

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: Monday, July 15, 2013
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt July 2, 2013 Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Page #

- 1 1. Comox Valley Hospice Society
2. Mark Filipponi, Rezoning Application No. 1211 (see pg# 5)

4.00 COMMITTEE/STAFF REPORTS

(a) Development Services

- 5 1. Rezoning Application NO. 1211 – 1968 Dogwood Drive

(b) Operational Services

- 23 2. Multi Material BC – Collection of Packaging and Printed Paper

(c) Financial Services

- 33 3. Permissive Exemptions for 2014

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

- 53 1. Sid Williams Theatre Letter of Appreciation
- 55 2. Artificial Turf Field Project

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

7.00 RESOLUTIONS OF COUNCIL

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held July 15, 2013 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) Labour relations or other employee relations;
- 90 (1) (e) The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

8.00 UNFINISHED BUSINESS

9.00 NOTICE OF MOTION

10.00 NEW BUSINESS

- 59
1. C.V. Accessibility Committee re: Draft Transportation and Land Use Master Plan
 2. Councillor Leonard proposed resolution re: Accessibility & Mobility Assistance

WHEREAS Council received a delegation concerning the plight of a young man resident in Courtenay, who requires modifications to his home so that he can enjoy a simple quality of life outside of an institution where residents are predominately low functioning seniors; and

WHEREAS the province recognizes the value of living at home, and supports programs like Better at Home for Seniors;

THEREFORE BE IT RESOLVED that City write to the provincial and federal representatives to advocate for sufficient capital funding for accessibility and mobility assistance to permit disabled citizens to return home.

11.00 BYLAWS

For Final Adoption

- 61
1. “Street Entertainers Regulation Bylaw No. 2749, 2013”
(To regulate street entertainers in the City of Courtenay)

12.00 COUNCIL MEMBER ROUND TABLE

13.00 ADJOURNMENT



COMOX VALLEY HOSPICE SOCIETY
Friends for Life

Comox Valley Hospice Society

presentation to

Courtenay City Council

July 15, 2013

Terri Odeneal, MSN, RN
Executive Director

2137 Comox Avenue
Comox, BC V9M 1P2
Office: 250.339.5533
Direct: 250.339.5833

email: terri@comoxhospice.com

web: www.comoxhospice.com

CVHS Board of Directors

Audrey Craig, President & Chair
Director of Human Resources,
VI Insurance Centres

Denny Beeman, MSW, Director
Social Work Administrator, Retired

Mike Holland, Lawyer
Holland & Cameron

Lynn Brandon, RPT, Vice-President
Owner, Bodyworks Physiotherapy

Larry Barker, Director
Construction Manager, BC Tel, Retired

Brian Rice, Director
Owner, Courtenay Toyota

Maureen Swift, Past President
Retired Educator

June Rushton, RN, Sec/Treas
Long Term Care Consultant
& Instructor

Robert Buckley, Mgr.
Coastal Community Credit Union

Ben Vanderhorst, CA, Director
Partner, Meyers Norris Penny, Ltd

Who We Are Compassion & Dignity When It's Needed Most

The Comox Valley Hospice Society (CVHS) has been a tangible expression of compassion in the Comox Valley for over 30 years. Our team of dedicated health care professionals and trained volunteers provide hospice palliative health care and support services free of charge to people in the Comox Valley and surrounding communities who are dying, faced with terminal illness, caregiving or coping with the grief of losing a loved one.

In collaboration with others dedicated to end-of-life care, we strive to meet the physical, psychological, social and spiritual needs of the dying, their families and their caregivers in ways that are sensitive to individual preferences, beliefs and cultures. Simply stated, our goal is to support people live to the fullest until they die and to help their loved ones go on living afterward with their lives forever changed.

Our Human Resources & Services

When founded, community hospices were almost entirely volunteer based organizations to help care for the dying. Today, our hospice offers a wide range of services provided by well trained volunteers and a small compliment (3.7 FTE's) of part-time health care professionals and support staff. The three (3) master's prepared clinicians and two (2) bachelor's prepared clinicians have combined experience of over 81 years in hospice palliative care.

The more than 150 CVHS volunteers have a broad range of life experience and skills. They are trained to the provincial standards of care. These dedicated volunteers offer practical assistance and supportive care to patients and families facing end-of-life issues in family homes, in hospital, in care facilities and other community programs. Whether people are faced with a diagnosis of terminal cancer, chronic disease or suffering the traumatic sudden loss of a loved one from an accident, homicide or suicide, hospice staff and volunteers make a very positive difference in the lives of those we serve. They are truly the heart of hospice.

Our staff and volunteers offer a tremendous value added component to the traditional health care delivery system. Although we receive no core funding from the Vancouver Island Health Authority, in 2011-2012 alone, the Comox Valley Hospice Society:

- ▲ Provided more than 22,970 volunteer hours which, when valued at a minimal \$16.50/hour translates in to almost \$380,000 in donated labour;
- ▲ Raised over \$230,000 from the local community and grants to support programs and services serving over 1,072 patients and clients (not including community education activities).
- ▲ Delivered in excess of 360 hours of community education and awareness programs in schools, at care facilities, and seniors' venues from promotion of advance care planning to dealing with the residual effects of unresolved grief to helping people navigate the complex maze of end-of-life care coordination.

- ▲ Offered a free weekly Self Care Clinic staffed by volunteers to help sustain professionals, volunteers and caregivers as they journey with those who are dying and bereaved.
- ▲ Developed community partnerships that have minimized duplication and inappropriate use of services saving the traditional delivery system untold thousands in unnecessary acute hospital admissions and emergency room visits. Depression, addiction, poor grades at school, children acting out, faltering relationships and loss of productivity in the workplace are just some of the outcomes and costs of unaddressed loss and grief.

If the health care system had to pay for the services provided by the Comox Valley Hospice Society, the cost in our community alone would be in excess of \$609,000 annually.

Service Demand Vs. Funding

All of you have heard the term "Silver Tsunami". It's no secret that it's already here! And, unlike a 'normal' tsunami that comes, recedes and is gone leaving devastation in its path, this one is going to be sticking around for awhile.

- With the Comox Valley becoming the "Boomer Capital of Canada", we are in for exponentially more demand for services than other places in the Province.
- Research tells us that each death has serious affects on at least five other people.
- Statistics show that only 10% of us will die suddenly. The other 90% will experience gradual decline and various plateaus of pain and ability over years of frailty.

The annual budget for the Comox Valley Hospice Society (based on current demand) is \$264,000 annually. Our funding sources area as follows:

• Direct Access Grant	\$74,000
• Other Grants	\$15,000
• VIHA (non-core funding)	\$15,000
• Fundraising Events	\$65,000
• Individual & Group Donations	\$45,000 (historic)
• Contract Services/Earned Revenue	\$12,000
• Unfunded	\$33,000

How Can You Help?

How do we ensure that residents of the Comox Valley have access to basic end-of-life care similar to residents in other similar communities across the province?

- Many communities in this province receive core funding from Health Authorities for hospice palliative care programs and services. *You can assist CVHS in advocating for such funding with the Vancouver Island Health Authority.*
- Several municipalities are now providing some level of funding for their local hospice societies realizing the value that these services provide to their residents. They agree that by

diminishing the negative impacts of marginally supported dying and grief, they exponentially increase the quality of community life. As such, it's a sound business decision based on return on investment.

In a perfect world, our health care system would be everything to everyone. But we don't live in that world—there is not enough money to go around. We are asking you to consider a wise partnership with the Comox Valley Hospice Society as you evaluate a financial contribution.

The reality is that supporting community based hospices means compassion and dignity for each of us when we need it most. And, it also makes good business sense.

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Development Services Department

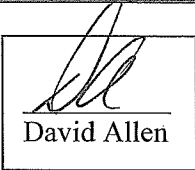
FILE #: 3360-20-1211

DATE: June 24, 2013

SUBJECT: Application No. 1211 to Amend Zoning Bylaw No. 2500, 2007
1968 Dogwood Drive
Lot 15, Block 5, Section 68, Comox District, Plan 16252

C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Development Services be accepted.



David Allen

RECOMMENDATION:

That the application to amend *Zoning Bylaw No. 2500, 2007* for the property legally described as Lot 15, Block 5, Section 68, Comox District, Plan 16252 (1968 Dogwood Drive) from Residential One (R-1) to Residential One S (R-1S) be denied.

PURPOSE:

To consider an application to rezone the subject property to allow a secondary suite within an existing single residential dwelling.

BACKGROUND:

The subject property is currently zoned Residential One (R-1) and contains an existing single residential dwelling with an illegal secondary suite. The City received a complaint related to an illegal suite on the subject property which was confirmed by the applicant. The applicant was given the option to decommission the secondary suite or to rezone the subject property to R-1S which would allow the secondary suite as a permitted use.

A location map and reference information is contained in *Attachment No. 1*. Information provided by the applicant is contained in *Attachment No. 2*. Public input is included as *Attachment No. 3*.

DISCUSSION:

The existing secondary suite complies with the floor area and parking requirements of the proposed R-1S zone. Should the rezoning application be successful, the applicant will be required to obtain a building permit to ensure that health and safety provisions have been met.

Staff are generally supportive of secondary suites from a land use perspective as they provide affordable housing options in established areas of the city which often have good access to schools, parks and community services. Secondary suites are also supported by Council adopted policy including the Affordable Housing Policy, and the Official Community Plan.

However, staff have concerns with this application. Several neighbours have contacted staff expressing opposition to the proposed rezoning due to ongoing disruption by the current tenants. Staff have contacted the RCMP who advised that they have received 8 calls for assistance to this address on noise and bylaw related complaints during 2012. Prior to 2012, there were no calls

recorded for this address. The Certificate of Title shows that the applicant took ownership of this property in October 2011. Staff also note that the applicant has been difficult to contact and has not been forthcoming with information during the application process. Staff have concerns that if the rezoning is approved future complaints at the property will not be properly addressed.

The applicant has held a public information meeting and a summary report of the meeting is included in *Attachment No. 3*. Staff are recommending that the application be denied but should Council wish to advance this application to hear further public input, staff recommend the following resolution:

That Council consider the application to amend *Zoning Bylaw No. 2500, 2007* for the property legally described as Lot 15, Block 5, Section 68, Comox District, Plan 16252 (1968 Dogwood Drive);

That *Zoning Amendment Bylaw No. 2726, 2013* to rezone the lot shown in bold on Attachment No.1 from Residential One (R-1) to Residential One S (R-1S) proceed to 1st and 2nd reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to *Zoning Amendment Bylaw No. 2726, 2013* on August 19, 2013 at 5:00 p.m. in City Hall Council Chambers.

FINANCIAL IMPLICATIONS:

Not Applicable.

STRATEGIC PLAN REFERENCE:

Value No. 2 - A progressive, diverse and sustainable City.

