48 also recognizes the economic imperative of the small communities of coastal British Columbia, many of which have no road access, who depend on the marine shipment of goods, including petroleum products

necessary to heat homes and run businesses. For that reason, the provisions of the bill will also ensure that these communities are able to function after the moratorium is put into place.

To illustrate this balance, I would like to generally describe what this bill does:

The Oil Tanker Moratorium Act will prohibit oil tankers carrying more than 12,500 metric tonnes of crude and persistent oils as cargo from stopping, loading or unloading at ports or marine installations in northern British Columbia.

Les navires transportant une cargaison de moins de douze mille cinq cents (12 500) tonnes métriques de pétrole brut ou d'hydrocarbures persistants pourront se rendre dans les collectivités nordiques qui dépendent de ces cargaisons pour obtenir de l'huile à chauffage et d'autres produits.

The moratorium area extends from the Canada/U.S. border in the north to the point on British Columbia's mainland that is across from the northern tip of Vancouver Island. The area also includes the area of Haida Gwaii.

This bill is a key element of the Government of Canada's Oceans Protection Plan, or OPP. The OPP is a Canadian strategy to demonstrate world leadership in ensuring marine safety, protecting coastlines, and ensuring clean water, while providing economic opportunities for Canadians.

Let me repeat that this bill serves to complement the existing voluntary Tanker Exclusion Zone.

La zone d'exclusion volontaire fait en sorte que, depuis mille neuf cent quatre-vingt-cinq (1985) les pétroliers ayant une cale chargée desservant l'oléoduc Trans-Alaska doivent passer à l'ouest de la zone visée par le moratoire, à des centaines de kilomètres à l'ouest de Haida Gwaii, et bien loin de la côte ouest de l'île de Vancouver.

Bill C-48's proposals are also consistent with a 1972 federal government policy decision to impose a moratorium on crude oil tanker traffic and provide additional protection for B.C.'s northern coastline around Dixon Entrance, Hecate Strait and Queen Charlotte Sound.

In other words, Bill C-48 will entrench and unify these older policies in our laws, so that anyone entering our waters can understand them. This is a key element of the Government of Canada's Oceans Protection Plan, Canada's strategy to demonstrate world leadership in ensuring marine safety, protecting coastlines, and ensuring clean water, while providing economic opportunities for Canadians.

In order to ensure compliance with these measures, Bill C-48 also proposes strict penalties for its contravention. Those who violate the moratorium by carrying more than 12,500 metric tonnes of persistent oil or an oil that persists in the environment as cargo within the zone could be fined up to five million dollars.

Honourable Senators, let me now address to some of the specific elements of the bill.

Ces restrictions s'appliquent au pétrole brut ou aux hydrocarbures persistants, qui sont reconnus pour être les plus lourds et, comme leur nom l'indique, être ceux qui persistent le plus longtemps à la suite d'un déversement.

Each of the oils listed in the bill were identified using an internationally-recognized method used by the International Oil Pollution Compensation Funds. This test categorized each oil type according to their boiling point range, an internationally recognized measure which will be familiar to people working in the shipping industry.

These oils which will be banned include: partially upgraded bitumen, synthetic crude oil, slack wax, pitch and bunker C fuel.

Contrairement aux produits pétroliers plus légers, comme l'essence ou le carburant pour avions, qui finissent par s'évaporer ou être décomposés dans la mer par les microbes, les parties les plus lourdes de certains hydrocarbures persistent dans l'environnement pendant de nombreuses années. Ils flottent, se dispersent, coulent au fond de l'eau ou échouent sur le rivage. Les parties les plus lourdes des hydrocarbures ne peuvent ni s'évaporer ni se désintégrer.

With that said, the Moratorium Bill does not represent a total ban. These fuels will be allowed to be shipped in quantities below 12,500 metric tonnes to resupply the coastal communities in the moratorium area that depend upon these shipments.

