



DISTRICT OF PORT HARDY

AGENDA REGULAR MEETING OF COUNCIL 7:00 PM TUESDAY, APRIL 24, 2012

MUNICIPAL HALL COUNCIL CHAMBERS

Mayor: Bev Parnham
Councillors: Janet Dorward, Jessie Hemphill, Al Huddleston, Rick Marcotte,
Nikki Shaw, John Tidbury

Staff: Rick Davidge, Chief Administrative Officer
Gloria Le Gal, Director of Corporate Services
Deb Clipperton, Director of Financial Services
Trevor Kushner, Director of Operations

**DISTRICT OF PORT HARDY
AGENDA FOR THE REGULAR MUNICIPAL COUNCIL MEETING
7:00 pm TUESDAY APRIL 24, 2012
Council Chambers - Municipal Hall**

A. CALL TO ORDER

Time:

Presentation: to Stan McLennan, in appreciation for years of service on the Council of the District of Port Hardy.

B. APPROVAL OF AGENDA AS PRESENTED (or amended)

Motion required

1. 2.

C. ADOPTION OF MINUTES

- 1-5** 1. The minutes of the Regular Council Meeting held April 10, 2012.

Motion required

1. 2.

D. DELEGATIONS AND REQUEST TO ADDRESS COUNCIL

- 6-8** 1. RCMP Staff Sgt. Anna Marie Mallard re: Quarterly Report.
2. Aaron Frost & Bill McCormack, Coast Guard Auxiliary Units re: Discuss the implementation of a 'Kid's Don't Float Program' in Port Hardy.

E. BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

- 9-10** 1. Council Action Items. For information.
- 11-15** 2. Memo from G. Le Gal, Director Corporate Services (Apr.18/12) re: Robert Scott School Commercial Rentals. For information.

F. CORRESPONDENCE

- 16** 1. Neil Smith, Manager of Economic Development and Parks, Regional District of Mount Waddington (Apr.5/12) re: Regional business data and internet gateway project - Port Hardy businesses into database.

Motion / direction

1. 2.

- 17** 2. UBCM Newsletter *In the House* (Apr.16/12) re: Request that UBCM members contact MLA's regarding importance of Provincial Government Bill 34 *Limitation Act* legislation to local governments. Direction requested.

Motion / direction

1. 2.

G. NEW BUSINESS

No new business in agenda package.

H. COUNCIL REPORTS

Verbal reports from Council members.

I. COMMITTEE REPORTS

- 18 1. Economic Development Committee, minutes of the meeting held April 10, 2012. For information.
- 19 2. Legislative Review Committee, minutes of the meeting held April 10, 2012. For information.
- 20 3. Operational Services Committee, minutes of the meeting held April 18, 2012. For information.
- 21-22 4. Joint Advisory Planning / Harbour Commission, minutes of the meeting held April 19, 2012. Note two recommendations to Council.

Motion / direction 1. 2.

J. STAFF REPORTS

- 23 1. G. Le Gal, Director Corporate Services (Apr.18/12) re: BuildingReporter - Mobile Inspection Software. For information.
- 24-25 2. T. Kushner, Director Operations (Apr.19/12) re: Storey's Creek Watermain Tender.

Motion / direction 1. 2.

K. CURRENT BYLAWS AND RESOLUTIONS

No bylaws

L. PENDING BYLAWS

Neighbourhood zero emission vehicles.
Animal Control

M. INFORMATION AND ANNOUNCEMENTS

April 26 Occupational Health & Safety - 8:30 am Council Chambers
April 30 Twinning Society - 7:00 pm Council Chambers
May 1 Parks & Recreation Commission - 7:00 pm Council Chambers
May 2 Legislative Review Committee - Noon Council Chambers
Heritage Society - 7:00 pm Council Chambers
May 8 Regular Council Meeting - 7:00 pm
May 16 Operational Services Committee - 9:00 am

N. NOTICE OF IN-CAMERA MEETING

No In-Camera Meeting scheduled at this time.

O. ADJOURNMENT

1. Time:

MINUTES OF THE DISTRICT OF PORT HARDY
REGULAR MEETING OF COUNCIL APRIL 10, 2012

CALL TO ORDER: Mayor Parnham

Time: 7:00 pm

PRESENT: Mayor Parnham, Councillors Dorward, Hemphill, Huddleston, Marcotte, Shaw, Tidbury

REGRETS: Deb Clipperton, Director Financial Services
Gloria Le Gal, Director Corporate Services

ALSO PRESENT: Rick Davidge, Chief Administrative Officer
Leslie Driemel, Recording Secretary

Media: None

Citizens: None

2011-077
APPROVAL OF AGENDA
AS PRESENTED

APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

ADOPTION OF MINUTES

1. The minutes of the Regular Council Meeting held March 27, 2012.

2012-078
MINUTES OF THE
REGULAR COUNCIL
MEETING MARCH 13/12
APPROVED AS
PRESENTED.

Moved/Seconded/Carried
THAT the minutes of the Regular Council Meeting held March 27, 2012 be approved as presented.

DELEGATIONS

No delegations

BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

1. Council action items were received as information.

COMMUNITY
CONSULTATIVE
COMMITTEE UPDATE
REQUESTED

Councillor Marcotte requested an update on the Community Consultative Committee and was advised Gloria Le Gal, Director Corporate Services is contacting the Joint Advisory Planning and Parks and Recreation committee members regarding the proposed committee.

PUBLIC WORKS YARD
OPEN HOUSE MAY 25,
2012

Council requested and received clarification that the Public Works Yard Open House is being held Friday May 25, 2012.

CORRESPONDENCE

1. Mary Ellen Walling, Executive Director, BC Salmon Farmers Association (Mar.27/12) re: Annual Membership Renewal

2012-079
RENEW BC SALMON
FARMERS ASSOC
MEMBERSHIP FOR 2012

Moved/Seconded/Carried

THAT the District of Port Hardy renew its membership in the BC Salmon Farmers Association for the 2012 year at the renewal rate of \$375.

