

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, 2010-JAN-11 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
R. J. Harding, Director of Parks, Recreation and Culture
P. Kristensen, Director of Information Technology
C. Scott, E-Government/Communications Officer
J. E. Harrison, Manager of Legislative Services
K. King, 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 (c) – Delegations Pertaining to Agenda Items – Representatives from the Chamber of Commerce re: Economic Development Department Operations.
- (b) Add Agenda Item 6 (d) – Delegations Pertaining to Agenda Items – Mr. Fred Taylor re: 2009-DEC-14 Council Minutes.
- (c) Delete Agenda Item 11 (f) – Staff Reports – Illegal Grow Operation – 284 Emery Way.

- (d) Add Agenda Item 11 (l) – Staff Reports – Expropriation of Part of 2901 Hammond Bay Road and Part of 2915 Hammond Bay Road.
- (e) Add Agenda Item 11 (m) – Staff Reports – Central Vancouver Island Multicultural Society Memorandum of Understanding.
- (f) Replace Agenda Pages 98 and 99 – Information Only Reports - Report from Ms. M. Hutchinson, Economic Development Officer, re: Activities of the Economic Development Department.

3. ADOPTION OF AGENDA:

00110 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

00210 It was moved and seconded that the Minutes of the Special Open Meeting of Council held in the Board Room, City Hall, 455 Wallace Street, Nanaimo, BC, on Monday, 2009-DEC-07 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

00310 It was moved and seconded that the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2009-DEC-14 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

Ms. Deb Kennedy from The Nature Trust provided a presentation regarding the Voices of Nature Concert and requested sponsorship from the City in the amount of \$3,000. to assist with the costs of the concert. Students from Seaview Elementary School performed a song from the concert.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

00410 It was moved and seconded that the Delegations be permitted to address Council. The motion carried unanimously.

(a) Delegations Pertaining to the 2010 – 2014 Financial Plan

- There were no delegations regarding the 2010 – 2014 Financial Plan.

(b) Mr. Terry Knight, 2412 Glenayr Drive, Nanaimo, BC, spoke in support of the City's Economic Development Department operations and advised of the valuable assistance the department has provided to him and his business over many years.

- (c) Mr. Walter Anderson, President, Greater Nanaimo Chamber of Commerce, spoke in support of the City's Economic Development Department operations and the valuable service that the department provides to businesses in Nanaimo.
- d) Mr. Fred Taylor, 204 Emery Way, Nanaimo, BC, regarding concerns related to the City's cemeteries and the Cemetery Bylaw.

00510 It was moved and seconded that Council direct Staff to prepare a report regarding the concerns raised by Mr. Fred Taylor related to the City's cemeteries and the Cemetery Bylaw. The motion carried unanimously.

7. COMMITTEE REPORTS:

(a) Social Planning Advisory Committee – 2010 Social Development Grants

00610 It was moved and seconded that Council approve the following 2010 Social Development Grants:

Organization	Project/Program	Requested	Recommended
Volunteer Nanaimo	Development of a community dental clinic in Nanaimo	\$45,000.	\$35,000.
Nanaimo Foodshare Society	Good Food Box	12,500.	9,000.
Loaves & Fishes Community Food Bank	Food4U / Eggs	14,500.	9,000.
Nanaimo Community Kitchens Society	Low Cost Cooking for Health	8,000.	7,000.

The motion carried unanimously.

8. STAFF REPORTS:

DEVELOPMENT SERVICES:

(a) Development Cost Charge Relief for Tillicum Lelum Affordable Housing

00710 It was moved and seconded that Council authorize the expenditure of \$115,906. from the Housing Legacy Fund to provide relief for the Development Cost Charges associated with the Tillicum Lelum affordable housing project on Tenth Street. The motion carried unanimously.

(b) DVP150 – 4606 Laguna Way

00810 It was moved and seconded that Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP150 at 4606 Laguna Way. The motion carried unanimously.

(c) LA46 / Entertainment Endorsement for a Food-Primary Liquor Licence – Rendez Vous Restaurant – 489 Wallace Street

00910 It was moved and seconded that Council not support the application to extend the closing hour of liquor service from 12:00 a.m. to 1:00 a.m., Monday to Sunday. The motion carried.

Opposed: *Councillors Holdom, McNabb, and Unger*

01010 It was moved and seconded that Council not support the application to allow patron participation entertainment within the food-primary licensed area. The motion was defeated.

Opposed: *Mayor Ruttan, Councillors Holdom, Johnstone, McNabb, and Unger*

01110 It was moved and seconded that Council support the application to allow patron participation entertainment within the food-primary area. The motion carried.