To better help these coastal communities, several non-persistent oils or oils that dissipate more quickly through evaporation such as gasoline, light diesel oil, and kerosene were also exempted from the ban.

Honourable Senators, there is a very important reason that these particular oils have been chosen for the moratorium.

We all remember the Exxon Valdez oil spill in Alaska in 1989, with its heartbreaking and unforgettable scenes of 1,200 miles of shoreline coated in thick black, persistent, oil.

The damage this spill caused was catastrophic. According to the Exxon Valdez Oil Spill Trustee Council, outright deaths from the spill included approximately 250,000 seabirds,
2,800 sea otters,
300 harbour seals,
250 bald eagles,
up to 22 orcas,
and billions of salmon and herring eggs.¹

Even after a decade, when the oil seemed to have disappeared, tests on ducks and sea otters showed exposure to hydrocarbons, the chemical compounds contained in crude oil. Even today, the estimated amount of remaining crude oil remains in the thousands of gallons of oil.

¹ <http://www.evostc.state.ak.us/%3FFA=facts.QA>

This is not surprising when one considers that the industry standard for an oil spill response is only 10% cleanup of the oil. Further, in the case of raw, unrefined bitumen, a diluent is used to help it flow. This diluent evaporates quickly, but poses dangers to first responders to the spill who would be exposed to toxic fumes.

Sheila Malcolmson MP, In the other place, spoke eloquently about the slow response times for oil spills. In her region on the south-eastern coast of Vancouver Island, in the event of an oil spill, the corporate entity responsible has up to 72 hours to get to the spill with booms.

In her remarks Ms. Malcolmson also pointed out many facts to support the need for an oil tanker moratorium.

First, shipping oil is a dangerous thing to do, especially through the rough waters off the coast of British Columbia. There are swift currents and tides. Rough waters contribute to the risk of a spill and makes cleanup of a spill all the more difficult.

Nous ne pouvons pas nous permettre de prendre un tel risque. Le nettoyage d'un déversement de pétrole est une opération complexe et coûteuse qui doit être effectuée rapidement, et nous ne pouvons pas assumer ce risque. Ce type d'activité doit également faire l'objet d'autres études et recherches.

The Royal Society of Canada, Polaris, and the National Academies of Sciences, Engineering, and Medicine all agree that it is not clear with a spill in marine waters how long bitumen will float, especially with rough water and sediment.

Honourable Senators, much is at stake. The damage from oil spills has lasting effects. For example, spilled oil could contaminate shellfish beds and consequently the animals that eat the shellfish.

The damage doesn't stop there. An oil spill affects the First Nations communities whose culture and economy depend on a healthy, pristine ocean.

While preventing oil spills is clearly the best approach to environmental protection, in the event of a spill, quick action is imperative. In the remote north coast of British Columbia, the area to be protected by C-48, there is simply not the capacity to respond quickly in the event of a potential oil spill.

C'est pour cette raison que le projet de loi C- quarante-huit (C-48) est si important. Il atténuerait les risques de déversements dans l'un des écosystèmes et le long des côtes les plus fragiles du Canada en maintenant les pétroliers ayant une cale chargée à distance du rivage (jusqu'à cent-trente (130) kilomètres); cette zone a été déterminée en calculant la pire dérive possible pour un pétrolier désemparé ayant une cale chargée par rapport au temps nécessaire pour l'arrivée des secours.

With C-48, we will always be able to respond to a crisis and save precious heritage.

Honourable Senators, I would like to stress exactly what we are protecting when we put this moratorium into place. In committee proceedings in the other place,

they heard from a variety of witnesses who each spoke at length about the animals and people of this remarkable ecosystem.