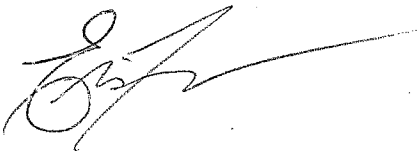
OCP SUSTAINABILITY REFERENCE:

Part 10 of the OCP, Planning for Climate Change, has policy encouraging infill development in single-residential neighbourhoods in the form of secondary suites and auxiliary buildings.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment addresses the Comox Valley Regional Growth Strategy goal to ensure a diversity of housing options to meet evolving demographics and needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

Respectfully submitted,

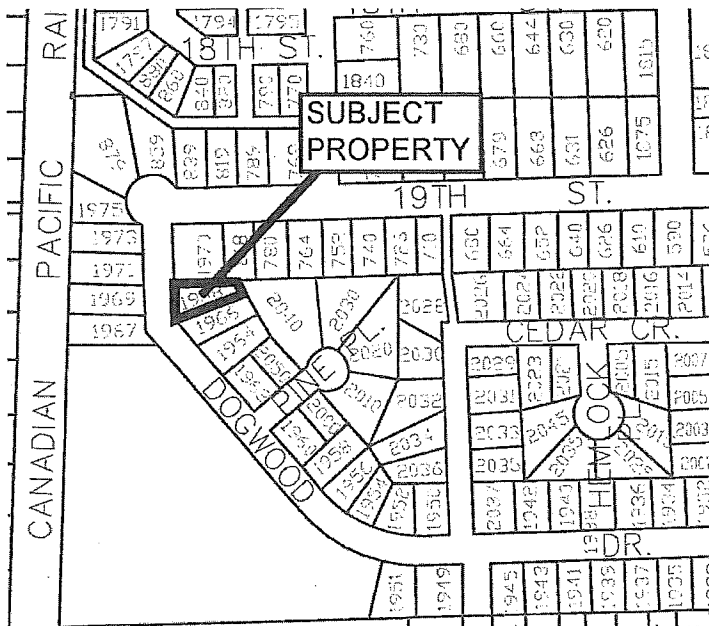


Erin Ferguson, MCP
Planning Technician



Peter Crawford, MCIP
Director of Development Services

REFERENCE INFORMATION:



Applicants/Owners:

Mark Filipponi

Location:

1968 Dogwood Drive

Legal Description:

Lot 15, Block 5, Section 68, Comox District, Plan 16252

OCP Designation: Urban Residential

Zoning:

Required

Proposed

R-1

R-1S

Permitted Uses:

Single residential dwelling, accessory building, home occupation

Single residential dwelling, accessory building, home occupation, secondary suites

Secondary Suite Requirements:

>40% of habitable floorspace

26% of habitable area

90.0 m² Maximum

48 m²

3 parking spaces minimum

3 spaces

Adjacent land use: single residential

To the city of Courtenay

September 29 2012

Requirements for secondary suites

Address of proposed rezoning 1968 Dogwood drive

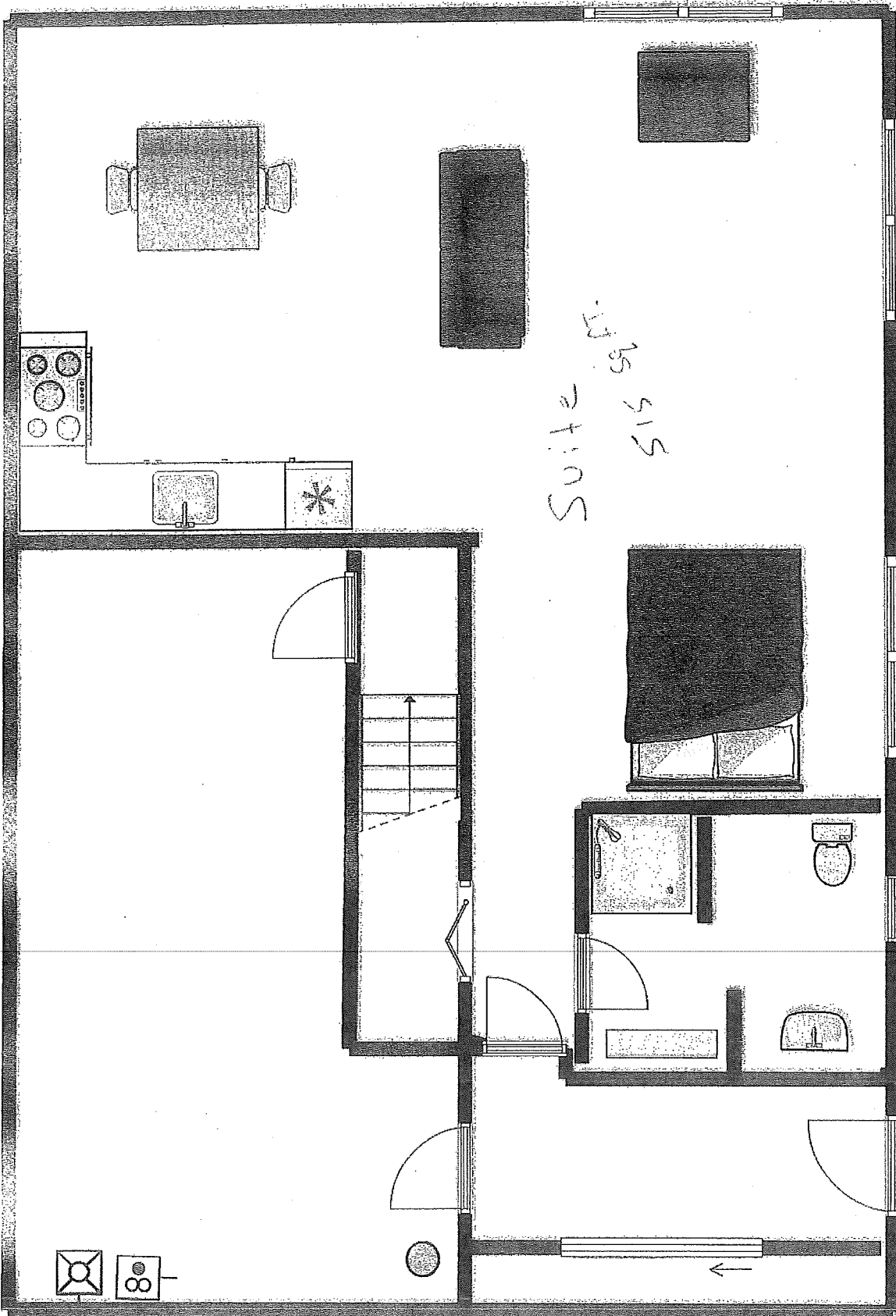
To the planning department city of Courtenay in regards to sustainability and affordable housing as per OCP.

This rezoning would be a benefit to the city and neighbourhood by providing a mix of housing types; it does not in any way negatively impact the environment or infrastructure of the city, as this property is close to major shopping centres and parks it will promote walking in daily activities. The rezoning would also support a larger range of incomes, as the city is attempting to create ways to make affordable housing I believe this falls right in line with the city policy, it has come to my attention that we have had a rezoning allowed in my neighbourhood recently, and I believe a secondary suite at 1968 dogwood drive would be good for the area.

Thank you to the city for taking the time to consider this proposal

Mark Filippini

1968 Dogwood Drive Suite



12ft

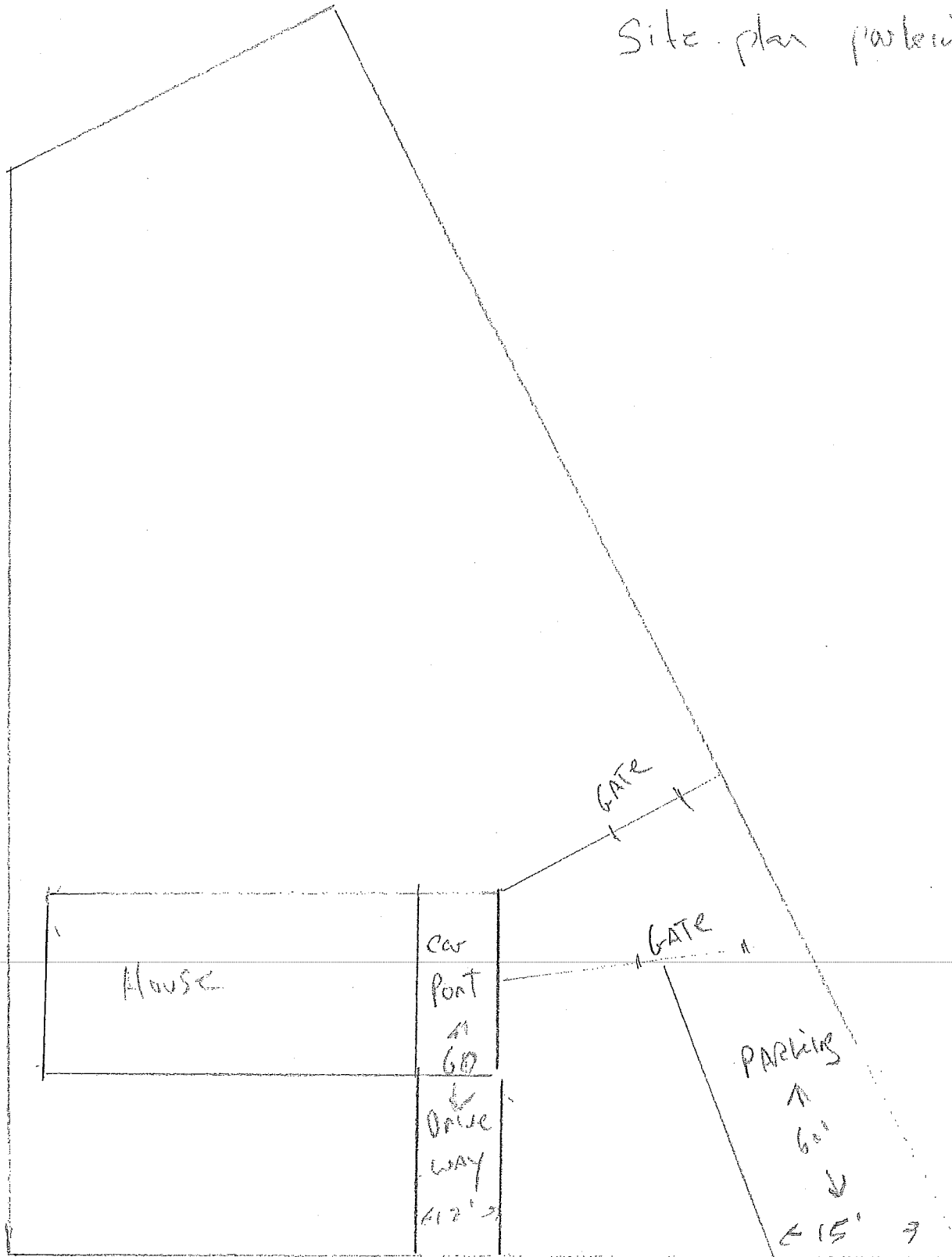
6ft

0ft



1968 Dogwood Drive

Site plan parking



Road

Hello neighbours my name is Mark filipponi I am the owner of the house at 1968 Dogwood drive here in Courtenay, I am writing you this letter to invite you to to a public information meeting regarding rezoning of my property from R1 to R1S wich would allow for a legal suite, the purpose of this meeting is to provide the public access to information and inquire about the proposal, and to help me gain feedback from you my neighbours regarding the proposal and to address any concerns prior to submitting this to city council for approval, this meeting is a requirement of the city of Courtenay, they have provided me with the addresses of all the owners that I am required to contact and you are on the list.

The meeting date is Wednesday May 25 7pm-8pm

Location 1968 Dogwood drive Courtenay BC

Map printed on the back Thank you Mark Filipponi

WED MAY 22

SAT MAY 25

Summary report 1968 Dogwood Drive

The meeting was held at 1968 dogwood drive on Wednesday may 29th

From 7-8 pm, we had 5 people attend the meeting, the meeting was advertised by hand delivered notice to all local addresses and by mail to non-local property owners, the information provided was in regard to the process for the zoning amendment at 1968 dogwood drive.

The concerns that were raised were mostly to do with the neighbourhood changing from single family to a more dense neighbourhood, therefore lowering the standard of the area..

All the people who attended the meeting took comment sheets but none were returned to me personally, I did receive to hand delivered comments which I have attached to this summary; I also received a positive verbal comment from two of the neighbours from directly across the street.

Thank you Mark Filipponi

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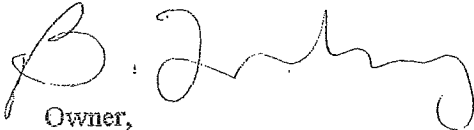
CITY OF COURTENAY

Mark Filipponi
1968 Dogwood Dr.
Courtenay, B.C. V9N 3B5

May 21, 2013

Mark,
Regarding your letter of notice for application to rezone from R1 to R1S.
I have no objections or concerns in connection to your proposal.

Brian Tuskey



Owner,
2028 Cedar Cr.
Courtenay, B.C.

1968 Dogwood Drive,
Request for Zoning Change
Owner Mark Filipponi

Comments:

1. Neighbourhood meeting held on front porch: 29 May 2013 with owner and two sons. The two sons live in the residence.
2. Adjacent neighbours in attendance, five altogether. No others attended.
3. Owner Filipponi unclear about reason for request.
4. In answer to questions posed, by attendees, no clear answer was given except to say he wanted stability for his sons in residence, one of whom has a pregnant partner.
5. Owner not interested in living in the house himself.

Problems:

1. Problems during the summer regarding late night noise and foul language for neighbour. Proximity of adjacent patios has prevented free use of their own patio.
2. Attendees to the meeting were unable to confirm adequacy of space for second suite. No attempt was made by the owner to show inside the house.

Personal objection:

1. Small space; lack of behaviour control by owner living separately at a distance.
2. Any change in zoning in this immediate area is unwelcome.

Conclusion:

Any change in zoning in this immediate area is undesirable.

Traffic buildup on Dogwood Drive, with no sidewalks, is an added factor.