2. Rick Milligan, 330333.BC Ltd. (Mar.28/12) re: School District 85 / commercial rentals.

Council discussed the issues of commercial rentals on School District 85 property including business licenses, zoning, property taxes and empty commercial space in the community.

Councillor Marcotte advised that he contacted Leighton Wishart, School Trustee and was advised the rents charged cover maintenance and that the School District leases to non-profit organizations. Council members commented that the First Choice Gym is not a non-profit organization.

Mayor Parnham advised that leasing space in closed schools enables the School District to keep the schools maintained until closed permanently or needed again as student population increases. Council was advised that school properties are desired rental spaces as the rents are low and the properties better maintained, whereas local commercial space have high rents and are often poorly maintained.

R. Davidge Chief Administrative Officer advised that 330333.BC Ltd. property leased to North Island College would be taxed at a business rate and that School District 85 properties are exempt from taxation.

STAFF TO REPORT ON
SCHOOL DISTRICT/
COMMERCIAL RENTALS

Direction was given to Staff to contact John Martin at School District 85 regarding rentals on School District properties and to report back to Council with a broader picture of rents, zoning and permitted commercial uses at the properties in question, business license status of tenants, property tax rates, and investigate what is happening in other communities regarding school properties.

3. L. Driemel, Secretary Port Hardy Twinning Society (Apr.3/12) re: Request to clean up District electrical box at Twinning Garden.

2012-080
PH TWINNING SOCIETY
CLEAN UP ELECTRICAL
BOX AT TWINNING
GARDEN

Moved/Seconded/Carried

THAT the Port Hardy Twinning Society request to clean up District electrical box at Twinning Garden be approved.

4. Correspondence re: Expert Panel Review of Business Taxation and lack of local government representatives.
 - a. Nils Jensen, Mayor District of Oak Bay (Mar.30/12)
 - b. Walter Jakeway, Mayor City of Campbell River (Mar.30/12)

Mayor Parnham advised that many letters have been written and circulated regarding this issue.

2012-081
LETTER TO PREMIER RE:
LOCAL GOVT INCLUDED
ON EXPERT PANEL
REVIEW OF BUSINESS
TAXATION

Moved/Seconded/Carried

THAT the District of Port Hardy write a letter to the Honourable Christy Clark, Premier of the Province of British Columbia expressing concerns that there are no panel member representatives from local government municipalities on the Expert Panel Review of Business Taxation.

NEW BUSIENSS

APPRECIATION GIFTS TO
PAST COUNCILLORS

1. Councillor Tidbury requested the presentation of appreciation gifts to past councillors be completed.

Direction was given to Staff to confirm who has received appreciation gifts and to set up a presentation day and time for those still outstanding.

AGENDA
CORRESPONDENCE
THROUGH ELECTRONIC
MEANS AND IN THE
READING FILE.

2. Councillor Tidbury commented that the Council agendas do not reflect the amount of correspondence and items reviewed by Council members. He requested the Council agendas include a listing or some kind of reference to correspondence circulated to Council members through electronic means and correspondence included in the reading file.

Mayor Parnham advised that all Council members can bring forward to her items circulated through electronic means or correspondence included in the reading file to be included in an upcoming agenda.

Rick Davidge, Chief Administrative Officer advised that emails sent out to all Council members are for information and may be brought forward to the regular agenda.

COUNCIL REPORTS

COUNCIL REPORTS

Councillor Shaw reported on:

- Attending the Vancouver Island Regional Library quarterly meeting and advised of concerns that the library is no longer a specific line item in the provincial government budget but included in general operations.
- Attending a meeting on Friday for service providers to discuss how to improve access to services for elders and seniors.
- Attending a housing meeting at Tsulquate Reserve with Leo Lawson as facilitator.

Councillor Marcotte reported on:

- Attending the Hardy Bay Seniors meeting and advised they have received a \$12,000 gaming grant for operational expenses and that the seniors are discussing refurbishing or replacing their generator to have it working so seniors can meet at the center in case of emergency.
- Port Hardy Volunteer Fire Department activity.

Council discussed the generator, the use of the senior's center as an emergency gathering place and commented that the Civic Center is the designated gathering place in an emergency. Council was advised that Kevin Moore, District mechanic will look at the condition of the generator.

Councillor Dorward reported on:

- Attending meetings for Strategic Planning, Legislative Review and Downtown Revitalization.

COUNCIL REPORTS

Councillor Tidbury reported on:

- Attending meetings for Emergency Planning, Regional District of Mount Waddington Health Network, Strategic Planning, Filomi Days, and Economic Development.
- Attending events for the Chamber of Commerce Gala, the Vancouver Island Fire Department Association weekend events and the CBC/Hardy Buoys Big Decision telecast.

Councillor Huddlestan reported on:

- Attending meetings for the Integrated Oceans Advisory Committee, which is part of the Pacific North Coast Integrated Management Area process and covered economic and social concerns.
- Attending a recent Regional District and Chief Administrators' forum with discussions that included rural health care and issues regarding sustaining volunteer fire departments in rural areas.

Councillor Hemphill reported on:

- The recent Community to Community Forums and advised the Gwa'sala-'Nakwaxda'xw Council has agreed to sign the Memorandum of Understanding.
- Attending the Twinning Society meeting.
- Attending meetings for the Legislative Review Committee and Strategic Planning.
- Quatsino First Nation recent elections and advised that now a new Council is in place they might be agreeable to reviewing and becoming a signatory to the Memorandum of Understanding.

Mayor Parnham requested the Gwa'sala-'Nakwaxda'xw Council and the District sit down and sign the Memorandum of Understanding and that a press release be issued regarding the signing of the Memorandum. Mayor Parnham requested Patti Smedley organize the signing and press release.