For example, Misty MacDuffee, a Biologist and Program Director with the Raincoast Conservation Foundation's Wild Salmon Program, captured the precious natural value of the area. She told the committee the following, and I quote:

British Columbia's north and central coast, along with Haida Gwaii, comprise a unique environment that is increasingly uncommon not just in Canada but in the world. It is an archipelago where lush forests and granite buttresses greet the sea, where grizzlies dig for clams in sight of the open Pacific, where wolves swim to distant islands in pursuit of seals, where the ethereal calls of killer whales are used to pursue salmon migrating thousands of kilometres to freshwater rivers of a forest, and where the summer sun sets on the blows of feeding humpback whales that are surrounded by thousands of shearwaters, auklets, and gulls, all in pursuit of tiny fish that spawn on a sandy shore or on the giant kelps that buffer the fragile coast shoreline.(End quote)

This is what C-48 is trying to save when it takes steps to prevent catastrophic oil spills in the area. These spills would severely damage this incredibly productive ecosystem and kill many of the creatures Canadians not only value for their own sake, but also see as iconic emblems of Canada's wilderness and indeed, as part of our national identity.

In addition to safeguarding the food chain, a benefit of the Moratorium bill that may not be immediately obvious is the limit on underwater noise from large ships, which can significantly disturb the lives of marine mammals. These waters

are a fragile ecosystem for some of the most majestic mammals, including the resident killer whale population, an endangered species that is now reduced to under 75 remaining whales in the area. Killer whales have in fact been endangered since the 1980's with no sign of recovery on the horizon and acoustic disturbances from vessel noise is a key threat to their recovery.

The whole social network of whales relies on their ability to communicate back and forth – underwater noise interferes with their ability to hunt, navigate, and call out to one another. It is for this reason that noise, produced by vessels, contributes to their reproduction slow down.

Humans have allowed this majestic species to become endangered. I, however, truly believe humans and whales can share the Ocean. It is our job to protect this species for one reason alone. Because we cherish them. Simply put, the ocean is full of life and is our sustenance. Thus it is our duty to protect species that humans have endangered.

In British Columbia, wild salmon are an iconic species. The waters off British Columbia's north coast are a significant salmon migration route, with millions of salmon coming from the more than 650 streams and rivers along the coast. The impacts of a single oil spill would be devastating.

We enjoy eating this delicious and nutritious salmon. Salmon have helped make and sustain the temperate rainforest. Salmon support First Nations communities, coastal communities, and are an integral part of our west coast economy. Salmon is British Columbian food.

Salmon also supports a booming fishing industry in British Columbia. Commercial fishery on the north coast catches over \$100 million worth of fish annually. Over 2,500 residents along B.C.'s north coast work in the fishery and the processing industry employs thousands more.

In addition to their economic importance, salmon is integral to the cultures of native peoples of the Pacific Northwest. For the indigenous peoples of this area, salmon is both an essential food and a strong spiritual symbol that is central to their traditions and culture.

Sin nous pouvons mesurer la contribution économique de ces activités pour les collectivités du Nord-Ouest du Pacifique, mais la valeur que représente le saumon pour les communautés autochtones et leur culture, elle, est incalculable.

The west coast wilderness tourism industry is now estimated to be worth over \$782 million annually, employing some 26,000 people full-time and roughly 40,000 people in total.

The beauty of this coastal region and the abundance of salmon have made it a world-renowned destination for ecotourism, creating jobs and opportunities for economic growth. The shoreline is dotted with sports fishing lodges, as enthusiasts flock to experience the natural marine environment and take part in the world famous fishery.

This legislated crude oil tanker ban will help protect the temperate rain forest and Gwuii Haanas marine conservation parks. These two protected areas have incredible biological diversity and it should be protected. They contain many

species of concern like iconic killer whales, grizzly bears, bald eagles, and Pacific salmon. We simply cannot afford to lose them.

Le projet de loi C-quarante-huit (C-48) protégera et préservera la richesse environnementale de la région de la côte Nord de la Colombie-Britannique.

Bill C-48 protects these ecosystems in a way that will not interfere with resupply activities that are so important for communities and industry along this coast.

Once in force, the moratorium will prohibit oil tankers from entering or departing ports and marine installations in northern BC. It will also prohibit transfers to ensure large tankers don't offload products to smaller fuel barges making multiple trips to ports.

