

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-25 COMMENCING AT 7:00 P.M.

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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  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
S. Graham, Manager Financial Planning & Payroll  
C. Scott, E-Government/Communications Officer  
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 (b) – Delegations Pertaining to Items on the Agenda – Ms. Melissa Meneghetti regarding resident parking on Milton Street.
- (b) Add Agenda Item 7 (a) – Mayor’s Report - Council Representation on Committees, Commissions and Boards.
- (c) Replace pg. 42/43 – Item 11 (b) - Staff Reports – Report of the Public Hearing.
- (d) Delete Agenda Item 11 (d) – Staff Reports – Unsightly Premises – 21 Watkins Street.
- (e) Delete Agenda Item 11 (f) (6) – Staff Reports – Unresolved Building Deficiencies – 5373 Laguna Way.

- (f) Add Agenda Item 16 (a) – Correspondence – Letter from Ms. Courtney Campbell and Mr. Richard Simpson regarding resident parking on Milton Street.

03110 It was moved and seconded that the Delegations Pertaining to Items Not on the Agenda be moved forward to follow Delegations Pertaining to Agenda Items. The motion carried unanimously.

3. ADOPTION OF AGENDA:

03210 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

03310 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, 2010-JAN-11 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

03410 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

- Mr. Fred Taylor, 204 Emery Way, Nanaimo, spoke regarding local RCMP members being sent to assist with the Olympics, and asked why there had been no report to Council and what sort of budget costs are involved.
- Ms. Denise Bryce, 641 Hunter Street, Nanaimo, spoke regarding wages and benefits for City of Nanaimo Staff. Ms. Bryce would like an explanation for various transportation allowances given to excluded personnel and requested that, in light of the financial downturn, the fringe benefits of employees be investigated and management salaries be frozen.

(b) Ms. Melissa Meneghetti, 341 Milton Street, Nanaimo, requested that Council consider a one-hour maximum parking limit for non-residents at the 300-block of Milton Street. Ms. Meneghetti remarked that the three-hour time limit as recommended by Staff is not sufficient to deter those non-residents who shift their vehicles from parking spot to parking spot throughout the day.

6. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:

(a) Ms. Debbie Trueman, General Manager, Nanaimo Museum, gave an update on the new museum's first 18 months of operation. Ms. Trueman indicated that attendance and revenues had greatly increased in the last year. Ms. Trueman outlined some of

the museum's many popular attractions including the Snuneymuxw gallery, the Sports Hall of Fame, the soon to be added Coal Mining exhibit, and the Features gallery that showcases special collections and exhibits.

- (a) Ms. Amanda Jasken, Project Facilitator with Family Time Connections, 550 Seventh Street, Nanaimo, spoke regarding a pilot project supported by the Ministry of Housing and Social Development and Shore Counselling Society, to promote the importance of family and to work towards the designation of Family Day as a statutory holiday in BC. Ms. Jasken encouraged Council to give their support for a Family Day promotion event on 2010-FEB-13 at John Barsby School between 12:30 p.m. and 4:30 p.m.

7. **MAYOR'S REPORT:**

- (a) **Council Representation on Committees, Commissions and Boards**

03510 It was moved and seconded that Council representation on various committees, commissions and boards be confirmed for a period of one year as follows:

**STANDING COMMITTEES:**

Finance/Policy Committee of the Whole	All members of Council
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**SELECT COMMITTEES:**

Advisory Committee on the Environment & Sustainability	Councillor Jim Kipp
Grants Advisory Committee	Councillor Diana Johnstone
Nanaimo First Nations Liaison Committee	Mayor John Ruttan Councillor Bill Holdom Councillor Diana Johnstone
Parcel Tax Review Panel	Mayor John Ruttan Councillor Loyd Sherry Councillor Fred Pattje Councillor Bill Holdom
Plan Nanaimo Advisory Committee	Councillor Bill Holdom
Safer Nanaimo Working Group	Councillor Fred Pattje (Co-Chair) Councillor Merv Unger (Co-Chair)
School Joint Use Committee	Councillor Fred Pattje Councillor Loyd Sherry Councillor Bill Bestwick
Social Planning Advisory Committee	Councillor Jim Kipp
Transportation Committee	Councillor Bill Holdom Councillor Jim Kipp Councillor Larry McNabb
Water Supply Advisory Committee:	Councillor Larry McNabb

**COMMISSIONS:**

Athletic Commission	Councillor Merv Unger Councillor Bill Bestwick Councillor Larry McNabb
Nanaimo Community Heritage Commission	Councillor Loyd Sherry (Chair)
Parks, Recreation & Culture Commission	Councillor Larry McNabb (Chair) Councillor Diana Johnstone Councillor Fred Pattje
Economic Development Commission	Mayor John Ruttan (Chair) Councillor Merv Unger (Alternate Chair) Councillor Diana Johnstone

**EXTERNAL BOARD APPOINTMENTS:**

Municipal Insurance Assn. of BC	Councillor Loyd Sherry
Nanaimo Chamber of Commerce	Mayor John Ruttan
Nanaimo Airport Commission	Councillor Merv Unger (Liaison Capacity) Councillor Pattje – Alternate Mayor John Ruttan – Alternate
Nanaimo Port Authority/City Liaison Committee	Mayor John Ruttan Councillor Bill Bestwick Councillor Merv Unger
Tripartite (Port of Nanaimo, City, SFN) Liaison Committee	Mayor John Ruttan Councillor Bill Bestwick Councillor Diana Johnstone Councillor Bill Holdom Councillor Merv Unger
Vancouver Island Regional Library Board	Councillor Bill Holdom Fred Pattje (Alternate)

The motion carried unanimously.