Mayor Parnham reported on:

- Attending a meeting for the Port Hardy Hospital Local Working Group and advised the final draft is being forwarded to the Vancouver Island Health Authority.
- Attending the meeting regarding the Memorandum of Understanding at the Tsulquate Reserve Elders Center and advised of meeting the Economic Development Officer of the Kwakiutl First Nation.
- Attending the CBC Hardy Buoys Big Decision telecast event.
- Meeting with the local Pathfinders group, along with Claire Trevena and Councillor Dorward.
- Attending the Port Hardy Downtown Revitalization Committee meeting and advised the new chair is Councillor Dorward.
- Attending a meeting for the Mount Waddington Health Network and expressed concerns regarding Port Hardy representation on the Network.

COMMITTEE REPORTS

1. Port Hardy Downtown Revitalization Committee minutes of the meeting held April 3, 2012 was received as information.

PRESS RELEASE &
SIGNING OF
MEMORANDUM OF
UNDERSTANDING WITH
GWA'SALA-
'NAKWAXDA'XW

STAFF REPORTS

1. Accounts Payable for the month of March 2012 was received as information.

BYLAWS

No bylaws

ADJOURNMENT

2012-082
ADJOURNMENT

Moved
THAT we adjourn.

Time: 7:45 pm

CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security
Classification/Designation

Royal Canadian Mounted Police - Port Hardy
7355 Columbia Street, P.O. Box 86
Port Hardy, BC V0N 2R0

Your File - Votre référence

Our File - Notre référence

Port Hardy District Mayor and Council
7360 Columbia Street P.O. Box 68
Port Hardy, BC
V0N 2R0

Date: January 17, 2012

Quarterly Report for January, February and March, 2012

Mayor and Council Members

Port Hardy RCMP Detachment continues to focus on the Strategic Priorities of Substance Abuse, Traffic, Crime Reduction and Maintaining a presence in our First Nations Communities.

During the fourth quarter of 2011/2012 Annual Performance Plan, Port Hardy Detachment opened 861 files. There were 241 prisoners who spent time in cells, 39 Judicial Justice of the Peace Hearings done, and of those 39, 20 people were remanded in custody.

A break down of the files generated during this quarter, includes 30 Assaults (including Assault with a Weapon), 5 Sexual Assaults, 7 Impaired Driving, 15 Missing Persons, 9 Break and Enters to Business, and 3 Break and Enter to Residences, 33 reports of Mischief and 47 Mental Health Act files.

There were 3 Shoplifting / Theft Under investigations, 28 False Alarms and 28 Bylaw Noise complaints.

There were 85 complaints of Intoxicated in Public Place, 42 complaints of Breach of the Peace, 23 reports of Cause Disturbance, 51 Bail Violations, 1 Unspecified Assist file (often to assist EHS) and 34 Abandoned 911 calls.

There was a robbery at the Esso in early March, 2012 where a masked lone suspect went in and demanded money. The suspect escaped with a nominal amount of cash. Police continue to investigate leads. Another home invasion occurred two weeks later, however, all suspects were apprehended, two of whom remain in custody and the remaining two are Young Offenders who were released with documents to appear in court.

During this quarter, members conducted foot patrols at known areas frequented with people in violation of the Liquor Control and Licencing Act. Members conducted regular Bar Walks in our licenced establishments and coordinated joint road checks with neighboring detachments.

The Detachment members participated in the planning and festivities associated to Hardy Buoys and the Big Decision.

Victim Services is actively involved in many of our investigational files. Victim Services works closely with the Crisis Center to ensure the best service delivery of resources.

In keeping with our strategic priorities, we are consistently working to

Objective # 1 Substance Abuse/Drug Trafficking

Reduce the number of Intoxicated people in public areas.

Identify the most popular locations for public intoxication and monitor those areas by increased Foot Patrols. As well, we will schedule Bike Patrols in the popular areas as well as trails around Port Hardy.

We will develop drug intelligence and address some of the illicit drug use in Port Hardy. Members will conduct regular Bar Walks at the local licenced establishments.

We have met this benchmark this quarter with regular bar walks, a number of drug seizures and one search warrant of a local residence. Quantities of cocaine and prescription drugs were located as well as drug paraphernalia associated with trafficking drugs. Charges have been laid for Possession for the Purpose of Trafficking and a Breach of Bail Conditions. There were five seizures of Possession of Marijuana, and one male remains in custody due to breaching his bail violations.

Objective # 2 is Traffic:

Continue efforts to reduce traffic related offences by maintaining a presence on Highway 19 and school zones.

Members are dedicated to traffic related infractions and during this quarter, were successful in taking 7 impaired drivers off the road.

Objective #3: Crime Reduction

Continued efforts to reduce crimes against persons with a focus on domestic violence, prohibited drivers and drug dealers. Safe homes is a priority, and by focusing our resources on habitual offenders, a reduction in crimes against persons will be realized.

One prolific offender has been identified and regular checks are being done and he is currently in custody. Police continue to monitor curfews and conditions related to Community Sentence Orders.

We had a new member arrive from the RCMP Training Academy in late February. We have three Constables transferring out in late June and three Constables coming in. One member is arriving from Williams Lake, one from Campbell River and one from White Rock in the Lower Mainland.

We continue to see public assistance in solving crimes and ask that people call the Port Hardy Detachment or Crime stoppers to report crime.

If you have any questions, please feel free to contact me at your convenience.