Ian and Alice Potts
1975 Dogwood Drive
Courtenay, B.C. V9N 3B1

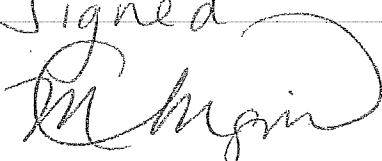
Ian Potts
Alice M. Potts

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CITY OF COURTENAY

July 5, 2013

Hello,

My name is Marnie Marangoni. I live @ 737 19th St. in Courtenay. I have been the home owner for the past six years. I have recently become aware that Mark Filipponi is applying for rezoning in a near-by neighborhood (1968 Dogwood) I'd like to have it known that I support the change in zoning to accommodate legal suites in the area. Please contact me for further information if necessary.

Signed


MARNIE MARANGONI.

PUBLIC INFORMATION MEETING
May 29, 2013
Owner Mark Filippini 1968 Dogwood Drv

COMMENT SHEET

Name: Raymond Hill Email: rthill@live.ca
Address: 1970 Dogwood Dr Phone: 250 871 2452

Mark Filippini has applied to the City of Courtenay for a zoning amendment to allow for a legal suite at 1968 Dogwood Dr, This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

My wife and I are not in support of a zoning amendment. We purchased this house for a number of reasons. High on the list is the fact that the zoning is single family dwellings. We are very concerned about opening a 'can of worms' with regard to future suites. Parking, density, type of people renting. We come from another area of Courtenay where this happened and the results were less than expected. We have nothing personal against Mark Filippini, but find it interesting that he rented out his 'illegal' suite with no worries about going legit, until he was turned in by a few neighbours who were upset by Mark's tenants disturbing the peace repeatedly. A small window into a future we are not interested in.

Thank You

Ray Hill

Please return your comments by June 5th 2013

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1968 dogwood drv
3. Email your comment sheet to nibnucks@gmail.com

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JUL 03 2013
CITY OF COURTENAY

Courtenay City Council

Re: Rezoning application for 1968 Dogwood Drive, Courtenay B.C.

Concerns from homeowners in the area include:

-Ongoing noise issues

-RCMP callouts to the home due to noise, loud music, intoxication , and general disruption of what has up until now been a quiet family friendly neighborhood.

-Prior to the new home owners and illegal secondary suite RCMP had not been to the home

-Current owner was aware that the home was not zoned for a legal secondary suite at time of purchase but took no action to rectify this until noise complaints and legality of the secondary suite were brought to the forefront.

-Dogwood drive is currently zoned for single dwelling homes and the introduction of this secondary suite has changed the face of what has up until now been a quiet family friendly street

-The current owner does not live on the property and it is currently rented out to 3 young adults in the upstairs and 2 young adults in the secondary suite. This has added to the vehicle traffic and noise coming from the home. Unfortunately attempts to talk to the homeowner and renters one on one to resolve the issue have gone unheard and the problems with the home continue.

-Zoning on Dogwood Drive as it stands today is what holds appeal to homeowners and potential homeowners alike. Property values could certainly decrease in our area if secondary suites become the norm. There were many options open to purchase a home with the correct zoning in places and the owner made a conscious decision to purchase despite the knowledge that the home could not hold a legal secondary suite

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JUL 03 2013

CITY OF COURTENAY

City of Courtenay Council,

I am writing in regards to the rezoning application for 1968 Dogwood drive. My husband and I are the current owners of 1966 Dogwood drive and have several reservations re: the change in zoning for 1968 Dogwood drive.

We have lived in our current home since 1995 without any issues re: neighbors. Unfortunately when the home was sold in 2011 and an illegal secondary suite was occupied by the current renter our peace and quiet came to an abrupt end.

My initial response was to talk to the renters who live upstairs and ask them to try to resolve this amongst themselves. Give them time to get it out of there systems. Throughout the summer of 2012 however we were unable to come to any resolution and the noise levels, drinking and music made our backyard off limits for us. One weekend in particular I recall saying to my husband let's go camping just to get away from my own home. Several calls had already been made to the RCMP by this time. I believe last summer there were at least 6 calls to RCMP including one assault charge. By summers end I had contacted the city to see what could be done. By the end of summer 2012 it became clear that neither the renter in the illegal secondary suite nor the renters upstairs had any intention of making any changes.

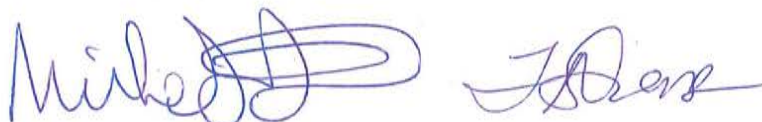
For our home in particular the two homes do not lend themselves well to add a secondary suite. We are at a curve in the road and therefore our homes turn in towards one another. The illegal suite has an outdoor living area that runs along the fence line and is no more than 5 feet from our oil tank and no more than 7 feet from our own patio. Unfortunately add to this alcohol and the noise level increases twofold and our option has become to close our back doors to drown out the music and noise. Not a great option in the summer.

Numerous calls have been made to the RCMP by myself and other neighbors including one July 1st due to one of the young men being intoxicated and tossing outdoor furniture around while swearing about his missing beer. Unfortunately the home is not owner occupied so none of these things are dealt with unless the RCMP are called. This is just the beginning of summer and first nice weekend. We should all be able to enjoy our backyards in peace.

The home was purchased by the current owner with the full knowledge that the home did not have a legal secondary suite and he made the conscious decision to purchase the home and rent it out regardless. He has done nothing to change what happens at the home. He simply made an application for rezoning once he was forced to do so. So aside from applying to make this secondary suite legal the issues themselves have not been resolved. At the time of purchase there would have been many options available that were already zoned for secondary suites.

It is difficult to express how frustrating it is to have lived in our home for 18 years, managed to raise 2 great kids, have a mortgage that may actually be paid off in this lifetime, imagine retirement (although that seems like a long way off) and have all that we have worked for striped away by a homeowner who was just looking to make an easy buck.

Sincerely Mike and Tina Stevens



Tina Stevens	J. Stevens	1966 Dogwood Drive
Mike Stevens	Mike Stevens	1966 Dogwood Drive
Jan Potts	Jan Potts	1975 Dogwood Dr
Alice Potts	Alice Potts	1975 Dogwood Dr
Sherry Howell	Marcell	1969 Dogwood Dr
Ryan Orbell	Ryan Orbell	1967 Dogwood Dr.
Carol Schbsser	Carol Schbsser	1964 Dogwood Dr
Norm Schbsser		1964 Dogwood Dr.
(Away at work but he would have signed)		

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 CITY OF COURTENAY

THE CORPORATION OF THE CITY OF COURTENAY

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REPORT TO COUNCIL

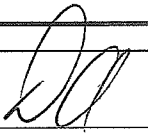
FILE #: 5360-04

FROM: Manager of Operations
Sustainability Planner

DATE: July 10th, 2013

SUBJECT: Multi Material BC – Collection of Packaging and Printed Paper

ADMINISTRATORS COMMENTS/RECOMMENDATIONS:


David Allen

Based on the analysis outlined in this report there is potential for a significant annual surplus to the City should the City enter into an agreement with MMBC for the collection of Packaging and Printed Paper.

Staff have provided this report for Council’s consideration well before the September 16th 2013 agreement deadline, should Council wish to postpone this to a future Council meeting for further discussion.

RECOMMENDATION:

That the report from the Manager of Operations and the Sustainability Planner regarding Multi Material BC – Collection of Packaging and Printed Paper be received; and

That Council direct staff to enter into an agreement with Multi Material BC (MMBC) with regards to the collection of Packaging and Printed Paper (PPP).

PURPOSE:

To provide council with information on Multi Material BC’s Packaging and Printed Paper Stewardship Plan, and to bring forward to Council the current offer from MMBC to the City of Courtenay for the delivery of this service.

BACKGROUND:

The City of Courtenay has been providing the collection of single stream recycling to its residents since 2002. The delivery of this service (through contract) has been provided by Emterra Environmental and administered through the City of Courtenay operations and engineering division. Currently all single family dwellings are billed on their tax notices. Strata’s and Multi-Family units are billed annually on a per-unit basis through their utility bill. This has been a successful delivery model for the City.

Multi Material BC is a not-for-profit agency established under the British Columbia Society Act. MMBC was formed in 2011 to develop a stewardship plan for Packaging and Printed Paper to meet the requirements of Schedule 5 of the Recycling Regulation. MMBC also plays a significant role in supporting municipalities in the successful set up and delivery of residential PPP recycling.

Recycling of Packaging and Printed Paper will be changing in B.C starting in May 2014. Responsibility for the collection and recycling of PPP will be transitioning from governments and their tax payers to industry and their consumers.

DISCUSSION:

In a letter to the City of Courtenay dated June 17th, 2013 (attached), MMBC sets out an offer to provide the collection of PPP from residents. This letter describes the general terms of a contemplated transaction and allows the City of Courtenay to indicate its interest prior to September 16, 2013.

The curbside collection incentive is comprised of:

- An amount per year for each household served based on the household density of the service area and the number of streams collected to collect a specified list of PPP;
- An amount per tonne for collection of glass segregated from all other PPP; and
- A performance bonus if the quantity of PPP collected per household per year reaches certain thresholds.

Staff believe that the agreement guidelines outlined in the attached letter provide a strong basis for developing a formal agreement.

FINANCIAL IMPLICATIONS:

MMBC has estimated a household density for the City of Courtenay of 2.97 households per hectare. Therefore the curbside collection incentive being offered to the City of Courtenay is:

- \$32 per household per year served by curbside collection;
- \$80 per tonne for glass collected at curbside segregated from all other PPP; and
- A performance bonus set out in the attached letter reflecting the actual quantity of PPP collected per curbside household (HH) calculated on an annual basis.

For Multi-family buildings, the current service is based on single stream collection. The incentive being offered to the City of Courtenay for Multi-family buildings is:

- \$17 per household per year served by multi-family building collection;
- \$80 per tonne for glass collected from multi-family buildings segregated from all other PPP; and
- A performance bonus set out in the attached letter reflecting the actual quantity of PPP collected per multi-family household (HH) calculated on an annual basis.

Should the City of Courtenay accept one or more of the collection incentives described above, it would also be eligible for the associated top up payment set out in the following tables:

Resident Education Top Up	Households Used to Calculate Top Up	By Service
		\$/HH/year
Curbside collection	Curbside households	\$0.75
Multi-family building collection	Multi-family building households	\$1.00

Service Administration Top Up	Households Used to Calculate Top Up	\$/HH/year
Curbside collection	Curbside households	\$2.50
Multi-family building collection	Multi-family building households	\$2.50

Based on MMBC's calculations (base year = 2011), the total compensation package available to the City is calculated to be just over \$300,000 per year. The City's actual cost in 2012 to provide curbside collection of recyclables and paper was about 50% of that amount. Moving forward, the City would continue to control the collection of any materials and provide service continuity with its own contractor. In this way, service issues can be more efficiently addressed at the local level.

Staff believe that the offer is financially beneficial for the City, and that the anticipated surplus funds (for which there are no use-restrictions) could be strategically used for future waste management programs.

STRATEGIC PLAN REFERENCE:

Goal 2: Demonstrate leadership in environmental management

OCP SUSTAINABILITY REFERENCE:

Section 6: Utility Services

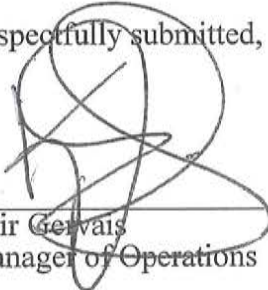
6.5 Solid Waste – The City will pursue steps to reduce solid waste through a variety of approaches.

REGIONAL GROWTH STRATEGY REFERENCE:

Goal 8:

Objective 8-C: Diversion of solid waste from landfills through recycling and other methods.

Respectfully submitted,



Keir Gervais
Manager of Operations

Allan Gornall, B.Sc
Sustainability Planner



MULTI
MATERIAL
BC

June 17, 2013

City of Courtenay
830 Cliffe Ave
Courtenay
British Columbia V9N 9J7

Attention: Mr. Kevin Lagan
Director of Operational Services

Dear Mr. Lagan:

RE: Collection of Packaging and Printed Paper from Residents

Multi-Material British Columbia (MMBC) is preparing to implement the Packaging and Printed Paper (PPP) Stewardship Plan in May 2014. As set out in the approved Plan, MMBC is offering incentives for the collection of PPP from residents. This letter sets out the offer from MMBC to the City of Courtenay to provide collection of PPP from residents.