By finding the right balance between environmental protection and community and industry resupply, the government will ensure that shipping companies continue to employ workers from these communities. These jobs are important to the individuals working on these ships and the economies of their communities and beyond.

However, while community and industry resupply would be allowed to continue, tanker activity would be strictly limited. Large tankers carrying crude oil or persistent oils in quantities over 12,500 metric tonnes would not be allowed to do business in the moratorium's area.

These strong measures reflect the views of many Indigenous people who helped shape Bill C-48, and who continue to act as the stewards of the lands and waters of BC's northern coasts, and of the wildlife that relies on these generous and sensitive habitats for survival. In addition to acting as stewards of this natural world, many Indigenous individuals and communities rely on the waterways covered by the proposed moratorium for their livelihood, food security, transportation and cultural lives.

The proposed moratorium demonstrates that a clean environment and strong economy are mutually compatible. It is an example of sustainable development at its best.

Honourable Senators, I would again emphasize the special value of my provinces northern coast. This factor should be at the heart of our deliberations on C-48. Those persons most passionate and eloquent on the topic are those who live sustainably as part of this environment, and I would again quote committee proceedings in the other place. Mr. Modestus Nobels, Interim Chair of Friends of Wild Salmon, said the following:

For those of us who live on the north coast, it is an extremely important place. We rely heavily on the resources within that region for economic, recreational, and personal use. We have for years feared an oil spill and the repercussions of that in terms of how our lives would fold out. I don't know how to equate for you the value that exists there for us. We have lived on that piece of land for a long time. Many of my neighbours are from first nations who have been there for centuries. We all rely upon the ocean there. We all rely upon the resources. Those resources

are, to us, more important than the other industries that have been brought to us as economies. The economy we wish to see in the region is that of fish, of forestry, and of an ocean that we can rely upon for tourism for generations to come.

Le projet de loi C-quarante-huit (C-48) est une étape importante qui nous permettra de conserver l'un des plus extraordinaires écosystèmes du Canada pour les générations à venir. Je vous remercie de votre attention.



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CITY OF PORT ALBERNI

November 8, 2018

Ref: 110802

Her Worship Sharie Minions
Mayor and Council, City of Port Alberni
4850 Argyle Street
Port Alberni BC V9Y 1V8
Via Email: sharie_minions@portalberni.ca

Dear Mayor Minions and Council:

I am pleased to advise you that on November 14, 2018, the Province will issue your municipality's 2018 grant-in-lieu of property tax payment by electronic funds transfer.

Based on the property identified in the attached Grant Payment Details Report, your payment for 2018 is \$49,111.84. This payment is for provincially owned properties in your community and is made in accordance with the Municipal Aid Act. If your payment has changed from last year, it is likely due to a revised valuation by the BC Assessment Authority or a change in municipal tax rates.

Included in this payment is \$3,288.52, due to your Regional District. This amount is to be transferred to them at your earliest convenience.

This year, the Province will issue a total of \$15,995,510.28 in grants-in-lieu of property taxes.

If you have any questions or concerns, please contact the Real Property Division at RPD.ADMO@gov.bc.ca.

I'd also like to take this opportunity to extend my congratulations on your recent election. I wish you every success in your term ahead as Mayor and Council of the City of Port Alberni.

Sincerely,

Jinny Jogindera Sims
Minister

Attachment: Grant Payment Details Report

pc: Cathy Rothwell, Chief Financial Officer, City of Port Alberni, Via Email: cathy_rothwell@portalberni.ca
Tim Pley, Chief Administrative Officer, City of Port Alberni, Via Email: tim_pley@portalberni.ca

Ministry of
Citizens' Services

Office of the Minister

Mailing Address:
PO Box 9068 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-9699
Fax: 250 387-9722

Location:
Room 236
Parliament Buildings
Victoria BC V8V 1X4
www.gov.bc.ca/stz

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Grant Payment Details Report