Best Regards,

Anna Marie Mallard (S/Sgt)
Detachment Commander, Port Hardy

| Port Hardy Detachment Total Files January, February, March 2012 | |
|--|-----|
| | 861 |
| Assaults including Assault with Weapon | 30 |
| Sexual Assaults | 5 |
| Intoxicated in Public | 85 |
| Breach of Peace | 42 |
| Cause Disturbance | 23 |
| Mischief | 33 |
| Bail Violations | 51 |
| Bylaw - Noise | 28 |
| False/Abandoned 911 | 34 |
| Break & Enter - Business | 9 |
| Break & Enter Residence | 3 |
| Theft from Motor Vehicle | 4 |
| Theft - Shoplifting Under \$5000 | 3 |
| Missing Persons | 15 |
| Unspecified Assistance | 1 |
| False Alarms | 28 |
| Impaired Driving | 7 |
| Mental Health Act | 47 |
| | |
| Prisoners Held | 241 |
| JJP Hearings | 39 |
| Detentions from JJP Hearings | 20 |
| | |
| | |

| ITEM | ACTION – REGULAR MEETING OF MARCH 27, 2012 | WHO | STATUS /COMMENTS |
|--|--|------------------------------|---|
| C/Marcotte requested update on Community Consultative Committee | Update Council on progress. | GL | In progress |
| BC Salmon Farmers Assoc Annual Membership | Membership for 2012 approved. Issue cheque. | DC | Done |
| R. Milligan, 330333BC Ltd re: SD 85 / commercial rentals | Staff to investigate and report back to Council | GL | Done |
| PH Twinning Society re: electrical box clean up at Twinning garden. | Approved. Advise Twinning Society | LD | Done |
| Prov. Gov't Expert Panel Review of Business Taxation | Write Premier and advise of concerns regarding no municipal representation on panel | MP | Done |
| C/Tidbury re: presentation of appreciation gifts | Staff to confirm who has received gifts and arrange for presentation for those who have not. | GL | |
| ITEM | ACTION – REGULAR MEETING OF MARCH 13, 2012 | WHO | STATUS /COMMENTS |
| Sustainability Committee - recommendation for public consultation on neighbourhood zero emission vehicles | Refer to new Community Consultative Committee to do | GL | In progress |
| ITEM | ACTION – REGULAR MEETING OF FEBRUARY 28, 2012 | WHO | STATUS /COMMENTS |
| Legislative Review Committee Minutes Feb 22/12 re: Chickens in residential areas Off leash area on Trustee Rd. Kennel regulations into Animal control bylaw Breeder License fee requirements Changes to Kennel and Animal Control Bylaws | Chickens in residential areas, no direction to proceed, C/Hemphill may continue research Staff to investigate Trustee Rd as off leash area, Incorporate kennel regulations into animal control bylaw Delete Breeder license fee requirement from bylaw Changes to Animal Control bylaw, as directed Approved. Plan event, advertise event | C/JH GL GL GL GL | In progress Done Done Done Done |
| T.Kushner, Dir. Operations re: Hold one day open house event at Public Works Yard | | TK | Date confirmed May 25, 2012 |
| ITEM | ACTION – REGULAR MEETING OF FEBRUARY 14, 2012 | WHO | STATUS /COMMENTS |
| Sustainability Committee Minutes of Feb 7/12 Recommendation to distribute Council information digitally where ever possible and at the option of individual council members | Staff to review recommendation and report to Council | RD | In progress |
| ITEM | ACTION – REGULAR MEETING OF JANUARY 10, 2012 | WHO | STATUS /COMMENTS |
| AVICC - Resolutions - Submissions, Nominations | Draft resolution regarding reinstating northern living allowance to RDMW residents | RD | In progress |
| Engineering Support for District | Approved . 3 yr contract with Koers & Assoc Engineering. Prepare contract. | TK | Contract prepared, given to CAO |
| Tender for Storey's Beach Waterline Section Replacement (Beaver Harbour F/ Scotia St.) | Proceed to Tender. Prepare tender | TK | Tender issued. Closes 4pm April 18 |

| ITEM | ACTION – REGULAR MEETING OF AUGUST 9 2011 | WHO | STATUS/COMMENTS |
|--|--|------------|------------------------------------|
| Seagate Wharf emergency repairs | Approved estimated cost of \$35,875.79. Start repairs Amend Financial Plan to include cost of repairs | RD DC | Contractors advised In progress |
| ITEM | ACTION – REGULAR MEETING OF APRIL 26, 2011 | WHO | STATUS/COMMENTS |
| Fireplace / woodstove inspection rates | Bring to next budget/financial planning meeting | DC | In progress |



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Robert Scott School Commercial Rentals
DATE: 18 April, 2012

330333 BC Ltd. – Trustee Road Mall

This property is assessed at a Business (06) class. It is zoned General Commercial (C-3) and all uses conform to the permitted uses under this zone.

Malone's Oceanside Bistro, Hardy Buoys Smoke Fish Inc. and Kinsmen Return It Centre hold valid business licenses. 330333 BC Ltd. does not hold a valid business license.

Robert Scott School

The property is assessed at a Business (06) class, exempt. It is zoned Institutional (P-1) which permits schools, churches, not for profit halls, Civic Use (public functions under the auspices of a government body and includes offices, schools, colleges, libraries, etc.), Child Care Facility and Personal Care Facilities.

| Name | Zoning required | Bus. Lic. Req'd | Bus.Lic. |
|--|-----------------|-----------------|----------|
| 1. Claire Trevena, MLA | Institutional | No | |
| 2. Katrina Chappell, acupuncture | Commercial | Yes | No |
| 3. Northcoast Physiotherapy | Commercial | Yes | No |
| 4. Clement Lam, exercise classes | Commercial | Yes | No |
| 5. First Choice Fitness | Commercial | Yes | No |
| 6. North Island Early Child Development | Institutional | Yes | Yes |
| 7. Maggie Sedgemore, Counseling | Commercial | Yes | Yes |
| 8. NI Crisis & Counselling (Infant Child Development) | Institutional | No | |
| 9. VI North Teachers Assn. | Institutional | No | |
| 10. A. Bauer (photo club & storage) | Institutional | No | |
| 11. Sacred Wolf Friendship Centre (2 nd location) | Institutional | No | |
| 12. Kwakiutl District Council | Institutional | No | |
| 13. NI Community Services | Institutional | No | |

Taxation

The *School Act*, section 129 (attached) addresses property taxation. SD 85 still runs one program from this location and therefore is still exempt from taxation.