Opposed: *Councillors Bestwick, Kipp, Pattje, and Sherry*

(d) 1 Commercial Street – Pirate Chips

01210 It was moved and seconded that Council authorize a permanent extension to the encroachment agreement for the “pirate” statue at 1 Commercial Street. The motion carried.

Opposed: *Councillor Holdom*

(e) Illegal Grow Operation – 2105 Bowen Road

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to the illegal grow operation at 2105 Bowen Road.

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

01310 It was moved and seconded that Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner of 2105 Bowen Road to remove the structure or bring it up to standard within thirty (30) days or the work will be done by the City or its agents at the owner’s cost. The motion carried unanimously.

(f) RA228 – 5876 Shadow Mountain Road

01410 It was moved and seconded that Council:

1. receive the report pertaining to “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466”; and,

2. direct Staff to register a covenant to secure the proposed community contribution, design elements, and to restrict the use of the property to single family dwelling until such time as the property is substantially redeveloped in accordance with the development plan.

The motion carried unanimously.

(g) RA229 – 894 Howard Avenue

01510 It was moved and seconded that Council:

1. receive the report pertaining to “ZONING BYLAW AMENDMENT BYLAW 2010 NO. 4000.473”; and,
2. direct Staff to secure the community contribution and register a covenant to secure general building design, fence height restriction, and Development Cost Charges.

The motion carried unanimously.

Councillor McNabb vacated the Shaw Auditorium on a conflict of interest as his brother has a business interest in the property at 888 Bruce Avenue.

(h) RA232 – 888 Bruce Avenue

01610 It was moved and seconded that Council:

1. receive the report pertaining to a proposed amendment to an existing restrictive use covenant to replace the requirement that a community building be provided on the subject property for the Harewood Community Project Society, with a requirement for a community contribution of \$60,000. to be used for a priority project in the Harewood area; and,
2. direct Staff to forward the item to the next scheduled Public Hearing as per Council's policy.

The motion carried unanimously.

Councillor McNabb returned to the Shaw Auditorium.

(i) 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/illegal suites for the properties listed below.

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

01710 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) 185 Calder Road – Illegal Construction / Finished Basement to Include a Secondary Suite
- (2) 1213 Thunderbird Drive – Illegal Construction / Exterior Alterations
- (3) 2350 Autumnwood Drive – Illegal construction / Enclosed Upper Deck to Create Living Space
- (4) Willow Mobile Home Park – 1001 Nanaimo Lakes Road (Mobile Home is located at 1037 Preston Drive) – Illegal Construction / Covered Deck Addition and Aluminum Carport
- (5) 133 McKeown Place – Illegal Construction / Finished Basement to Include a Secondary Suite
- (6) 70 Machleary Street – Illegal Construction / New Roof System and Incorporated New Windows
- (7) 6217 Shoreline Drive – Illegal Construction / Addition to Deck and Storage Area Below
- (8) 410 Milford Crescent – Illegal Construction / Foundation

The motion carried unanimously.

(j) 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/marijuana grow operation at 2105 Bowen Road.

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

01810 It was moved and seconded that Council, by resolution, instruct the Director of Legislative Services to file a Bylaw Contravention Notice respecting the following property at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*:

- (1) 2105 Bowen Road – Illegal Grow Operation / Roof over Rear Deck and an Attached Carport

The motion carried unanimously.

(k) Expropriation of Part of 2901 Hammond Bay Road & Part of 2915 Hammond Bay Road

01910 It was moved and seconded that Council:

1. adopt the following resolution authorizing and approving the expropriation of part of 2901 Hammond Bay Road:

WHEREAS the City of Nanaimo is carrying out a project to expand and improve the public highway known as Hammond Bay Road;

AND WHEREAS the City of Nanaimo requires for the project, the fee simple interest in part of the lands located at 2901 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

AND WHEREAS the City of Nanaimo has authority under section 31 of the *Community Charter* to expropriate real property;

THEREFORE the Council of the City of Nanaimo in open meeting assembled resolves as follows:

- (a) The expropriation of that part of the land located at 2901 Hammond Bay Road described in the Expropriation Notice as Schedule "A" is hereby authorized and approved; and,
- (b) The General Manager of Development Services and the Director of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

2. adopt the following resolution authorizing and approving the expropriation of part of 2915 Hammond Bay Road:

WHEREAS the City of Nanaimo is carrying out a project to expand and improve the public highway known as Hammond Bay Road;

AND WHEREAS the City of Nanaimo requires for the project, the fee simple interest in part of the lands located at 2915 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

AND WHEREAS the City of Nanaimo has authority under section 31 of the *Community Charter* to expropriate real property;

THEREFORE the Council of the City of Nanaimo in open meeting assembled resolves as follows:

- (a) The expropriation of that part of the land located at 2915 Hammond Bay Road described in the Expropriation Notice as Schedule "A" is hereby authorized and approved; and,
- (b) The General Manager of Development Services and the Director of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

The motion carried unanimously.