Fiscal Year 18-19

Jurisdiction: 223 - City of Port Alberni

Tax Class	Municipal	Regional Land	Regional Improvements
06 - Business and Other	14.607370	1.048300	1.048300

Assessment Roll Number	Tax Class	Location	Address	Taxable Values									Grant Amounts					Total GIL
				General			School/Other			Municipal			Regional					
				Land	Improvements	Total	Land	Improvements	Total	Land	Improvements	Total	Land	Improvements	Total			
001/2131-04 00	06	Ambulance Station	4760 Roger St.	225,000	1,036,000	1,261,000	225,000	1,036,000	1,261,000	3,286.66	15,133.24	18,419.89	235.87	1,086.04	1,321.91	19,741.80		
				225,000	1,036,000	1,261,000	225,000	1,036,000	1,261,000	3,286.66	15,133.24	18,419.89	235.87	1,086.04	1,321.91	19,741.80		
001/3964-00 00	06	Courthouse Site	2999 4th Ave.	134,000	1,742,000	1,876,000	134,000	1,742,000	1,876,000	1,957.39	25,446.04	27,403.43	140.47	1,826.14	1,966.61	29,370.04		
				134,000	1,742,000	1,876,000	134,000	1,742,000	1,876,000	1,957.39	25,446.04	27,403.43	140.47	1,826.14	1,966.61	29,370.04		
Totals for 223				359,000	2,778,000	3,137,000	359,000	2,778,000	3,137,000	5,244.05	40,579.27	45,823.32	376.34	2,912.18	3,288.52	49,111.84		



Grant Payment Details Report

Fiscal Year 18-19

Report Totals

Taxable Values						Grant Amounts						
General			School/Other			Municipal			Regional			
Land	Improvements	Total	Land	Improvements	Total	Land	Improvements	Total	Land	Improvements	Total	Total GIL
359,000	2,778,000	3,137,000	359,000	2,778,000	3,137,000	5,244.05	40,579.27	45,823.32	376.34	2,912.18	3,288.52	49,111.84

* Annual Report in Reading File *

Mayor Sharie Minions
4850 Argyle Street
Port Alberni, BC
V9Y 1V8

November 14, 2018

Dear Mayor Minions,

On behalf of the PRIMECorp Board of Directors, I am pleased to provide you with a copy of the organization's Annual Report for the April 1, 2017-March 31, 2018 reporting period.

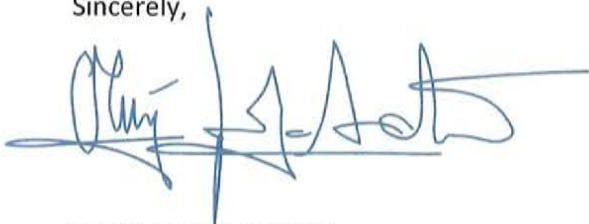
Throughout my first year as CEO of PRIMECorp, I have participated in ridealongs with police officers and sat with dispatch staff—witnessing firsthand the critical role PRIME-BC plays in terms of supporting the public safety mandates of agencies across B.C. I have also come to respect this organization's willingness to grow and adapt in order to meet the evolving needs of its partners. This dedication to continuously improve the user experience is reflected in the work that was done over the past year.

As you will see from this report, it has been a time of transformation for the organization in terms of its business structure and service delivery model. From launching a review of PRIMECorp's organizational structure, to modernizing PRIME-BC's network and computing architecture to implementing a second data centre—our efforts were focused on enhancing service and security. We also spent a lot of time planning for the future and redefining PRIMECorp's role in public safety, through the development of a new strategic plan. I look forward to sharing more information about this plan when it launches in the spring of 2019.

To obtain copies of PRIMECorp's 2017-2018 Audited Financial Statements, including the Auditor's Report and Notes to the Financial Statements, please visit www.primecorpbc.ca.