Notwithstanding the use of the word "offer" in this letter, this letter is only intended to describe the general terms of a contemplated transaction and to allow you to indicate your interest and to provide MMBC with the requested information. Neither this letter, nor your response to this letter, creates or is intended to create any legally binding or enforceable obligation or relationship. This letter is not an offer to enter into either a bidding contract or a contract to carry out the contemplated transaction.

The consummation of any transaction remains subject to the successful execution by you and MMBC of a definitive written agreement covering the engagement. MMBC will not be obligated in any manner to you until such a definitive written agreement has been signed by you and MMBC, and MMBC will have no obligation to enter into such a definitive written agreement; to otherwise consummate a transaction; or to conduct or continue discussions or negotiations.

MMBC provides no representations or warranties of any kind in connection with this letter, whether express or implied, including as to the completeness or accuracy of any material included or referenced herein. MMBC assumes no liability in respect of the transaction being discussed or for any errors or omissions. MMBC reserves the right, in its sole discretion, at any time and for any reason, to modify or supplement materials referenced in this letter (including the proposed form of agreement).

MMBC has developed a list of PPP to be collected from residents at curbside and multi-family buildings and at depots. Of particular note:

- All types of printed papers are included except hard and soft cover books;
- All types of paper packaging are included except waxed corrugated cardboard;

- All types of steel and aluminum packaging (including aerosol containers) except paint containers and gas cylinders;
- Glass containers are to be separated from all other PPP;
- PET # 1, HDPE # 2, PVC # 3 and most types of LDPE # 4, PP # 5 and PS # 6 containers are included;
- HDPE # 2 and LDPE # 4 film packaging is to be accepted at depots only; and
- PS # 6 foam packaging is to be accepted at depots only.

Please review the [Packaging and Printed Paper to be Collected from Households and at Depots](#) available on the MMBC website.

Curbside Collection

According to our records, the City of Courtenay was providing curbside collection of PPP as of November 19, 2012. If you were providing these services, MMBC is offering you a collection incentive, subject to certain terms and conditions, to continue to provide curbside collection of PPP to your residents.

The curbside collection incentive is comprised of:

- An amount per year for each household¹ served based on the household density of your service area and the number of streams collected² to collect a specified list of PPP³;
- An amount per tonne for collection of glass segregated from all other PPP; and
- A performance bonus if the quantity of PPP collected per household per year reaches certain thresholds.

According to our records, the household density of the City of Courtenay is 2.97 households per hectare⁴ and the curbside service is based on single-stream collection. Therefore the curbside collection incentive being offered to the City of Courtenay is:

- \$32 per household per year served by curbside collection;
- \$80 per tonne for glass collected at curbside segregated from all other PPP; and
- A performance bonus set out in the following table reflecting the actual quantity of PPP collected per curbside household (HH) calculated on an annual basis.

¹ A household is a self-contained dwelling unit providing living accommodation to one or more people where the resident delivers PPP to the curb for collection.

² Single-stream or multi-stream.

³ Refer to [PPP to be Collected from Households and Depots](#) posted on the MMBC website. Note that glass may not be commingled in single-stream collection or with containers in multi-stream collection.

⁴ Calculated using StatsCan 2011 census data. Where the curbside collection service area is a subset of the municipality's geographic area, the household density will be recalculated by MMBC after receiving the municipality's completed Curbside Collection Service Form. The corrected household density and applicable corresponding collection incentive rate will be used in the contract with MMBC.

Curbside Collection Performance Bonus				
PPP Collected per Curbside Household Per Year	180 - 199 Kilograms	200 - 219 Kilograms	220 - 239 Kilograms	> 240 Kilograms
Performance Bonus	\$ per Curbside Household per year			
	\$1.00	\$2.00	\$3.00	\$4.00

Should the City of Courtenay wish to accept the collection incentive for providing curbside collection services to residents under contract to MMBC, please complete Sections 1, 2 and 3 of the [MMBC Collection Financial Incentives – Collector Response](#) posted on the MMBC website and submit this form electronically to forms@multimaterialbc.ca prior to **September 16, 2013**.

Should the City of Courtenay wish to decline the curbside collection incentive, please complete Section 1 and questions 1 and 2 of Section 2 of the [MMBC Collection Financial Incentives – Collector Response](#) posted on the MMBC website and submit this form electronically to forms@multimaterialbc.ca prior to **September 16, 2013**.

Multi-Family Building Collection

According to our records, the City of Courtenay provides multi-family building collection service. The multi-family building collection incentive is comprised of:

- An amount per year for each household⁵ served based on the number of streams collected⁶ to collect a specified list of PPP⁷;
- An amount per tonne for collection of glass segregated from all other PPP; and
- A performance bonus if the quantity of PPP collected per household per year reaches certain thresholds.

According to our records, the multi-family building service is based on single-stream collection. Therefore the multi-family building collection incentive being offered to the City of Courtenay is:

- \$17 per household per year served by multi-family building collection;
- \$80 per tonne for glass collected from multi-family buildings segregated from all other PPP; and
- A performance bonus set out in the following table reflecting the actual quantity of PPP collected per multi-family household (HH) calculated on an annual basis.

⁵ A household is a self-contained dwelling unit housing one or more people where the resident delivers PPP to a central location within the multi-family complex from which the PPP is collected.

⁶ Single-stream or multi-stream.

⁷ Refer to [PPP to be Collected from Households and Depots](#) posted on the MMBC website. Note that glass may not be commingled in single-stream collection or with containers in multi-stream collection.

Multi-Family Building Collection Performance Bonus						
PPP Collected per Multi-Family Household Per Year	100 – 109 Kilograms	110 – 119 Kilograms	120 – 129 Kilograms	130 – 139 Kilograms	140 - 149 Kilograms	> 150 Kilograms
Performance Bonus	\$ per Multi-Family Household per year					
	\$0.50	\$1.00	\$1.50	\$2.00	\$2.50	\$3.00

Should the City of Courtenay wish to accept the collection incentive for multi-family building collection services, please complete Section 4 of the [MMBC Collection Financial Incentives – Collector Response](#) posted on the MMBC website and submit this form electronically to forms@multimaterialbc.ca prior to **September 16, 2013**.

Terms and Conditions

MMBC’s terms and conditions are set out in a sample Master Services Agreement with schedules that include a Statement of Work for each type of collection service available. A sample of the form of agreement that MMBC expects the City of Courtenay to sign in order to receive one or more of the collection incentives described above is available for your review on the [MMBC website](#) (see Service Providers). As noted above, MMBC reserves the right to modify or supplement this form of agreement, and the relevant schedules will need to be populated with the information provided in the MMBC Collection Financial Incentives – Collector Response submitted by the City of Courtenay, and as agreed upon by MMBC, before MMBC may present a finalized copy of the agreement to the City of Courtenay for its execution. By indicating your interest in accepting the offer described in this letter, the City of Courtenay acknowledges that it has reviewed, and agrees to, the form of agreement.

Resident Education and Service Administration

Should the City of Courtenay accept one or more of the collection incentives described above, it would also be eligible for the associated top up payment set out in the following tables.

Resident Education Top Up	Households Used to Calculate Top Up	By Service
		\$/HH/year
Curbside collection	Curbside households	\$0.75
Multi-family building collection	Multi-family building households	\$1.00

Service Administration Top Up	Households Used to Calculate Top Up	\$/HH/year
Curbside collection	Curbside households	\$2.50
Multi-family building collection	Multi-family building households	\$2.50

We look forward to receiving your response prior to September 16, 2013.

If you have questions or if we can be of any assistance as you consider the collection financial incentives, please contact MMBC by:

- Emailing info@multimaterialbc.ca;
- Calling MMBC at (604) 620-7540; or
- Calling Maura Walker, a member of the consulting team providing support to MMBC during implementation of the PPP Stewardship Plan, at (250) 597-7997.

Sincerely,
Multi-Material British Columbia



Allen Langdon
Chair

THE CORPORATION OF THE CITY OF COURTENAY

3


REPORT TO COUNCIL

FROM: Director of Financial Services/Deputy CAO **FILE #:** 1960-20 [2014]
DATE: July 10, 2013

SUBJECT: Consideration of Permissive Exemptions from Property Taxation for 2014

ADMINISTRATOR'S COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Financial Services/Deputy CAO be accepted.


David Allen

RECOMMENDATION:

That Council consider the list of new applications for permissive exemptions from taxation in 2014 as detailed on Schedule A attached to the report from the Director of Financial Services/Deputy CAO;

That Council approves exemptions for new applicants as recommended in Schedule A;

That Council direct staff to prepare the annual bylaws for permissive tax exemption in 2014 based on the attached schedules A, B and C; and

That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws.

PURPOSE:

To consider permissive exemption from property taxes in 2014, as provided for in Section 224 of the *Community Charter*.

BACKGROUND:

Section 224 of the *Community Charter* provides Council with the authority to grant permissive exemptions to land and improvements owned, or held by, certain other organizations that meet legislatively prescribed conditions.

In May 2013 Council approved several revisions to Policy 1960.01, Permissive Property Tax Exemption. In particular, there are two provisions of note which guide consideration of new applications going forward:

1. The total value of all permissive exemptions must not exceed 2% of the total municipal portion of the property tax levy.
2. When the activities of an organization are not confined to the City of Courtenay, a maximum

exemption of 40% applies.

DISCUSSION:

A permissive tax exemption is a means for Council to support not-for-profit organizations within the community which further Council's objectives of enhancing quality of life for the citizens of the City, and as well as for delivering municipal services economically. Approval of an exemption or partial exemption is entirely within Council's discretion.

Each year there are requests from local organizations for funding assistance, either by way of requests for grants, or by way of requests for exemption from property taxation. While it is noted that the applicants all provide worthy services, the provision of a 100% exemption from taxation is becoming cost prohibitive for the City, and results in an increase of the tax burden on the remaining taxable property owners in the City.

To that end, Council recently updated the City's permissive exemption policy. Existing recipients of property tax exemptions have been grandfathered into the exemption bylaw at their past exemption levels, and consideration of new applicants is now constrained by an overall cap in the value of exemptions. In addition, where applicants have activities and services which are not confined to the City, a maximum exemption of 40% applies.

The following schedules and information are provided for Council consideration.

Permissive Exemptions - Schedule Summary:

In accordance with Policy 1960.01, the exemption value limit for 2014 has been calculated as 2% of the value of the 2013 municipal property tax levy. The cumulative value limit for 2014 exemptions is \$371,437.

Schedule A: New Applications

The City has received four new applications for exemption from taxation in 2014. These are as follows:

Tax Roll #89.000 – Comox Valley Transition Society

The Comox Valley Transition Society supports women and children affected by violence and addictions. The society currently receives a 40% property tax exemption on their administration office located at 576 England Avenue, and is seeking an additional 100% exemption on 367 - 6th Street from which they operate the "Too Good to be Threw" thrift shop that assists in providing funds for society activities. Council reviewed and denied this application in the three previous years (2010, 2011 and 2012), as it is one of many for-profit and non-for-profit used goods stores within Courtenay.

Staff recommend denial of an exemption for the thrift store property.

Tax Roll #459.00 – Upper Island Women of Native Ancestry

This property is used as an office for both the Society's administrative staff and support worker. It is also used for program space to deliver early childhood development and cultural awareness programs for children of native ancestry. Approximately 70% of services and activities are for the benefit of City of Courtenay residents, with the balance serving residents from the broader valley.

Staff recommend a permissive exemption of 40% of the value of the land and building.

Tax Roll #2024.009 – Habitat for Humanity Vancouver Island North Society.

The Habitat for Humanity Vancouver Island North Society has applied for a 100% exemption on their 13th Street property. Of the building area of 7,000 square feet, their administration offices use 2,000 square feet, with the balance of the building used for the Re-Store operation. Habitat currently receives a tax exemption of 40% on the portion of the space utilized by the administration office.

Based on previous Council decisions for other Societies operating thrift stores/selling used goods, staff recommend denial of an exemption for the space used by the Re-Store.

Tax Roll #2154.012

This property houses the Courtenay Train Station, is owned by the E & N Railway, and is leased by the Island Corridor Foundation, who became responsible for the annual property taxes effective 2013. As this property was taxable in 2013, Council agreed to provide a grant to offset the municipal portion of the tax levy. For 2014 and forward, the Island Corridor Foundation is requested that Council consider a 100% exemption on the land and building. The balance of rail line properties within the City are currently exempted at a level of 100% through a 10 year exemption bylaw (Schedule E).