- (l) Central Vancouver Island Multicultural Society MOU

02010 It was moved and seconded that Council ratify the attached Memorandum of Understanding (MOU). The motion carried unanimously.

9. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. E. Clemens, Director of Finance, re: Assessment Roll Adjustments.

- (b) Report from Ms. M. Hutchinson, Economic Development Officer, re: Activities of the Economic Development Department.

10. RECONSIDERATION OF BYLAWS:

- (a) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.461" (RA221 – 6057 Doumont Road - to rezone the subject property from Single Family Residential Zone [RS-1] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] in order to permit a multi-family residential development).

02110 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.461" be adopted. The motion carried unanimously.

Councillor Kipp vacated the Shaw Auditorium on a perceived conflict of interest as he is a referee and will benefit personally from the amendment to the Nanaimo Athletic Commission Bylaw.

- (b) "NANAIMO ATHLETIC COMMISSION BYLAW AMENDMENT BYLAW 2009 NO. 7019.01" (to replace Schedule A – Nanaimo Athletic Commission Fees).

02210 It was moved and seconded that "NANAIMO ATHLETIC COMMISSION BYLAW AMENDMENT BYLAW 2009 NO. 7019.01" be adopted. The motion carried unanimously.

Councillor Kipp returned to the Shaw Auditorium.

- (c) "USER FEE SUBSIDY BYLAW 2009 NO. 7095" (to provide for user fee subsidies for those persons deemed to be in special circumstances).

02310 It was moved and seconded that "USER FEE SUBSIDY BYLAW 2009 NO. 7095" be adopted. The motion carried unanimously.

11. INTRODUCTION OF DEVELOPMENT BYLAWS:

- (a) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466" (RA228 – 5876 Shadow Mountain Road – to rezone from Single Family Residential Zone [RS-1] to Residential Triplex and Quadruplex Zone [RM-2] in order to facilitate the construction of a multi-family development).

02410 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466" pass first reading. The motion carried unanimously.

02510 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466" pass second reading. The motion unanimously.

- (b) "ZONING BYLAW AMENDMENT BYLAW 2010 NO. 4000.473" (RA225 – 894 Howard Avenue – to rezone a part of the property from Single Family Residential Zone [RS-1] to Residential Duplex Zone [RM-1] in order to facilitate the creation of two duplex lots).

02610 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2010 NO. 4000.473" pass first reading. The motion carried unanimously.

02710 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2010 NO. 4000.473" pass second reading. The motion carried unanimously.

12. CORRESPONDENCE:

(a) Letter dated 2009-DEC-07 from Ms. Donna Hais, Past President, Greater Nanaimo Chamber of Commerce, requesting a letter of support from the City regarding the Chamber's efforts to establish a "Sister City" relationship with the Bremerton Washington Chamber of Commerce.

02810 It was moved and seconded that a letter of support from the City be provided to the Greater Nanaimo Chamber of Commerce for its efforts to establish a "Sister City" relationship with Bremerton Washington Chamber of Commerce. The motion carried unanimously.

(b) Letter dated 2009-DEC-18 from Ms. Natalie Aktas, Customer Relations Advisor, ICBC, responding to the City's correspondence regarding car seat safety training.

13. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:

(a) Mr. Derrek Kirk, 285 Villa Road, Nanaimo, BC, spoke regarding the 2009 / 2010 Burning it Smart – Wood Stove Exchange Program and use of wood stoves.

14. QUESTION PERIOD:

(a) Mr. Fred Taylor

15. OTHER BUSINESS:

02910 It was moved and seconded that the request from The Nature Trust for sponsorship from the City in the amount of \$3,000. to assist with the costs of the Voices of Nature Concert be referred to the Parks, Recreation and Culture Commission. The motion carried unanimously.

16. ADJOURNMENT:

03010 It was moved and seconded at 9:41 p.m. that the meeting terminate. The motion carried unanimously.

M A Y O R

CERTIFIED CORRECT:

DIRECTOR,
LEGISLATIVE SERVICES