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

Sincerely,



Oliver Grüter-Andrew
Chief Executive Officer
PRIMECorp

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CITY OF PORT ALBERNI

November 13, 2018

Mayor Minions and Councillors
City of Port Alberni
4850 Argyle Street
Port Alberni, BC V9Y 1V8

Dear Mayor Minions and Councillors:

I would like to congratulate you all for being elected to serve the City of Port Alberni.

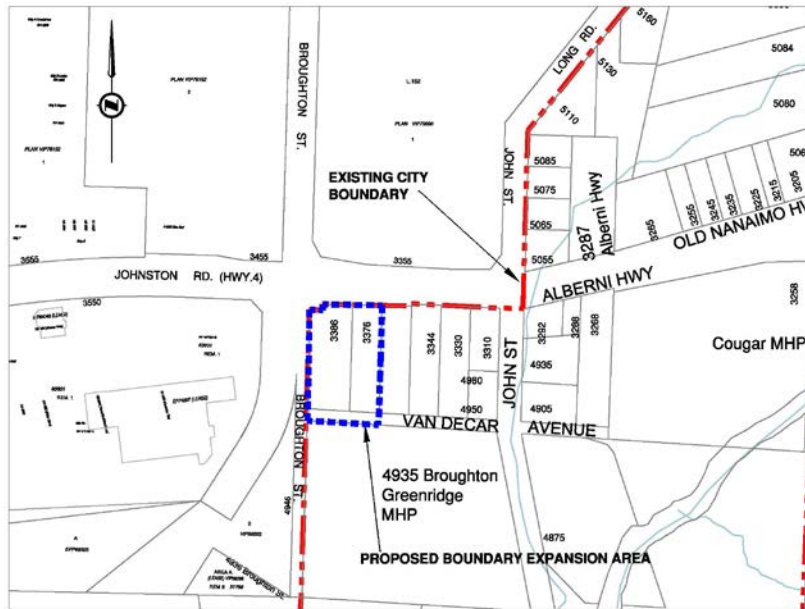
Serving in public office is both a great honour and an important responsibility, and your success in the 2018 election is a testament to your hard work and dedication to your community. I have every confidence that you will be effective voices for your constituents in the months and years ahead. Local representatives are vital to the growth and well-being of our province as a whole, and I look forward to working collaboratively with the City of Port Alberni as we strive to make life better for all British Columbians.

Congratulations, once again, and best wishes for your time in public office.

Sincerely,

John Horgan
Premier

2. 'Johnston Road North End A' Lot A, (DD EP41630) District Lot 152, Alberni District Plan 7451 Except Part in Plan VIP52692 and Lot A, District Lot 152, Alberni District, Plan VIP57061 (3376 and 3386 Johnston Road, Port Alberni)



The *Local Government Act* sets out the legislative parameters to be followed when undertaking a proposed boundary extension. The Ministry of Municipal Affairs & Housing sets out the steps to be followed for submitting a boundary extension proposal for provincial approval. This process involves property owners and residents in the extension area and the municipality, the regional district, improvement districts, various government ministries and agencies, and First Nations.

All of the steps required to include the areas as outlined above have been completed and full proposals forwarded to the Ministry. The Ministry requested that the newly elected Council confirm their wish to proceed with the proposed boundary extension by way of resolution and prior to cabinet approval.

Council reviewed and considered both proposals in detail at their in-camera meeting on November 13, 2018 and endorsed the following resolutions:

That Council for the City of Port Alberni proceed with the request to include the properties at 3376 and 3386 Johnston Road within the City's boundaries.

*That Council for the City of Port Alberni **not** proceed with the request to include Lots 5 & 6, Block 16, District Lot 132, ACRD (3131 – 21st Avenue) within the City's boundaries and further that staff recommend to the proponent that discussion be held with the Alberni-Clayoquot Regional District regarding mitigation of water service issues.*

Recommendation:

That the report from the City Clerk dated November 21, 2018 be received

Respectfully submitted,

Davina Hartwell
City Clerk

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