Staff recommend an exemption of 100% for 2014, and that the exemption status be reviewed on an annual basis. An annual review provides opportunity to incorporate changes should the use of the Courtenay Train Station become commercial.

Schedule B: Annual Bylaw – Not for Profit Organizations

Under Policy 1960.01, Schedule B exemption recipients are grandfathered into the annual bylaw based on the exemption levels previously approved by Council.

Schedule B provides a detailed list of the 2013 exemption recipients along with the estimated 2014 value of the approved exemptions.

Schedule C: Annual Bylaw - Churches

While Church buildings and the footprint of the buildings receive a statutory exemption from taxation, all of the area surrounding the buildings would be taxable unless it is provided with a

permissive exemption from taxation by Council. The portion of church property used in commercial activities or as a manse/residence is not eligible for exemption from taxes.

The attached Schedule C details the church properties within the City, and the estimated value of the permissive exemption for 2014 on the lands surrounding the building.

Schedule D: Five Year Bylaw - City owned properties managed by Societies

This schedule details the value of taxation exemption for these properties. These property exemptions are authorized by a five-year exemption bylaw which expires in 2014.

Schedule E: Ten Year Bylaw -Island Corridor Foundation

The properties owned by the Island Corridor Foundation have been provided with a ten year exemption from taxation. Schedule E provides a detail list of the properties along with the estimated value of the exemptions for the 2014 year. The authorizing bylaw expires in 2021.

FINANCIAL IMPACT:

The estimated cumulative value of the municipal portions of the new and grandfathered exemptions for the 2014 taxation year totals \$344,338. This is within the calculated 2014 limit of \$371,437 as prescribed in Policy 1960.01 – Permissive Exemption from Property Taxation.

	<u>2014 City Only</u>	<u>2014 Other Authorities</u>	<u>2014 Total Value of Exemption</u>
Schedule A: new applicants, as per recommendations	\$3,328	\$3,478	\$6,807
Schedule B: Annual Bylaw, Not-for-Profit Organizations	145,202	157,280	302,482
Schedule C: Annual Bylaw, Churches – land surrounding the building	14,224	19,934	34,158
Schedule D: Five Year Bylaw, City owned facilities - Managed by Societies (bylaw expires 2014)	171,609	177,165	348,774
Schedule E: Ten Year Bylaw, Island Corridor Foundation (ten-year bylaw – expires 2021)	<u>9,974</u>	<u>9,289</u>	<u>19,263</u>
	<u>\$ 344,338</u>	<u>\$367,146</u>	<u>\$711,484</u>

STRATEGIC PLAN REFERENCE:

n/a

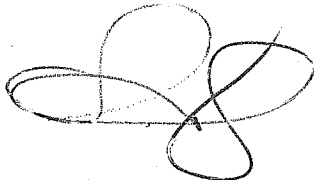
OCP SUSTAINABILITY REFERENCE:

n/a

REGIONAL GROWTH STRATEGY REFERENCE:

n/a

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Tillie Manthey, BA, CGA
Director of Financial Services/Deputy CAO

1. Policy 1960-01 – Permissive Property Tax Exemption
2. Permissive Exemption- Schedule Summary
3. Schedules A - E

Section 5 - Finance	Policy #	1960.00.01
Subject: Permissive Property Tax Exemption	Revision #	1

SCOPE:

A permissive tax exemption is a means for Council to support not-for-profit organizations within the community which further Council’s objectives of enhancing quality of life (economic, social, cultural) and delivering services economically. A permissive tax exemption is strictly at the discretion of the City of Courtenay Council. After careful consideration of all applications Council may approve a full, a partial, or no tax exemption. The tax exemption may vary for the different applicants. This policy guides identification of organizations meeting Council’s objectives.

POLICY

1. Overall Amount

A projected amount of revenue to be foregone by Permissive Tax Exemptions will be set by Council annually during the development of the Financial Plan. This amount will be used to calculate the following year’s tax exemption for approved organizations based on the current year’s assessment and tax rates. The actual amount of the exemption may vary according to the following year’s assessment and tax rates.

The cumulative value of the exemptions may not exceed 2% of the total tax levy in the previous year. The bylaw for exemptions for any given year must be adopted and submitted before any assessment or tax rate information is available for that year. The 2% amount will therefore be calculated based on the previous year’s assessment and tax rate information.

2. Process

Council will consider applications for permissive tax exemptions annually. Reminder letters to re-apply will be mailed annually or as the term of the exemption expires to current tax exemption recipients. In addition, application packages will be available at any time from the Municipal Office or on our website at www.courtenay.ca.

Applications must be submitted to the Director of Financial Services, using the prescribed application form, before June 15th each year. The Director will review the applications for completeness, and arrange contact with applicants for additional information as necessary.

Application submissions must include:

- Copies of audited financial statements for last three (3) years for first time applicants, and for the last year for current tax exemption recipients.
- Copy of state of title certificate or lease agreement, as applicable.

AUTHORIZATION: Council R13/2013	DATE: May 13, 2013
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Section 5 - Finance	Policy # 1960.00.01
Subject: Permissive Property Tax Exemption	Revision # 1

- In the case of a lease agreement rather than ownership, documents are required that indicate that the applicant will benefit by the exemption. Documents should demonstrate that the lease is currently or will, on approval of the exemption, be reduced by the amount of the exemption, or that other considerations will be provided by the landlord equivalent to the value of the exemption.
- Description of programs/services/benefits delivered from the subject lands/improvements including participant numbers, volunteer hours, benefiting groups/individuals/special needs populations, fees charged for participation
- Description of any 3rd party use of the subject land/improvements including user group names, fees charged conditions of use.
- An indication as to the extent to which the activities of the applicant are regional or local (within the City of Courtenay) in nature.
- Financial information on how the tax exemption amount is put back into the community through charitable means or reduced fees paid by the general population of the City of Courtenay.
- Confirmation that the organization’s activities do not compete with any other duly licensed business in the Municipality.

The Director of Financial Services will present a summary report of the applications, relative to the eligibility criteria, to Council and arrange for delegations to Council by applicants as necessary.

3. Criteria

- a) Subject Property must be one of:
 - Land and/or improvements owned by the applicant
 - Land and/or improvements leased under an agreement
 - Land and/or improvements ancillary to a statutory exemption under section 220 of the *Community Charter (Statutory Exemptions)*

- b) Nature of Organization must meet the requirements of *Division 7 of the Community Charter (Permissive Exemptions)* which includes:
 - Non-profit organization
 - Charitable/philanthropic organization
 - Athletic or Service Club/Association
 - Care facility/licensed private hospital
 - Partner of the municipality by agreement under s. 225 (Partnering, heritage, riparian and other special exemption authority) of the *Community Charter*
 - Other local authority

AUTHORIZATION: Council R13/2013	DATE: May 13, 2013
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Section 5 - Finance	Policy # 1960.00.01
Subject: Permissive Property Tax Exemption	Revision # 1

organizations that have previously been approved will not be considered under this condition

- The applicant already receives grant-in-aid from the municipality and/or other sources
- [other]

b) Council may impose **conditions** on the exempted land/improvements with the applicant organization, including but not limited to:

- registration of a covenant restricting use of the property
- an agreement committing the organization to continue a specific service/program
- an agreement committing the organization to have field/facilities open for public use for certain times or a total amount of time
- an agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates
- an agreement committing the organization to immediately disclose any substantial increase in the organization’s revenue or anticipated revenue or any change in the status of the property
- [other]

c) Council may impose **penalties** on an exempted organization for knowing breach of conditions of exemption, including but not limited to:

- revoking exemption with notice
- disqualifying any future application for exemption for specific time period
- requiring repayment of monies equal to the foregone tax revenue
- [other]

AUTHORIZATION: Council R13/2013	DATE: May 13, 2013
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City of Courtenay

Permissive Exemption from Taxation - 2014
 Exemption Cumulative Value Limit

Policy 1960.01: Calculation of Exemption Limit for 2014

2013 Municipal Tax Levy (General + Debt)	\$ 18,571,872
	<u> x 2%</u>
2014 exemption cap	<u>\$ 371,437</u>

Summary - Value of Exemptions for Consideration for 2014

<u>Schedule</u>	<u>Bylaw Expires</u>	<u>New / Requested</u>	<u>Grandfathered and Recommended</u>
(A) Annual Bylaw - New Applications, Not for Profit		23,533	3,328
(B) Annual Bylaw - Not for Profit	2013		\$ 145,202
(C) Annual Bylaw - Churches	2013	291	14,224
(D) Five Year Bylaw - City Owned Properties	2014		171,609
(E) Ten Year Bylaw - Island Corridor Foundation	2021		<u>9,974</u>
Cumulative Value of Exemptions		<u>\$ 23,824</u>	<u>\$ 344,338</u>

SCHEDULE A

2013 Tax Rates

City	Other Auth.	Total
3.7322	4.1484	7.8806
10.6365	10.9723	21.6088

City of Courtenay
New Applications for 2014 consideration
 Calculation of Amounts based on 2013 Assessments and 2013 Rates

Roll #	Registered Owner	Leasee/Society Applying for Exemption	Civic Address	Use of Property	Requested 2014 Exemption	% of Courtenay residents	2013 Assessed Value	2013 Property Tax with 100 % Exemption			Grandfathered Value - 2013 Bylaw Exemption			Recommended 2014 Exemption					
								City	Other Authorities	Total	%	City	Other Auth.	Total	%	City	Other Auth.	Total	
89.000	Sea Mountain Investments LTD	Comox Valley Transition Society	367 6th Street	Thrift Shop to fund Comox Valley Transition Society.	100%	80%	1,313,000	13,966	14,407	28,372	0%	-	-	-	0%	-	-		
459.000	Upper Island Women of Native Ancestry	same	956 Grieve Ave	office; support worker; early childhood development and cultural awareness programs	100%	70%	377,000	1,407	1,564	2,971	0%	-	-	-	40%	563	626	1,188	
2024.009	Habitat for Humanity Vancouver Island North Society	same	1755 13th Street	Restore (5,000 sf) and Administration (2,000 sf)	100%	6 out of 8 homes built	507,200	5,395	5,565	10,960	40% of admin space	626	646	1,271	40% / admin space	626	646	1,271	
2154.012	E & N Railway	Island Corridor Foundation	899 Cumberland Road	Courtenay Train Station	100%	vacant	260,000	2,765	2,853	5,618	0%	-	-	-	100%	2,765	2,853	5,618	
								\$23,533	\$ 24,389	\$47,922				\$ 626	\$ 646	\$ 1,271			
Less previously approved														(626)	(646)	(1,271)			
Recommended net new value for 2014														3,328	3,478	6,807			

SCHEDULE B
PAGE 1 OF 4

City of Courtenay

2013 Tax Rates

2014 Annual Bylaw, based on 2013 exemptions approved
Calculation of Amounts based on 2013 Assessments and 2013 Rates

1	3.7322	4.1484	7.8806
2	26.1249	22.6178	48.7425
6	10.6365	10.9723	21.6088
8	3.7322	5.2493	8.9815

Roll #	Registered Owner	Civic Address	Use of Property	% of services - Courtenay	Comm Charter	Cl.	Net Assess before Exempt	% exempt	Exempt Assessment	PROPERTY TAXES		
										City	Other Authorities	2014 Est Tax Levy
100% Exemption												
49-000	Eureka Support Society	280-4th st	community facility for adults with mental illness)	95%	224(2)(a)	6	255,800	100%	255,800	\$ 2,721	\$ 2,807	5,528
122-000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	367 Cliffe Ave	facility to support veterans, promote remembrance, act in service of the community	majority	224(2)(a)	6	429,000	100%	429,000	4,563	4,707	9,270
1650-000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	101 Island Highway	Cenotaph		224(2)(a)	8	21,100	100%	21,100	79	111	190
163-000	Comox Valley Child Development Association	237 - 3rd St	Office to serve children with special needs	65%	224(2)(a)	6	942,000	100%	942,000	10,020	10,336	20,355
164-000	Comox Valley Child Development Association	243 - 3rd St	1/3 Child Play area, 2/3 handicap park for families visiting	65%	224(2)(a)	1	91,200	100%	91,200	340	378	719
165-000	Comox Valley Child Development Association	255 - 3rd St	1/3 Child Play area, 2/3 handicap park for families visiting	65%	224(2)(a)	1	91,200	100%	91,200	340	378	719
348-000	Alano Club of Courtenay	543 - 6th St	community facility assisting recovering alcoholics and addicts	95%	224(2)(a)	6	232,700	100%	232,700	2,475	2,553	5,028
513-000	Old Church Theatre Society	755 Harmston Ave	Community theatre	majority	224(2)(a)	6	486,000	100%	486,000	5,169	5,333	10,502
540-000	Comox Valley Pregnancy Care Centre	785 - 6th Street	Women's crisis pregnancy services	65%	224(2)(a)	1	208,000	100%	208,000	776	863	1,639
750-020	Comox Valley Recovery Centre Society	641 Menzies Ave	Residential drug/alcohol recovery facility	75%	224(2)(a)	1	1,072,000	100%	1,072,000	186	192	378
828-000	Boys and Girls Clubs of Central Vancouver Island	367 - 11th St	Youth program activities facility	40%	224(2)(a)	6	205,800	100%	205,800	4,001	4,447	8,448
1037-000	Comox Valley Family Services Association	1415 Cliffe Ave	Child, youth & family community and victim services	90%	224(2)(a)	6	400,000	100%	400,000	2,189	2,258	4,447
1494-000	Glacier View Lodge Society	2470 Back Road	Seniors long-term care		224(2)(j)	1	3,487,000	100%	3,487,000	13,014	14,465	27,480
1494-010	Glacier View Lodge Society	2470 Back Road	Seniors long-term care		224(2)(j)	1	3,467,000	100%	3,467,000	12,940	14,383	27,322