Planning Review

Jeff Long, Manager of Planning, Regional District of Mount Waddington provided the following comments:

Unfortunately, I have not had any direct experience in or come across any information pertaining to an identical situation. This having been said, the bottom line here is use. If the uses or uses that are being undertaken on the school property do not conform to the zoning bylaw, then this can be rectified by one of the following options:

- 1) Voluntary compliance – the school district ceases to rent its facilities to accommodate nonconforming uses at the request of the District of Port Hardy;
- 2) Bylaw enforcement – the District exercises its enforcement powers to seek conformity with the zoning bylaw;
- 3) Rezoning – the zoning of the property is changed to permit some of the uses that currently do not comply. This can be done by:
 - a) Amending the existing zoning category to include the new uses;
 - b) Changing the existing zone to another zoning category that better facilitates the uses associated with the property, if there is such a zone; or,
 - c) Creating a new zoning category that facilitates the uses associated with the property and applying it to the property.
- 4) Temporary Use Permit – The District could approve issuance of a Temporary Use Permit (TUP) in accordance with section 921 of the Local Government Act (LGA), provided it has designated areas where temporary uses may be allowed in its OCP or zoning bylaw in accordance with section 920.2 of the LGA. Issuance of a TUP would allow the commercially oriented uses to be undertaken on the property (even though the existing zoning does not permit them) for a predetermined period of time (up to three years with the District having the option to renew for an additional three years if it sees fit). This option is less permanent in nature in comparison to a rezoning and would allow for a trial period to see how things work out. In issuing a TUP, the District may:
 - a) specify conditions under which a temporary use(s) may be carried on;
 - b) allow and regulate the construction of buildings and structures in respect of the use(s) for which the TUP is issued;
 - c) require demolition and/or removal of a building or structure;
 - d) require restoration of land described in the TUP to a condition specified in the TUP by a date specified in the TUP;
 - e) require security in accordance with section 921(12) and 925(1) of the LGA; and,
 - f) prescribe the date the TUP expires except that such date shall be for a term that is not greater than three years.

Choosing and implementing a course of action to deal with this situation is likely the preferred solution given the District as well as local property owners are aware of the situation. In addition, the school district is a public agency and should strive to confirm local regulations.

Insofar as the type/kind of zone to use in the case of a rezoning (point 3 above), questions that need to be considered to determine the best approach include:

- 1) Is the rental scheme a temporary arrangement or a long term objective of the school district?
- 2) Do other properties in the District share the same zoning category as the subject property?

The answers to both of these questions will influence whether to amend the existing zone or create an entirely new one.

Official Community Plan

Institutional (P-2) land use

To provide for public or private community-based institutional uses, including schools, places of worship, gyms, arenas and other facilities for the purposes of learning, reflection, sports and recreation and social activity.

The following suggested land uses are to guide subsequent Land Use Zones and Permitted Uses within Port Hardy's Zoning Bylaw.

Suggested Permitted Uses:

- a) Community Centre;
- b) Places of Worship;
- c) Gallery and Museum;
- d) Farmer's Market;
- e) Fire/Police; and/or
- f) School.

Both this office and the School District are continuing to review regulatory questions.

Respectfully submitted,



Gloria Le Gal, DCS

School Act [RSBC 1996] CHAPTER 412

- 129 (1) In this section, "**property**" means property as defined in the *Assessment Act*.
- (2) Despite any other enactment, property in which a board has an ownership interest is exempt from taxation if it is
- (a) vacant,
 - (b) used in whole or in part for a school,
 - (c) used in whole or in part for a purpose ancillary to the operation of a school,
 - (d) used in whole or in part by the board as a residence, if the residence is available exclusively to the following individuals and the individuals with whom they reside:
 - (i) students attending a school within the board's school district;
 - (ii) employees of the board,
 - (e) leased by the board to an authority within the meaning of the *Independent School Act* and used in whole or in part for an independent school including any purpose ancillary to the operation of the independent school,
 - (e.1) leased by the board to a francophone education authority and used in whole or in part for a francophone school including any purpose ancillary to the operation of the francophone school, or
 - (f) exempted from tax by a bylaw under section 224 [*general authority for permissive exemptions*] of the *Community Charter* by the council of the municipality in which the property is located.
- (3) Unless exempted from taxation under subsection (2), property in which a board has an ownership interest is subject to taxation in the name of the board.
- (4) Nothing in subsection (2) exempts a property referred to in that subsection from a fee or charge under the *Community Charter* or the *Local Government Act*.
- (5) If property referred to in subsection (3) is subject to taxation in the name of the board,
- (a) the taxation imposed is a debt of the board due and payable to the taxing authority but is not subject to penalty additions or interest, and
 - (b) the property is not subject to tax sale.
- (6) Property in which a board has an ownership interest is,
- (a) if mortgaged under section 104, liable to be taken in execution by the mortgagee, or
 - (b) in any other case, not liable to be taken in execution.
- (7) If property that is not exempted from taxation under section 224 [*general authority for permissive exemptions*] of the *Community Charter* is leased to a board and used in whole or in part for a school, including any purpose ancillary to the operation of the school, any taxes payable in respect of that property must be paid by the owner of the property and the board is not liable for the payment of any of those taxes.
- (8) Subsection (7) does not apply to fees and charges under the *Community Charter* or the *Local Government Act*.

Agenda

DISTRICT OF PORT HARDY
MAR 29 2012

**330333 B.C. Ltd.
Box 373.
Port Hardy BC. V0N 2P0**

March 28, 2012

District of Port Hardy
Box 68
Port Hardy, B.C.
V0N 2P0

Re: North Island Mall

Dear: Mayor and Council.

330333 BC. Ltd has been in the business of commercial space rental in Port Hardy for approximately 30 years. During this time we have paid property taxes and business licenses fees as all responsible business owners and operators do. We welcome all fair and equal competition in the market place as I am sure the District of Port Hardy and the Mayor and Council do. We lease space to a wide variety of clients including government, restaurants, courts, newspapers, educational facilities and others. We also have vacant space that we would like to have occupied and yet we pay taxes as if it is.

It is with regret that we now have another competitor in the market place, namely School District 85. I would like to know if they have a business license and if they are subject to and pay property tax as all other commercial rental business in Port Hardy are required to do. If they do not have or are not required to have a business license and do not have to pay property taxes as they are classed as educational then 330333 BC. Ltd hereby requests a change of designation for the North Island Mall to educational. Our biggest client, the North Island College is also in the educational business. This would allow us to be more competitive in a very weak market.

