

MINUTES OF THE REGULAR MEETING
OF THE COUNCIL OF THE CITY OF NANAIMO
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON MONDAY, 2009-NOV-23 COMMENCING AT 7:00 P.M.

PRESENT: His Worship Mayor J.R. Ruttan, Chair

Members: Councillor W. L. Bestwick
Councillor W. J. Holdom
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor L. D. McNabb
Councillor J. F. K. Pattje
Councillor L. J. Sherry
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager
A. W. Laidlaw, General Manager of Community Services
D. W. Holmes, General Manager of Corporate Services
E. C. Swabey, General Manager of Development Services
I. Howat, Director of Legislative Services
B. E. Clemens, Director of Finance
T. P. Seward, Director of Development
A. J. Tucker, Director of Planning
P. Kristensen, Director of Information Technology
G. Franssen, Manager, Sanitation, Recycling and Cemeteries
C. Scott, E-Government/Communications Officer
J. E. Harrison, Manager of Legislative Services
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6 (d) – Delegations Pertaining to Items on the Agenda – Mr. Douglas McBride regarding DVP148.
- (b) Add Agenda Item 6 (e) - Delegations Pertaining to Items on the Agenda – Mr. Fred Taylor regarding Cemetery Bylaw 7084.
- (c) Remove Agenda page 51 and replace with page 51-51.1 - Item 11 (a) – Staff Reports – Report of the Public Hearing.
- (d) Add Agenda Item 11 (g) – Staff Reports – Water and Garbage Rate Increase Bylaws.
- (e) Add Agenda Item 14 (b) – Introduction of Bylaws - “WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04.”

- (f) Add Agenda Item 14 (c) – Introduction of Bylaws - “GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01.”

55409 It was moved and seconded that the delegation presentation by Mr. H. J. Pat Barron be moved in front of Delegations Pertaining to Agenda Items. The motion carried unanimously.

3. ADOPTION OF AGENDA:

55509 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

55609 It was moved and seconded that the Minutes of the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2009-NOV-09 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Mr. B. E. Clemens, Director of Finance, gave a presentation regarding the 2010 -2014 Financial Plan.

6. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA: (10 MINUTES)

55709 It was moved and seconded that the Delegations be permitted to address Council. The motion carried unanimously.

- (a) Mr. H.J. Pat Barron, 1911 Valley Oak Drive, Nanaimo, spoke in opposition to potential condominium development at Maffeo-Sutton Park and in support of retaining the park in the public domain.

7. DELEGATIONS PERTAINING TO AGENDA ITEMS:

- (a) Delegations Pertaining to the 2010 – 2014 Financial Plan
- Councillor Sherry read a letter submitted by a local senior citizen, in which the correspondent suggested that excluded management personnel should take a proportional cut in salary and benefits, that travel expenses be cut, and that professional development fees be the responsibility of the individual employee.

- (b) Mr. Jesse Schroeder, #26-846 Howard Avenue, Nanaimo, representing the Nanaimo Poultry Collective, requested that Council consider changes to "LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923" in order to allow residents on properties less than one acre to keep poultry.

55809 It was moved and seconded that Council direct Staff to explore the viability of keeping no more than four hens, or four ducks, or other domestic animals on less than one acre of land. The motion carried.

Opposed: Councillors Sherry and Unger

- (c) Trustee Nelson Allen, on behalf of School Board #68, requested that Council consider establishing an ad hoc committee of two or three Councillors and appropriate Staff to meet with the SD68 facilities planning committee to engage in preliminary discussions as to what can be done to develop a plan to deliver enhanced opportunities for students, parents, and service providers that would help to stimulate the social, emotional, and economic health of the community.

55809 It was moved and seconded that Council re-establish a joint-use committee with School District 68 to discuss matters of mutual concern. The motion carried unanimously.

- (d) Mr. Douglas McBride, 185 Garner Crescent, Nanaimo, requested that Council not proceed with the statutory notification for Development Variance Permit No. DVP148, refer the matter back to Staff, and urge Insight Developments to address the concerns of the surrounding neighbourhood.

55909 It was moved and seconded that Council proceed with the required Statutory Notification for Development Variance Permit No. DVP148 at 1400 Jingle Pot Road, 583 Sarum Rise Way and 809 Beringer Boulevard, excluding lots 18,19 20 and 21, and that consideration of these lots be referred back to Staff for review and refinement. The motion carried unanimously.