SCHEDULE B
PAGE 2 OF 4

2013 Tax Rates

1	3.7322	4.1484	7.8806
2	26.1249	22.6176	48.7425
6	10.6365	10.9723	21.6088
8	3.7322	5.2493	8.9815

City of Courtenay
2014 Annual Bylaw, based on 2013 exemptions approved
Calculation of Amounts based on 2013 Assessments and 2013 Rates

1494-050	Glacier View Lodge Society	2450 Back Road	Seniors long-term care		224(2)(f)	1	7,871,000	100%	7,871,000	29,376	32,652	62,028
1960.300	The Nature Trust of British Columbia	The Nature Trust of British Columbia	Parkland- Was exempt in past years as ownership was incorrectly coded as Provincial lands by BCAA, corrected and recategorized by BCAA for 2013 and no longer receives "statutory exemption"		224(2)(a)	1	1,541,000	100%	1,541,000	5,751	6,393	12,144
2016-007	Richard Pizzev	1571 Burgess Rd	Leased by Stepping Stones Recovery House for Women Society	60%	224(2)(a)	1	246,000	100%	246,000	918	1,021	1,939
2091.190	Saltwater Education Society	2311 Rosewall Crescent	Kindergarten to Grade 2 Certification by Ministry of Ed. Will receive statutory exemption on building and footprint	50%	224(2)(h)	6	32,600	100%	32,600	347	358	704
2200-044	Courtenay & District Historical Society In Trust	2564 Cumberland Rd	Heritage Property	50%	224(2)(a)	1	503,000	100%	503,000	1,877	2,087	3,964
3200-072	Comox Valley Curling Club	4835 Headquarters Rd	Curling Club Recreation facility	60%	224(2)(f)	6	1,041,000	100%	1,041,000	11,073	11,422	22,495
75% Exemption												
750-100	St. John the Divine Abbeyfield House Society	994 - 8th Street	seniors supported living housing	100%	224(2)(a)	1	1,012,100	75%	1,012,100	2,834	3,150	5,983
757.000	Comox Valley Kiwanis Village Society	1061 8th Street	housing for low-income seniors	60%	224(2)(a)	1	772,900	75%	772,900	2,166	2,407	4,573
757.001	Comox Valley Kiwanis Village Society	1051 8th Street	housing for low-income seniors	60%	224(2)(a)	1	2,096,700	75%	2,096,700	5,870	6,524	12,394

City of Courtenay

2014 Annual Bylaw, based on 2013 exemptions approved

Calculation of Amounts based on 2013 Assessments and 2013 Rates

SCHEDULE B
PAGE 3 OF 4

2013 Tax Rates

1	3.7322	4.1484	7.8806
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758.000	Comox Valley Kiwanis Village Society	635 Pidcock Ave	housing for low-income seniors	60%	224(2)(e)	1	333,000	75%	249,750	932	1,036	1,968
1286-045	L'Arche Comox Valley	534 - 19th Street	Supported group home for adults with developmental disabilities	100%	224(2)(e)	1	297,700	75%	223,175	833	926	1,759
40% Exemption												
34.000	Courtenay Elks' Lodge No. 60 of the Benevolent and Protective Order of Elks Canada Inc. No. S4640	231 6th Street	Facility to promote and support community. Raises funds for several children and community charities	95%	224(2)(e)	6	313,600	40%	125,445	1,334	1,376	2,711
91.000	Comox Valley Transition Society (leased from 0771375 BC Ltd)	576 England Ave	occupy 23% of property	75%	224(2)(a)	6	197,080	40%	79,512	846	872	1,718
166.000	Comox Valley Child Development Association	Comox Valley Child Development Association	1/3 Child play area, 2/3 handicap park for families (purch in 2011)	65%		1	125,800	40%	50,320	188	209	397
1464.100	Mutsy Holdings Ltd	550 Comox Rd	Regional District Meeting Space Occupy 4617 sq ft of 8306 sq ft bldg (56%)	30%	224(2)(b)	6	759,584	40%	303,839	3,232	3,334	6,566
1465.000	Mutsy Holdings Ltd	600 Comox Rd	CVRD Office Space Occupys 100%	30%	224(2)(b)	6	1,903,000	40%	761,205	8,097	8,352	16,449
1516.004	Canadian Red Cross Society (leased from 660511 BC Ltd)	464 Puntledge Rd	occupy 100% of property	63%	224(2)(a)	6	370,100	37%	137,111	1,458	1,504	2,963
1960.006	Aaron House Ministries (Leased from Fernco Development Ltd)	2966 Kilpatrick Ave	christian worship/teaching centre - occupy 12.7% of property		224(2)(a)	6	357,042	40%	142,822	1,519	1,567	3,086

SCHEDULE B
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2013 Tax Rates

City of Courtenay
2014 Annual Bylaw, based on 2013 exemptions approved
Calculation of Amounts based on 2013 Assessments and 2013 Rates

1	3.7322	4.1484	7.8806
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6	10.6365	10.9723	21.6088
8	3.7322	5.2493	8.9815

2024.009	Habitat for Humanity Vancouver Island North Society	Habitat for Humanity Vancouver Island North Society	Restore (5,000 sf) and Administration (2,000 sf)	(29% of space for Admin office x 40% exemption)	224(2)(a)	6	147,088	40%	58,840	626	646	1,271
3200.032	Youth for Christ Comox Valley	4729 Headquarters Rd	occupy 97.5% of property	95%	224(2)(a)	1	400,419	40%	160,173	598	664	1,262
					224(2)(e)	8	209,300	40%	83,725	312	439	752
	Total									\$ 145,202	\$ 157,280	\$ 302,482

SCHEDULE C
PAGE 1 OF 2

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City of Courtenay

Annual Bylaw - Church Properties

Calculation of Amounts based on 2013 Assessments and 2013 Rates

2013 Tax Rates

	City	Other Auth.	Total
1	3.7322	4.1484	7.8806
6	10.6365	10.9723	21.6088
8	3.7322	5.2493	8.9815

Roll #	Owner	Class	Assess	Net Remain	% exempt	Permiss Ex Value (Est)	PROPERTY TAXES		
							City	Other Auth.	2014 Est Taxes
143-000	GRACE BAPTIST CHURCH	8	26,900	26,900	100%	26,900	100	141	242
313-100	ANGLICAN SYNOD DIOCESE OF B.C.	8	253,000	253,000	100%	253,000	944	1,328	2,272
336-000	CENTRAL EVANGELICAL FREE CHURCH	8	76,500	76,500	100%	76,500	286	402	687
341-000	ELIM GOSPEL HALL	8	105,000	105,000	100%	105,000	392	551	943
342-000	ELIM GOSPEL HALL	1	65,800	65,800	100%	65,800	246	273	519
346-000	ST. GEORGE'S CHURCH	8	167,000	167,000	100%	167,000	623	877	1,500
618-220	RIVER HEIGHTS CHURCH SOCIETY	8	205,000	205,000	100%	205,000	765	1,076	1,841
1074-050	SALVATION ARMY CANADA WEST	8	89,300	89,300	100%	89,300	333	469	802
1166-000	LUTHERAN CHURCH	8	177,000	177,000	100%	177,000	661	929	1,590
1211-004	VALLEY UNITED PENTACOSTAL CHURCH OF BC	8	117,000	117,000	100%	117,000	437	614	1,051
1524-102	BISHOP OF VICTORIA - CATHOLIC CHURCH	8	253,000	253,000	100%	253,000	944	1,328	2,272
1594-000	KINGDOM HALL OF JEHOVAH WITNESSES	8	154,000	154,000	100%	154,000	575	808	1,383
1691-030	SEVENTH DAY ADVENTIST CHURCH	8	94,800	94,800	100%	94,800	354	498	851

SCHEDULE C
PAGE 2 OF 2

City of Courtenay
Annual Bylaw - Church Properties

Calculation of Amounts based on 2013 Assessments and 2013 Rates

2013 Tax Rates

	City	Other Auth.	Total
1	3.7322	4.1484	7.8806
6	10.6365	10.9723	21.6088
8	3.7322	5.2493	8.9815

Roll #	Owner	Class	Net Remain Assess	% exempt	Sec.224 Permiss Ex Value (Est)	PROPERTY TAXES		
						City	Other Auth.	2014 Est Taxes
1691-044	ANGLICAN SYNOD DIOCESE OF B.C.	8	97,900	100%	97,900	365	514	879
1691-046	ANGLICAN SYNOD DIOCESE OF B.C.	8	143,000	100%	143,000	534	751	1,284
2005-000	LDS CHURCH	8	332,000	100%	332,000	1,239	1,743	2,982
2017-034	FOURSQUARE GOSPEL CHURCH OF CANADA	8	1,376,000	100%	1,376,000	5,136	7,223	12,359
06-771-02215.110	BAPTIST CHURCH	8	78,000	100%	78,000	291	409	701
						\$ 14,224	\$ 19,934	\$ 34,158

SCHEDULE D

City of Courtenay

2013 Tax Rates

5 Year Bylaw - City Owned Properties

Calculation of Amounts based on 2013 Assessments and 2013 Rates

	City	Other Auth.	Total
1	3.7322	4.1484	7.8806
6	10.6365	10.9723	21.6088

Exemption for 5 years 2010-2014 (expires 2014)

Roll #	Registered Owner	Civic Address	Use of Property	Comm Charter Cl.	2013 Assessed Value	% exempt	Permiss Ex. Assess. Value	PROPERTY TAXES		Total Tax 2014 estimate
								City	Other Authorities	
29-002	City of Courtenay	580 Duncan Ave	Arts Centre/Gallery	224(2)(b) 6	2,083,000	100%	2,083,000	22,156	22,855	45,011
63-000	City of Courtenay	442 Cliffe Avenue	Sid Williams Theatre	224(2)(b) 6	2,142,000	100%	2,142,000	22,783	23,503	46,286
113-000	City of Courtenay	207 - 4th St	Courtenay & District Museum	224(2)(b) 6	1,633,000	100%	1,633,000	17,369	17,918	35,287
261-006	City of Courtenay/ Nature Trust of BC	3rd Street	McPhee Meadows	224(2)(b) 1	462,000	100%	462,000	1,724	1,917	3,641
1200-000	City of Courtenay	2040 Cliffe Ave	Marina	224(2)(b) 6	1,566,900	100%	1,566,900	16,666	17,192	33,859
1941-000	City of Courtenay	100 - 20th St	Airpark	224(2)(b) 6	8,547,000	100%	8,547,000	90,910	93,780	184,690
								171,609	177,165	348,774

City owned properties: Facilities operated for the City

100% Exemption

SCHEDULE E

City of Courtenay

10 Year Bylaw - Island Corridor Foundation

Calculation of Amounts based on 2013 Assessments and 2013 Rates

2013 Tax Rates

	City	Other Auth.	Total
2	26.1249	22.6176	48.7425
6	10.6365	10.9723	21.6088

Expires 2021	Roll #	Registered Owner	Civic Address	Use of Property	Comm Charter	Cl.	2013 Assessed Value	% exempt	Assessed Value of Exemption	PROPERTY TAXES		Total Tax 2014 Would be
										City	Other Authorities	
100% Exemption												
467-000		Island Corridor Foundation		railway corridor	224(2)(a)	2	22,400	100%	22,400	585	507	1,092
467-100		Island Corridor Foundation		railway corridor	224(2)(a)	2	4,800	100%	4,800	125	109	234
613-100		Island Corridor Foundation		railway corridor	224(2)(a)	2	3,900	100%	3,900	102	88	190
2154-000		Island Corridor Foundation	Cumberland Road	railway corridor	224(2)(a)	2	207,500	100%	207,500	5,421	4,693	10,114
2154-001		Island Corridor Foundation		railway corridor	224(2)(a)	6	128,000	100%	128,000	1,361	1,404	2,766
2154-003		Island Corridor Foundation		railway corridor	224(2)(a)	6	223,000	100%	223,000	2,372	2,447	4,819
2154.013		Island Corridor Foundation	Island Corridor Foundation	railway corridor	224(2)(a)	2	1,800	100%	1,800	7	41	48
										9,974	9,289	19,263



442 CLIFFE AVENUE
COURTENAY, BC V9N 2J2
T 250.338.2430
F 250.338.7720

FOR
INFO

May 31, 2013

City of Courtenay, Mayor and Council

830 Cliffe Ave, Courtenay, BC, V9N 2J7

Dear Mayor and Council,

The Sid Williams Theatre Society has managed to lead our community through over two years of reorganization and financial difficulties, due in large part to the cooperation and support of the City of Courtenay. We consider the City to be our partners in the business of operating the only professional theatre in the Comox Valley. That relationship is, and must remain, the critical component of any continuing success of the SWTS and the theatre.