I trust I will hear from you at your earliest convenience

Regards

Rick Milligan.

APR 11 2012



Regional District of Mount Waddington

PO Box 729 2044 McNeill Road, Port McNeill, BC V0N 2R0
Telephone (250) 956-3161 Fax (250) 956-3232
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File # 6750.01

April 5th 2012

Mayor and Council
District of Port Hardy
7360 Columbia St.
Box 68
Port Hardy, BC V0N 2P0

Dear Mayor Parnham,

Re: Regional business data and internet gateway project

As you are aware, the Regional District of Mount Waddington (RDMW) and a variety of institutional and private sector stakeholders are currently working on a new internet gateway portal for the entire North Island, funded by our Economic Development service, a pilot BC Labour Market Partnership (LMP) and Invest Canada Community Initiatives (ICCI). Part of that funding is there to put together, for the first time, a comprehensive, updatable region-wide business database to assist in workforce development and investment attraction. The funding is now in place and today is the deadline for proposals from web development companies. Some that I have reviewed already appear to be very professional.

There is an opportunity that I would like to put to your Council in the context of this project.

We would like to place all Port Hardy businesses into the database, the best source being the annual business license information. The RDMW Economic Development Service can update this annually in partnership with the District and local Chamber of Commerce.

Surveys will not yield as useful a database as compared to the provision of comprehensive business license listings, so we encourage your council to consider assisting what could be a very exciting step forward for the entire region. Significant resources would be saved and we could ensure that the majority of survey time is instead spent on unincorporated areas, where business licenses are not a requirement.

I would be happy to talk further with the Town about this at a meeting and provide any information they would like to review. I look forward to your response.

Yours sincerely,

Neil Smith
Manager of Economic Development and Parks

INCORPORATED JUNE 13, 1966

MUNICIPALITIES: ALERT BAY, PORT ALICE, PORT HARDY, PORT MCNEILL
ELECTORAL AREAS: "A" (SOINTULA); "B" (HOLBERG, WINTER HARBOUR); "C" (QUATSINO, COAL HARBOUR, HYDE CREEK); "D" (WOSS, TELEGRAPH COVE)



Province Introduces New Limitation Act

Today in the legislature, the Honourable Shirley Bond, Justice Minister and Attorney General introduced Bill 34, the proposed new Limitation Act. If passed, the legislation will repeal the existing Limitation Act. Many of the elements contained within the proposed new Act reflect longstanding UBCM policy requests related to civil liability reform.

For over two decades UBCM, and the Municipal Insurance Association of BC (MIABC), have worked both collaboratively, and independently, to seek reforms that would reduce the liability risks of our local government members.

Specifically we have sought:

- a reduction in the ultimate limitation period (ULP) to 10 years from 30 years;
- a ULP start time from the date an act or omission occurred, not when discovered; and
- a move to a two year basic limitation period.

The new Limitation Act, as proposed in Bill 34, addresses the following key elements that are of specific interest to local governments:

- an ultimate limitation period, or maximum limit for filing a claim, is 15 years;
- changing the commencement model of the ultimate limitation period from an “accrual” model to a model that starts the clock running on the ultimate limitation period based on an “act or omission”; and
- a single two-year basic limitation period for most claims.

While UBCM members and the MIABC have supported a reduction in the ultimate limitation period to 10 years; 15 years as proposed in the legislation, is certainly a significant improvement from the previous 30 years. The other two amendments - the ULP start time and the move to a single two-year basic limitation period - are consistent with requests made by both UBCM and MIABC members.

This Bill does not address the issue of joint and several liability; another issue on UBCM’s civil liability reform agenda. UBCM would point out that joint and several liability is not contained within the *Limitation Act* but is contained within the *Negligence Act*.

UBCM and the MIABC are very supportive of the proposed new Limitation Act as it would go a long toward reducing the liability risk for our members. We would encourage the membership to contact their MLAs to make them aware of how important this new legislation is to local governments.

A copy of the provincial news release and backgrounder on this significant legislative announcement has been attached to this document for your reference.



**DISTRICT OF PORT HARDY
ECONOMIC DEVELOPMENT COMMITTEE**

MINUTES OF THE MEETING HELD APRIL 10, 2012

Call to Order: Mayor Bev Parnham

Time: 1:05 p.m.

Present: Mayor Parnham, Councillor Tidbury, Councillor Dorward
R. Davidge, CAO
P. Smedley, Economic Development and Community Coordinator

-
1. Acceptance of minutes from the March 13, 2012 meeting.

Moved/Seconded/Carried

THAT the minutes of the Economic Development Committee meeting of March 13, 2012 be approved as presented.

2. Discussed the importance of North Island College to the community and the value of the College continuing its presence in Port Hardy. Committee members requested that Patti Smedley invite the College's new Board representative, Kathleen Nelson; the local campus manager, Karsten Henriksen; and College President, Jan Lindsay, to the next Economic Development Committee meeting.
3. The Committee talked via conference call with Wayne Marston, the Regional Manager for Transport Canada (TC) operated airports. A general discussion was held around possible uses for airport lands. Marketing strategies of the Penticton Airport, another TC operated facility, were discussed. Mr. Marston also discussed funding challenges as TC does not have the capacity to allocate dollars to capital projects for Nav Canada airports; privately operated airports have easier access to grant funding. It was also noted that because the local airport operates on lands leased from the Province, there are certain limitations on development. A costs/benefits analysis would need to be performed for any potential new business or services. Next steps included:
 - A) asking Khri Singh to help identify a contact with the Province who could help clarify issues around airport development from the Provincial perspective
 - B) Identifying issues of mutual interest between the DPH and TC
 - C) Setting up another conference call with Tor Domay, Wayne Marston and the Committee
 - D) Gathering statistics on Port Hardy airport usage
 - E) Contacting Penticton to look at their model
4. Discussed vision for the downtown and waterfront areas (as requested by Conrad Browne).
5. Next meeting date to be determined.