- (e) Mr. Fred Taylor, 204 Emery Way, Nanaimo, requested that several sites of interment currently designated as park or other, be considered for cemetery or historical designation. Mr. Taylor also objected to the terms of transfer and resale of plots and requested that plots held in reserve be made available based on a criteria of residency.

56009 It was moved and seconded that Council direct Staff to prepare a report regarding sites of interment currently designated as park or other than cemetery. The motion carried unanimously.

8. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Report of the Public Hearing held Thursday, 2009-NOV-05 for Bylaws No. 4000.460, 4000.464, 4000.465 and 6500.006
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56109 It was moved and seconded that Council receive the report and the Minutes of the Public Hearing held Thursday, 2009-NOV-05 for Bylaws No. 4000.460, 4000.464, 4000.465 and 6500.006. The motion carried unanimously.

(b) City Poundkeeper and Animal Control Services Contract

56209 It was moved and seconded that Council award the City's Poundkeeper and Animal Control Services Contract to Coastal Animal Control Services of BC Ltd. for a three-year term commencing 2010-JAN-01, at an annual cost of \$365,000. per year which includes the services of an additional Animal Control Officer between May 1st and September 30th for increased enforcement in the City's parks and beaches. The motion carried unanimously.

(c) Unightly Premises – 448 Wakesiah Avenue

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to the unsightly premises at 448 Wakesiah Avenue.

No one in attendance wished to make a presentation with respect to this matter.

56309 It was moved and seconded that Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of 448 Wakesiah Avenue to remove the derelict silver/red Nissan truck, automobile parts, hot water tank, discarded household furniture, wood, wood items, metal items, metal debris, and miscellaneous debris from the premises within fourteen (14) days, or the work will be undertaken by the City's agents at the owner(s) cost. The motion carried unanimously.

(e) Unresolved Building Deficiencies – Notice on Title (Section 57)

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unresolved building deficiencies.

Mr. William Schmidt, owner, 2339 Brackenwood Place, asked for clarification on the implications of having a notice on title and what is required to rectify the issue.

56409 It was moved and seconded that Council, by resolution, instruct the Director of Legislative Services to file a Bylaw Contravention Notice respecting the properties listed below at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*:

- (1) 4079 Ross Road – Illegal Construction / Finished Basement to include a Secondary Suite
- (2) 2330 Pheasant Terrace – Illegal Construction / Finished Basement to include a Secondary Suite
- (3) 2339 Brackenwood Place – Illegal Construction / Alterations to include a Secondary Suite in the Basement
- (4) 265 Kennedy Street – Illegal Construction / Alterations to include a Secondary Suite in the Basement, enclose the exterior Basement Entrance, and construct exterior Stairs and Landings at the side and principle entrance of the Dwelling
- (5) 193 Calder Road – Illegal Construction / Finished Basement to include a Secondary Suite
- (6) 191 Calder Road – Illegal Construction / Finished Basement to include a Secondary Suite
- (7) 187 Calder Road – Illegal Construction / Finished Basement to include a Secondary Suite

The motion carried unanimously.

CORPORATE SERVICES:

(f) Cemetery Bylaw No. 7084

56509 It was moved and seconded that Council receive the report pertaining to "CEMETERY BYLAW NO. 7084." The motion carried unanimously.

(g) Water and Garbage Rate Increase Bylaws

56609 It was moved and seconded that Council receive the report pertaining to "WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04" and "GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01." The motion carried unanimously.

9. INFORMATION ONLY ITEMS:

- (a) Report from Mr. J. Holm, Manager of Planning, re: LA45 / Application for Permanent Change to a Liquor-Primary License – Dining under the Stars – 489 Wallace Street.
- (b) Report from Mr. J. Holm, Manager of Planning, re: LA46 / Entertainment Endorsement for a Food-Primary Liquor License – Rendez Vous Restaurant – 489 Wallace Street.
- (c) Report from Mr. B. Anderson, Manager of Community Planning, re: Wesley Street Housing Project.
- (d) Report from Mr. B. Anderson, Manager of Community Planning, re: Harris House Health Clinic Good Neighbour Meeting.

10. RECONSIDERATION OF BYLAWS:

- (a) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460" (RA211 – 970 & 972 Brechin Road – to rezone property from Residential Duplex Zone [RM-1] to Residential Triplex and Quadruplex Zone [RM-2] in order to legalize an existing fourplex).

56709 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460" pass third reading. The motion carried.