The Society would not exist without the financial support of the City of Courtenay. We are especially grateful for the one time grant that allowed us to balance our budget in 2011 and for the recent 3 year increase in the discretionary funding commitment. This affords us the security and stability to focus on longer term planning for the future of the SWTS. We would like to applaud the decision to use funds accumulated through valley wide revenue to support facilities that benefit the whole community.

In addition to the financial commitment we are grateful for the support and assistance of the City's administration and maintenance staff. We would like to thank in particular, Randy Wiwchar and Tillie Manthey, whose understanding, patience and guidance through some difficult times in the past three years has been fundamental to achieving our current stable status.

The solid support of Council on behalf of the citizens of Courtenay has relieved considerable pressure from the SWTS management and staff as well as the Board of Directors. We are looking forward, and are excited about our ability to continue to operate a professional theatre and bring quality entertainment and recreational opportunities to the citizens of the Comox Valley.

Thank you so much for your unfailing support.

Sincerely,



Catherine Miller, President, Sid Williams Theatre Society

COME & SEE

WWW.SIDWILLIAMSTHEATRE.COM

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THE CORPORATION OF THE CITY OF COURTENAY

FOR
INFO

MEMORANDUM

TO: Mayor and Council

FILE #:1971-20

FROM: Director of Community Services
Via CAO

DATE: July 8, 2013

SUBJECT: Update on Artificial Turf Field Project

Further to the Council Report of January 14, 2013, Council passed a resolution to contribute approximately 860,000 from the sale of land to Vancouver Island Health Authority (VIHA), to the regional play field project identified as a single artificial turf field at Vanier Secondary School. All of the conditions for the VIHA land sale agreement have been met and a user agreement between the Comox Valley Regional District (CVRD), School District 71 (SD 71) and the Comox Valley United Soccer (CVUS) has been agreed upon in principle. A joint maintenance agreement between all jurisdictions and respective parties has also been agreed upon in principle. The CVRD five year capital budgets for 2013-2017 has included the soccer project. With the contribution of 860,000 from the City of Courtenay and 400,000 from the CVUS, the impact for taxpayers for the project is projected to be minimal.

Attached for your information is a Summary of the agreements and the various roles each jurisdiction will play with this project. The project will be under the auspices of the CVRD on land owned by SD 71. The City of Courtenay will manage community field bookings as it currently books all playfields within the City.

Next steps: a) CVRD staff is submitting a report to the CVRD Committee of the Whole for the July, 2013 meeting to update the Board on the project and to do a budget amendment to allow for the design process to begin. A summary of this report is attached. A complete report will be attached to the CVRD Committee of the whole agenda package.

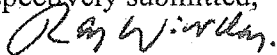
b) CVRD staff will coordinate a communiqué on behalf of all jurisdictions

c) CVRD staff will initiate the design process, with hopes of going to tender in late 2013. Construction is tentatively scheduled for summer 2014.

d) An operating committee will be formed with representatives from each jurisdiction.

This committee will be responsible for determining use guidelines, criteria user fees, and scheduling processes.

Respectively submitted,



Randy Wiwchar

Director of Community Services

Joint Use and Maintenance Agreement Summary - DRAFT

1. Initial Capital Cost
 - a. Similar to the running track agreement, SD71 would be the “owner” of the final sports field.
 - b. The Regional District would be the party to enter into the agreement with SD71, as they represent the City of Courtenay and the Town of Comox on such ventures.
 - c. The capital cost will include the field, necessary equipment to maintain the field, and all equipment required.
 - d. SD71 will contribute the land to the initial capital cost – no money.
 - e. Regional District will work with the Soccer Association to finalize their capital contribution (likely \$400,000).

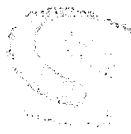
2. Ongoing Maintenance
 - a. Total annual maintenance cost estimated at \$15,000.
 - b. 50/50 cost sharing between the Regional District and SD71 – likely SD71 would be people-power from the Operations Department.
 - c. Soccer Association would not pay for maintenance if they provided a \$400,000 capital injection.
 - d. Any rental revenues received during the year would be used to offset the annual maintenance costs.

3. Access to the Site
 - a. City of Courtenay would manage field books (as they do for other fields).
 - b. SD71 reserved access on school days during from 7:30 am to 5:30 pm.
 - c. Soccer Association priority booking after school hours
 - d. Adult and other bookings (for a fee) when available.
 - e. SD71 would manage our own access to the field (i.e. other schools may want access for their extra-curricular programs).

4. Future Capital Repairs
 - a. Expected life of the field is 20 to 22 years, with a major mid-life upgrade to the field turf year 10-12.
 - b. Mid-life capital cost estimated between \$400,000 and \$500,000.
 - c. 50/50 cost sharing of “net final cost” between Regional District and SD71 – same agreement as with the track.
 - d. SD71 is not committed to a future replacement when the entire field needs replacement (20 to 22 years out).

The Soccer Association would be asked to sign a sub-agreement to the contract. It would provide:

1. Quantify their capital contribution (\$400,000 expected);
2. Define the priority booking rights;
3. Establish a 10-year term;
4. Provide for a renewal of the term, on the same terms and conditions, if they contributed \$125,000 to the mid-life capital upgrade required; and,
5. Address all legal issues such as insurance, indemnification, etc.



DATE: July 8, 2013

FILE: 5920-20

TO: Chair and Directors
Committee of the Whole

FROM: Debra Oakman, CMA
Chief Administrative Officer

RE: Artificial Turf Field update and Comox Valley Track and Fields Services financial plan amendment

Purpose

To update the committee on the artificial turf field project and to obtain board approval for an amendment to the 2013-2017 financial plan and capital expenditure program for the Comox Valley Track and Fields Service to reflect projected costs in 2013 for design consulting services and field construction costs and funding in 2014.

Policy analysis

The board must approve financial plan amendments which will be consolidated into a bylaw for adoption at the end of the year.

Executive summary

CVRD staff have been working with the School District, City of Courtenay, Comox Valley United Soccer Club and Town of Comox towards the construction of an artificial turf field on the site of the all-weather field. Discussions including operations, replacement, financing, usage and maintenance are winding up. Funding from the City and soccer club is now available.

In order to meet the goal of completing the artificial turf field for the 2014 fall season, staff recommend that the design process begin in the summer of 2013. To accomplish this, a budget amendment is required to reflect the receipt of funds from outside sources and the allocation of funds to professional fees within the 2013 playing fields service. Additionally, the 2014 financial plan needs to be amended to reflect the field construction costs of \$1,340,000 and the associated funding amounts from the City of Courtenay and the Comox Valley United Soccer Club.

Recommendation from the chief administrative officer to the committee of the whole:

THAT the 2013-2017 financial plan for the Comox Valley Track and Fields Service be amended to include an allowance in 2013 for professional fees in the amount of \$100,000, to be funded in part by reallocating \$15,000 from Grants – Conditional Local Agencies and the balance by contributions from the City of Courtenay and the Comox Valley United Soccer Club;

AND FURTHER THAT the artificial turf field project, in Grants – Conditional Local Agencies, in the 2014 financial plan be increased to \$1,340,000 with the increase of \$1,250,000 to be funded by contributions from the City of Courtenay and the Comox Valley United Soccer Club.

Respectfully:

D. Oakman

Debra Oakman, CMA
Chief Administrative Officer

COMOX VALLEY ACCESSIBILITY COMMITTEE

Secretary:
Marg Misener
#10 – 1755 Willemar Ave.
Courtenay, B.C. V9N 3M5
sewandsew@shaw.ca



June 19, 2013

To Mayor and Council

The Draft Transportation and Land Use Master Plan seemed to have more emphasis placed on cars than pedestrian and bus access. We have an aging population and these people need to be accommodated as a lot of them are giving up on cars as their means of transportation. Are environmental issues going to be addressed? Climate change, carbon imprint and the need to use electric cars for local commuting. Will there be easy access for all bicycles and pedestrian traffic on all the bridges? The big question is why are not all municipal bodies and the Regional District not working on this together? What one municipality does directly affects another - why keep inventing the wheel and co-operate and work together. Transit and pedestrian traffic make for a more inclusive community - not everyone needs or wants a car. We are aware that the area is growing but why are you promoting the use of cars over alternate means of getting around?

Yours truly

A handwritten signature in cursive that reads "M. Misener".

M. Misener
Secretary

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2749

A bylaw to regulate Street Entertainers in the City of Courtenay

WHEREAS Council recognizes that the arts, which include talented Street Entertainers, contribute to a vibrant and healthy urban environment;

AND WHEREAS Council wishes to provide for a regulatory scheme that is designed to encourage performance by talented Street Entertainers under conditions that minimize the potential for conflict and nuisance to the public and other people living and working in areas where Street Entertainers perform;

AND WHEREAS Council is authorized, under the *Community Charter*, to regulate business and the use of highways and other public places within the City of Courtenay;

AND WHEREAS Council is authorized, under the *Community Charter*, to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community.

THEREFORE BE IT RESOLVED that the Council of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Street Entertainers Regulation Bylaw No. 2749, 2013**”

INTERPRETATION

2. In this Bylaw, unless the context otherwise requires:

“**City**” means the City of Courtenay.

“**Dangerous props**” means items used by a Street Entertainer or Street Entertainer Group during a performance that could constitute a threat to public safety or cause injury to members of the public including but not limited to swords, knives, fire and chainsaws.

“**DCBIA**” means Downtown Courtenay Improvement Association.

“**Peace Officer**” includes a member of the Royal Canadian Mounted Police and a Bylaw Enforcement Officer appointed from time to time by resolution of Council.

“**Restricted Entertainer Location**” means a location where music or noise from any performance, amplified or not, that creates sound audible beyond 75 metres from that location is prohibited. Restricted Entertainer Locations are set out on the Street Entertainers location maps attached to this bylaw as Schedule “A”.

“Special Event” means, where permitted verbally or in writing by the City or , an activity or event undertaken in a public place including, but not limited to, a festival, concert, carnival, sport or other competition, tournament, derby, wedding, group picnic, group celebration, procession, performance, exhibition, ceremony, organized gathering or social, recreational event, convention, workshop, meeting, sales event, kiosk or concession.

“Street Entertainer” includes a musician or performer who entertains the public in or adjacent to a highway or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public.

“Street Entertainment Group” includes two or more Street Entertainers who entertain the public as a group in or adjacent to a highway or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public.

“Street Entertainment Permit” means a permit issued under Permit Requirements in this bylaw to a Street Entertainer or Street Entertainment Group.

“Unrestricted Entertainer Location” means a location where music or noise from any performance, amplified or not, that creates sound audible beyond 75 metres from that location is permitted. Unrestricted Entertainer Locations are set out on the Street Entertainers location maps attached to this bylaw as Schedule “A”.

APPROVAL PROCESS - AUDITION

3. Prior to a permit being issued, street entertainers are required to perform at an audition conducted by representatives of the DCBIA. Street Entertainer Permits will only be issued with the approval of the DCBIA subsequent to an audition. Video auditions will be accepted.