Adjournment

Time: 2:35 p.m.



LEGISLATIVE REVIEW COMMITTEE

Minutes of the meeting held April 10, 2012

Present: Councillors J. Dorward, J. Hemphill, R. Marcotte
Staff: G. Le Gal, Director of Corporate Services

Called to order by Councillor Dorward at 12:02 p.m.

1. Minutes of the February 22, 2012 meeting were accepted as circulated.
2. Animal Control Bylaw review
A draft bylaw was compiled by G. Le Gal using the current District Animal Control Bylaw and Kennel Bylaw and the model SPCA bylaw. The Committee recommended the following revisions:
 - a) Kennel definition – delete “and includes an establishment used for grooming and training dogs”
 - b) Licensing of dogs – 50% discount after July 1st rather than “pro rated” as recommended by SPCA
 - c) Licensed and unlicensed animals will both be held for 72 hours (not including the date of impoundment, Sundays or Statutory Holidays) rather than 96 hours for licensed animals
 - d) Dangerous dogs, section 8.4 – change wording to “The Provincial Court, on application and on being satisfied that a dog is dangerous may order that the dog be destroyed.”
 - e) Section 10.1 be moved to a more appropriate section to be determined by G. Le Gal.
 - f) Omit reference to Breeder’s/Show Animal licence.
 - g) Section 10 – change reference to include cats.
 - h) Section 10.6 – replace “bitch” with “female dog or cat”.
 - i) Section 10.7, omit reference to “a form prescribed by the municipality” and refer to “accurate breeding and care records”.
 - j) Delete section 16.9 “The provisions of this bylaw shall not apply to any shelter operated by the District of Port Hardy.”

Discussion was held on:

- a) Definition of “dangerous dog”.
- b) Length of time that an animal may vocalize, decision to retain current District bylaw of 10 minutes.
- c) Length of time that an animal may be hitched, tied or fastened, decision to remain with SPCA recommendation of 6 hours in a 24 hour period.
- d) “Any person may seize any dog or cat found at large and deliver it to the animal shelter.” – retained.
- e) License fee for a dangerous dog, decision to use the \$500 annual fee recommended by the SPCA.

G. Le Gal was asked to complete a new draft for the next meeting.

3. Adjournment
1:01 p.m.

Next meeting: Wednesday, May 2, 2012, 12:00 noon



DISTRICT OF PORT HARDY
OPERATIONAL SERVICES COMMITTEE
Minutes of the meeting held April 18, 2012

Present: Councillors Marcotte, Tidbury
Regrets: Councillor Huddleston

Also Present Rick Davidge, CAO
Trevor Kushner, EPCOR

| | |
|--------------------------|--|
| | <p>1. Call to Order: R. Davidge, CAO Time: 9:05 am</p> <p>2. Minutes of the meeting held February 22, 2011</p> <p>3. Verbal Reports - Trevor Kushner</p> <ul style="list-style-type: none">• Airport outfall project update Trevor Kushner reported on progress with the airport outfall. EPCOR will meet with the Ministry of Environment to discuss options, permits and the Liquid Waste Management Plan. EPCOR will report back on meeting results.• Storey's Creek Watermain Tender - Update The tender for the upgrade closes 4:00 pm April 18, 2012. It is expected that several contractors will bid on the project. T. Kushner will advise on tender results.• Purchasing controls. New purchasing controls are being set up for Public Works which include a full purchase order system and inventory control.• PW manpower Public Works is considering the implications of seasonal vs full time staff along with related costs. Report pending to Chief Administrative Officer.• Safety / personnel A full safety program system has been set with personnel requirements at different levels. Progress has improved safety levels at the Yard.• Fort Rupert Sewer The Committee discussed the status of sewer upgrades on Cadwallader lands to Thomas Point. T. Kushner will check with Aboriginal Affairs and Northern Development Canada.• Storey's Beach Road The Committee discussed the level of grading and gravelling on the roadway. T. Kushner will inspect and report back. |
| AIRPORT OUTFALL | |
| STOREY'S CREEK WATERMAIN | |
| PURCHASING CONTROLS. | |
| PW MANPOWER | |
| SAFETY / PERSONNEL. | |
| FORT RUPERT SEWER | |
| STOREY'S BEACH ROAD | |
| ROUND TABLE DISCUSSION | <p>4. Round Table Discussion The Committee discussed ditching and storm water at Storey's Beach, sewer pumps, Pitch-In and Public Works Day.</p> |
| | <p><u>Adjournment</u> The meeting adjourned. Time: 10:15 am</p> |

DISTRICT OF PORT HARDY

**JOINT ADVISORY PLANNING / HARBOUR COMMISSION
Minutes of the meeting held Thursday, April 19, 2012**

Present: Chairman K. Knopp, E. Knopp, D. Lang, G. Patterson, Councillor R. Marcotte

Staff: G. Le Gal, Director of Corporate Services

Call to Order by: K. Knopp

Time: 5:04 p.m.

Approval
of Minutes

Approval of Minutes

1. Minutes of the meeting held January 18, 2012

THAT the minutes of the meeting held January 18, 2012 be approved as presented.

Carried

New Business

1. Review of draft Terms of Reference, proposed Community Consultative Committee

E. Knopp stated that he does not believe the proposed committee will work. He does not wish to provide comment on the draft Terms of Reference as he considers them completed and he believes the Commission, not staff, should have drafted the Terms.

G. Patterson said the essence of any business is in having a willingness to change and he supports formation of the proposed committee.

K. Knopp does not feel the Commission has been given enough to deal with and would prefer to see the Commission revitalized rather than creating a new committee. He feels there will be a loss of expertise by appointing general community volunteers to the proposed committee.

G. Patterson made a motion that Mayor Parnham be invited to meet with the members to discuss concerns of some members. The motion was not seconded.