Opposed: Councillors Bestwick and Sherry

- (b) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.464" (RA226 – 635 Second Street – to rezone property from Single Family Residential Zone [RS-1] to Single Family Small Lot Zone [RS-6] in order to facilitate a three-lot subdivision).

56809 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.464" pass third reading. The motion carried unanimously.

- (c) “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.465” (RA227 – 2183 & 2177 Salmon Road – to rezone the properties from Single Family Residential Zone [Large Lot] [RS-2] to Residential Duplex Zone [RM-1] in order to permit the construction of a duplex on each lot).

56909 It was moved and seconded that “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.465” pass third reading. The motion carried unanimously.

- (d) “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.006” (OCP45 – 1200 Frew Road, 1560 / 1650 Island Hwy South – to include the Sandstone Master Plan within the Chase River Neighbourhood Plan to permit a comprehensive mixed use development).

57009 It was moved and seconded that “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.006” pass third reading. The motion carried.
Opposed: Councillors Pattje and Sherry

57109 It was moved and seconded that “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.006” be adopted. The motion carried.
Opposed: Councillors Pattje and Sherry

- (e) “PARKS, RECREATION AND CULTURE REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7073.01” (To amend Schedule A, Hours of Operation).

57209 It was moved and seconded that “PARKS, RECREATION AND CULTURE REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7073.01” be adopted. The motion carried unanimously.

11. INTRODUCTION OF BYLAWS:

- (a) “CEMETERY BYLAW NO. 7084” (to regulate the operation and maintenance of cemeteries and the interment or other disposition of the dead).

57309 It was moved and seconded that “CEMETERY BYLAW NO. 7084” pass first reading. The motion carried unanimously.

57409 It was moved and seconded that “CEMETERY BYLAW NO. 7084” pass second reading. The motion carried unanimously.

57509 It was moved and seconded that “CEMETERY BYLAW NO. 7084” pass third reading. The motion carried unanimously.

- (b) “WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04” (to replace Schedule A – Water Rates and Schedule B – Fireline Rates).

57609 It was moved and seconded that “WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04” pass first reading. The motion carried unanimously.

57709 It was moved and seconded that "WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04" pass second reading. The motion carried unanimously.

57809 It was moved and seconded that "WATERWORKS RATE AND REGULATION BYLAW AMENDMENT BYLAW 2009 NO. 7004.04" pass third reading. The motion carried unanimously.

(c) "GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01" (to replace Schedule A – Rates and Charges)

57909 It was moved and seconded that "GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01" pass first reading. The motion carried unanimously.

58009 It was moved and seconded that "GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01" pass second reading. The motion carried unanimously.

58109 It was moved and seconded that "GARBAGE AND RECYCLABLES COLLECTION BYLAW AMENDMENT BYLAW 2009 NO. 7089.01" pass third reading. The motion carried unanimously.

12. CORRESPONDENCE:

(a) Letter dated 2009-SEP-20 from the Nanaimo Poultry Collective requesting an amendment to "LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923" to allow Nanaimo families to keep poultry (including hens and ducks) in their backyards.

(b) Letter dated 2009-NOV-09 from Ms. Donna Allen, Chairperson, School District 68, 395 Wakesiah Avenue, Nanaimo, BC, requesting that Council consider appointing two or three Council members and Staff to meet with the SD68 Facilities Planning Committee to explore issues of community cooperation.

13. OTHER BUSINESS:

(a) Local Government Leadership Academy Forum

Memo from the Local Government Leadership Academy (LGLA) advising of the province-wide forum to be held in Richmond, BC on June 16-18, 2010.

58209 It was moved and seconded that Council approve the expenses of any Council member wishing to attend the Local Government Leadership Academy (LGLA) in Richmond on June 16-18, 2010. The motion carried unanimously.

(b) Status of Gogo Business Licence

Councillor Pattje asked the status of Mr. Gogo's business licence to sell Christmas trees at 55 Pryde Avenue. Mr. E.C. Swabey informed Council that Staff have received the application for Mr. Gogo's licence and expect approval within the week unless otherwise directed.

58309 It was moved and seconded that Council direct Staff to prepare a report on legal non-confirming properties in the city and their locations. The motion carried unanimously.

14. ADJOURNMENT:

58409 It was moved and seconded at 10:09 p.m. that the meeting terminate. The motion carried unanimously.

M A Y O R

CERTIFIED CORRECT:

DIRECTOR, LEGISLATIVE SERVICES