PERMIT REQUIREMENTS

4. Street Entertainer Permits shall be issued to individuals or, in the case of a Street Entertainment Group, to one individual of that group.
5. Each permitted Street Entertainer and each individual in a Street Entertainment Group will be issued an identification badge which must be clearly displayed to the public while the Street Entertainer or Street Entertainment Group is performing.
6. Each Street Entertainment Group will have all group members endorsed on the permit.
7. Each Street Entertainment Group may only entertain when two or more individuals endorsed on the permit are performing together.
8. A Street Entertainer Permit will be valid for twelve (12) months from the date of issue.

9. Each Street Entertainer or Street Entertainment Group shall pay Street Entertainer Permit fees as prescribed in Schedule "B" attached to and forming part of this bylaw.
10. Despite any Street Entertainer Permit issued or anything in this bylaw, the Director or a Peace Officer may, at any time, with or without written notice, require a Street Entertainer or Street Entertainment Group to vacate an entertainer location to accommodate:
 - (a) A Special Event; or
 - (b) Operational or emergency activities or works related to services or lands of the City such as, but not limited to, maintenance, closures, repairs, installations or construction or other safety or emergency planning activities carried out by the City of Courtenay.
11. As a condition of issuing a Street Entertainer Permit, each Street Entertainer or Street Entertainment Group must take part in an orientation, to be conducted by the City, of the Street Entertainer Locations and their use.
12. The Director may impose conditions on a Street Entertainment Permit for continuing to hold a Street Entertainment Permit where such conditions are related to the interference with or obstruction of vehicular or pedestrian traffic or any other public safety manner.

REGULATIONS

Permits Required

13. No person, Street Entertainer or Street Entertainment Group shall perform:
 - (a) as a Street Entertainer without first obtaining a valid Street Entertainer Permit;
 - (b) as part of a Street Entertainment Group without being endorsed on the permit;
 - (c) as an individual if endorsed on a Street Entertainment Group, unless holding an individual Street Entertainer Permit;
 - (d) without displaying the identification badge issued to the Street Entertainer or Street Entertainment Group;
 - (e) while their Street Entertainer Permit or Street Entertainer Group Permit has been suspended.

Locations

14. No person, Street Entertainer or Street Entertainment Group shall perform:
 - (a) in any location on public property within the City of Courtenay except those Entertainment locations identified in Schedule "A" of this bylaw;
 - (b) in any restricted Entertainment Location where the human voice or musical instrument is audible beyond 75 meters.

Times of Performances

15. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) in any Entertainment Location before 10:00 a.m. or after 10:00 p.m. seven days a week;
 - (b) in any Entertainment Location for a single continuous time exceeding two (2) hours per day;
 - (c) in any Entertainment Location on the same day where the same Street Entertainer or Street Entertainment Group has already performed or has vacated the location;

Amplification

16. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) with any amplification except with non-acoustical instruments;
 - (b) with more than one amplifier;
 - (c) with any amplification other than with battery operated amplifiers that do not exceed 15 watts;
 - (d) with any amplification that utilized more than one speaker at any restricted or unrestricted location;
 - (e) with any amplification of the human voice at any restricted or unrestricted location;
 - (f) with any amplification that is audible beyond 75 metres from any restricted entertainer location.

General

17. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) unless in compliance with all provisions of this bylaw;
 - (b) without removing all litter and/or garbage generated by the performance;
 - (c) if obstructing the free passage of pedestrian or permitted bicycle traffic in any way as determined by a Peace Officer;
 - (d) if soliciting for money, verbally or otherwise, in any way other than having an open container for donations at the entertainer location;
 - (e) and sell any recordings or other depictions of their own performance unless doing so during a performance at an entertainer location;
 - (f) or continue to perform when directed by the Director or a Peace Officer to vacate an entertainer location;
 - (g) at any entertainer location during or for the duration of any event that has been scheduled to take place by the City or any organization that has been permitted by the City to hold an event or rent a park, unless permitted to do so by the City or event organizer;
 - (h) using profanity;
 - (i) while consuming alcohol or illegal drugs or while under the influence of alcohol or illegal drugs during performances;

- (j) using props in a manner that could injure or cause damage to a member of the public; or
- (k) using dangerous props.

Suspension or Cancellation of Permit

- 18. The Director is authorized to suspend or cancel the Street Entertainment Permit of any Street Entertainer or Street Entertainer Group where there is reasonable cause.
- 19. The Director is authorized to suspend or cancel the Street Entertainer Permit of any Street Entertainer or Street Entertainer Group who fails to comply with this bylaw or a condition of the Street Entertainer Permit on two occasions or more within any single twelve month period.
- 20. A Street Entertainer Permit issued to a Street Entertainment Group may be suspended or cancelled where one or more persons endorsed in that Street Entertainer Permit fails to comply with this bylaw or a condition of the Street Entertainer Permit on two occasions or more within any single twelve month period.
- 21. Street Entertainers and Street Entertainment Groups must pay all outstanding fines levied under this bylaw before a suspended Street Entertainer Permit will be reinstated.
- 22. If a Street Entertainer Permit is cancelled, a new application will not be accepted until after one year from the date of cancellation of the previous permit held by that Street Entertainer.
- 23. If a Street Entertainer Permit is cancelled, a new application will not be accepted until all outstanding fines levied under this bylaw are paid in full.

ENFORCEMENT AND PENALTIES

Designation of Bylaw

- 24. This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.

Designation of Enforcement Officers

- 25. Peace Officers and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.

Ticketing for Offences

- 26. The words or expressions listed in Schedule "C" in the 'description of offence' column are authorized to be used on a ticket issued under Section 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the section column. The amounts appearing in the MTI fine column are the fines set

pursuant to Section 264 of the *Community Charter* for contravention of the respective section of the Bylaw appearing opposite in the section column.

27. A person or persons who contravenes, violates or fails to comply with any provision of this bylaw, or who suffer or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than the fines prescribed in Schedule "C" of this bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the Community Charter (British Columbia) or the Offence Act (British Columbia) as amended from time to time. Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

Schedules

28. The schedules in this bylaw form part of the bylaw and are enforceable in the same manner as the bylaw.

Severability

28. If any section or provision of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the bylaw shall not be affected.
29. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 10th day of June, 2013

Reconsidered, amended and read a second time this 2nd day of July, 2013

Read a third time this 2nd day of July, 2013

Finally passed and adopted this day of 2013

Mayor

Director of Legislative Services

Schedule A to bylaw No. 2749, 2013



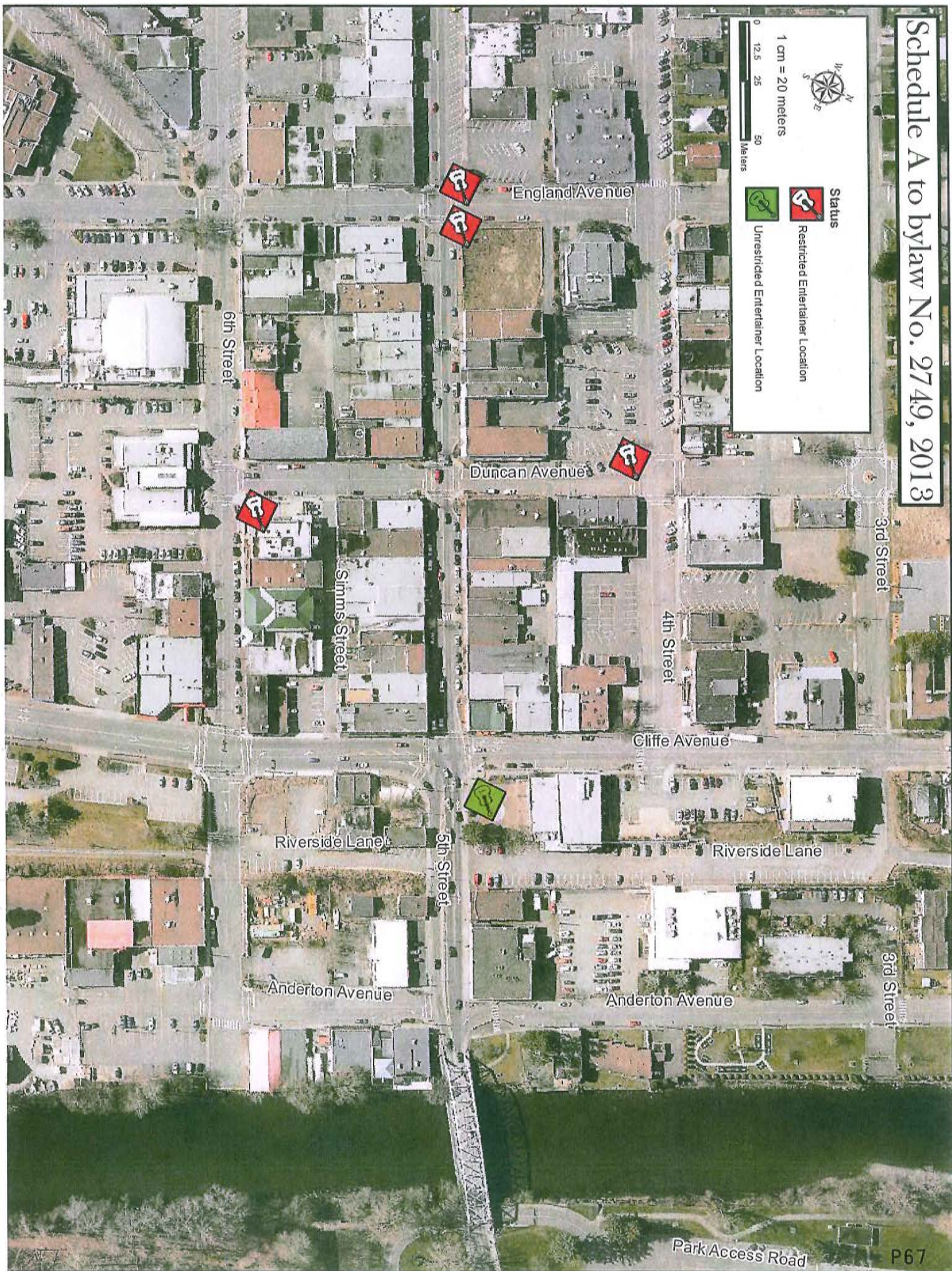
1 cm = 20 meters



Status
Restricted Entertainer Location



Unrestricted Entertainer Location



Street Entertainers Regulation Bylaw No. 2749, 2013

SCHEDULE "B"

FEE SCHEDULE

Street Entertainer or Street Entertainment Group Permit	\$25.00
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Street Entertainers Regulation Bylaw No. 2749, 2013

**SCHEDULE "C"
FINE SCHEDULE**

DESCRIPTION OF OFFENCE	BYLAW SECTION	MTI FINE
Perform without a Street Entertainer Permit	12 (a)	\$75.00
Perform without endorsement on permit	12 (b)	\$50.00
Perform as individual from Street Entertainer Group	12 (c)	\$50.00
Perform without displaying badge	12 (d)	\$50.00
Perform when permit is suspended	12 (e)	\$75.00
Perform in unauthorized location	13 (a)	\$50.00
Noise audible beyond 75 metres from a restricted location	13(b)	\$50.00
Perform during prohibited time	14 (a)	\$50.00
Perform exceeding two hours	14 (b)	\$50.00
Perform in same location when prohibited	14 (c)	\$50.00
Perform in more than one location on same day	14 (c)	\$50.00
Amplify an acoustical instrument	15 (a)	\$50.00
Perform with more than one amplifier	15 (b)	\$50.00
Use amplifier that is not battery operated or is more than 15 watts	15 (c)	\$50.00
Amplify more than one speaker	15 (d)	\$50.00
Amplify voice during a performance	15 (e)	\$50.00
Amplification audible 75 meters from a restricted location	15 (f)	\$50.00
Fail to comply with bylaw	16 (a)	\$50.00
Fail to remove litter or garbage	16 (b)	\$50.00
Obstruct pedestrian or bicycle traffic	16 (c)	\$50.00
Solicit for money	16 (d)	\$50.00
Sell recordings other than at performance	16 (e)	\$50.00
Perform when directed to vacate	16 (f)	\$50.00
Perform during event where prohibited	16 (g)	\$50.00
Perform using profanity	16 (h)	\$50.00
Perform while using or under the influence	16 (i)	\$50.00
Perform in a dangerous manner	16 (j)	\$50.00
Perform with dangerous props	16 (k)	\$50.00