D. Lang stated that the term of office should not be restricted to two, two-year terms.

G. Patterson suggested section 6.2 could be removed to address D. Lang's concerns.

6:45 p.m. – G. Patterson gave his apologies and left the meeting.

Councillor Marcotte asked the members what direction they would like the current commission to take if it is not disbanded.

DISTRICT OF PORT HARDY

JOINT ADVISORY PLANNING / HARBOUR COMMISSION
Minutes of the meeting held Thursday, April 19, 2012

K. Knopp advised he would like to continue to review annual harbour rates and review the proposed Bear Cove Recreation site. Both windmills and sustainability are planning functions that should come to the Commission.

Councillor Marcotte advised that Victoria has disbanded their Harbour Commission in favour of a similar model to the proposed committee and they are a much larger harbour. K. Knopp did not feel that was relevant comparison as Victoria is a tourist, not working, harbour.

Discussion centered on the draft Terms of Reference and recommendations were made.

Recommendations to Council

1. Section 6.2 "Members shall be appointed for two (2) year terms for a maximum of two (2) terms. Initial appointments when forming the Committee shall be 51% appointed to a two year term, 49% appointed to a one year term in order to provide future continuity."

Recommendation: That section 6.2 be deleted or that it be amended to, "Members shall be appointed for two (2) year terms."

2. The Commission still has relevance in light of the work at Bear Cove and the expertise of its members.

Recommendation: That the Advisory Planning and Harbour Commission be retained.

Adjournment

THAT we adjourn

Time: 6:47 p.m.

Certified correct.

Director of Corporate Services

Commission Chairman



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: BuildingReporter – Mobile Inspection Software
DATE: 17 April, 2012

Tom Barnes, CEO, Municipal Insurance Association

“Our Board recently took the rare step of moving to endorse BuildingReporter and is encouraging MIABC members to adopt and use it.

The development of BuildingReporter was a joint undertaking of the MIABC and Noratek. The project focused on one of the most significant risk management challenges faced by local government – building inspections. Our objective was to bring the advantages of checklist systems to the complex task of construction regulation. BuildingReporter has done this in a way that makes building officials’ jobs easier: they are more productive while utilizing mobile features and tools that were previously unavailable. Inspections which note only deficiencies observed, have more inherent risk and costs associated with their use than the digital alternative being provided by Noratek’s BuildingReporter.”

The District’s annual cost for BuildingReporter, based on population, is \$1,400. With a 90 day free trial and prorated for 2012, the cost for 2012 will be \$585.00 and can be covered by the MIABC grant. This includes:

- initial startup;
- web-based training;
- support and help desk;
- upgrades (for changes in supported devices);
- web hosting;
- data backup;
- server monitoring;
- all IT costs associated with managing a web based enterprise application; and
- data downloads to our office upon request.

The MIABC grant will also cover the cost for an upgraded phone, Blue Tooth printer and tablet.

All staff will be able to access the building inspection records and dated, time stamped pictures will be included in the records.

Respectfully submitted,

Gloria Le Gal, DCS



DISTRICT OF PORT HARDY MEMORANDUM

TO: Rick Davidge, CAO
FROM: Trevor Kushner, Director of Operations
SUBJECT: Storey's Creek Water main
DATE: 19 April 2012

Rick,

As discussed, please see attached the prices for the above noted project. I am very pleased with the competitive prices that were received.

After review of the packages, I concur with the Stantec's recommendation that Port Hardy Bulldozing Ltd. be awarded the project for the amount of 73,136.28.

You will recall this water main project was a result of the 2011 Beaver Harbour Culvert improvements grant program. The necessary utility improvements were omitted from the grant program and now need to be funded. This project will repair the temporary water main that exists presently.

The total cost of the project is 136,400.

This price includes, all related arc work, site supervision, safety, engineering and restoration.

Due to its irregularity, this project was not identified in the Capital 5-year plan, and as such, funding should be leveraged from the water reserve fund.

Respectfully submitted

Trevor Kushner
Director of Operations

I agree with the recommendation.

Rick Davidge,
Chief Administrative Officer

| Description | Approved Budget | Previous Costs | Current Invoice | Total Costs to Date | Projected Costs Remaining | Estimated Total Costs | Variance | Variance Comments |
|---|-----------------|----------------|-----------------|---------------------|---------------------------|-----------------------|-----------------|-------------------|
| Engineering - Stantec | | | | | | | | |
| - preliminary design | 5,000 | | | | | | | |
| - final design / construction | 12,500 | | | | | | | |
| - RFT Documents (Closed April 18 / 12) | 1,500 | | | | | | | |
| - As Constructed Drawings | 2,500 | | | | | | | |
| Engineering Subtotal | 21,500 | 0 | 0 | 0 | 0 | 0 | | |
| Contractors | | | | | | | | |
| - Bazett Land Surveying Inc. | 3,000 | | | | | | | |
| - Lewkovich Geotechnical | N/A | | | | | | | |
| - Pacificus (Site Monitoring - DFO) | 3,000 | | | | | | | |
| - Arch Company (Permit / Monitoring) | 8,000 | | | | | | | |
| - VIHA Construction Permit. (DPH) | N/C | | | | | | | |
| - Installaion Contractor | 73,200 | | | | | | | |
| - OK Paving | 2,500 | | | | | | | |
| - NI Labs Water Quality | 300 | | | | | | | |
| Contractor Subtotal | 90,000 | 0 | 0 | 0 | 0 | 0 | | |
| EPCOR Labour | | | | | | | | |
| - Internal (D2 Project Management) | 10,500 | | | | | | | |
| - Internal (SM / JR) | 1,000 | | | | | | | |
| - External (Safety) | 1,000 | | | | | | | |
| Internal Labour Subtotal | 12,500 | | | | | | | |
| Sub-total | 124,000 | 0 | 0 | 0 | 0 | 0 | | |
| Contingency | | | | | | | | |
| Budget Contingency - 10 % | 12,400 | | | | | 0 | | |
| TOTAL | 136,400 | 0 | 0 | 0 | 0 | 0 | -136,400 | |

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