8. **PROCLAMATIONS:**

- (a) That 2010-JAN-27 is “FAMILY LITERACY DAY” in the City of Nanaimo.
- (b) That the month of February is “HEART MONTH” in the City of Nanaimo.

9. STAFF REPORTS:

DEVELOPMENT SERVICES:

(a) Resident Parking – 300 Block Milton Street

03610 It was moved and seconded that Council direct Staff to restrict parking on Milton Street between Franklyn Street and Fitzwilliam Street to two hours with residents exempt. The motion carried unanimously.

(b) Report of the Public Hearing held Thursday, 2010-JAN-14 for Bylaw Nos. 4000.471, 4000.470, 4000.469, 6500.008 and 6500.007

03710 It was moved and seconded that Council receive the Report and the Minutes of the Public Hearing held Thursday, 2010-JAN-14 for Bylaw Nos. 4000.471, 4000.470, 4000.469, 6500.008 and 6500.007. The motion carried unanimously.

(c) DVP150 – 4606 Laguna Way

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to DVP150.

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

03810 It was moved and seconded that Council issue Development Variance Permit No. DVP150 at 4606 Laguna Way. The motion carried unanimously.

(d) Unightly Premises – 245 Lignite Place

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unsightly premises at 245 Lignite Place.

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

03910 It was moved and seconded that Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of 245 Lignite Place to remove appliances, household garbage, discarded lumber, old tires, 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/bylaw contravention notices for the properties listed below.

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

04010 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) 1917 Griffiths Road (Alias to 1910 East Wellington Road) – Illegal Construction
- (2) 173 Howard Avenue – Illegal Construction / Basement Alterations to include a Secondary Suite
- (3) 380 Wakesiah Avenue – Illegal Construction / Enclose above and below upper rear Deck
- (4) 4715 Lost Lake Road – Illegal Construction / Finished Basement to include a Secondary Suite
- (5) 3230 Norwell Drive – Illegal Construction / Incomplete Building Permit

The motion carried unanimously.

(g) Structure Removal Order – Illegal Suite – 4105 Ross Road

It is requested that Council hear anyone wishing to speak with respect to the illegal secondary suite at 4105 Ross Road.

04110 It was moved and seconded that Council, pursuant to Section 73 of the *Community Charter*, order the owner of 4105 Ross Road to remove the structure or bring it up to standard within thirty (30) days. The motion carried unanimously.

CORPORATE SERVICES:

(h) Committee Review

04210 It was moved and seconded that Council:

1. adopt the standardized Terms of Reference for Advisory Committees as attached to the report;
2. direct Staff to prepare a Mandate & Objectives document for each of the Advisory Committees;
3. ratify the extension of non-Council Committee appointments expiring on 2010-FEB-08 to 2012-MAR-31; and,
4. direct the Parks Recreation and Culture Commission to extend their appointments to committees and sub-committees to 2012-MAR-31.

The motion carried unanimously.

(i) Economic Development Commission

04310 It was moved and seconded that Council:

1. consider the Staff recommendations contained within the body of the report; and,
2. direct Staff to proceed with the drafting of an establishing bylaw for the Nanaimo Economic Development Commission.

04410 It was moved and seconded that the membership for the Economic Development Commission include representation from Vancouver Island University as one of the four at-large members. The motion carried unanimously.

The vote was taken on the main motion.

The main motion carried unanimously.

(j) 2010-2014 Financial Plan Bylaw

04510 It was moved and seconded that Council add items 18 through 28 as outlined in the report of 2010-JAN-14, to the list of 2010 budget cuts.

04610 It was moved and seconded that Council deal with items 18 through 28, as outlined in the report of 2010-JAN-14, seriatum. The motion was defeated.  
Opposed: *Mayor Ruttan, Councillors Holdom, Johnstone, McNabb, and Unger*

The vote was taken on the main motion.

The main motion was defeated.

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

04710 It was moved and seconded that Council receive the report pertaining to "FINANCIAL PLAN BYLAW 2010 NO. 7097." The motion carried.  
Opposed: *Councillors Bestwick, Kipp, and Pattje*

10. INFORMATION ONLY ITEMS:

(a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security, re: Dog Licencing.

(b) Report from Mr. J. Holm, Manager of Planning, re: LA48 / Application for Permanent Change to a Liquor License - Level 2 - 170 Skinner Street.

11. RECONSIDERATION OF BYLAWS:

(a) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.451" (RA213 – to rezone a portion of 1350 Fielding Road from Rural Residential/Agricultural Zone [A-2] to Rural Residential/Agricultural Zone [A-1]).

04810 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.451" be adopted. The motion carried unanimously.

(b) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.469" (RA216 – to rezone 446 Milton Street from Old City Low Density Residential [Fourplex] Zone [RM-9] to Old City Medium Density Multiple Family Residential Zone [RM-10]).

04910 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.469" be given third reading. The motion carried unanimously.

- (c) “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.470” (RA225 — to rezone 3 Leam Road from Single Family Residential Zone [RS-1] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] to facilitate the construction of a multi-family residential development).

05010 It was moved and seconded that “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.470” be given third reading. The motion carried.

Opposed: *Councillors Pattje and Sherry*

Councillor Kipp vacated the Shaw Auditorium on a perceived conflict of interest as he was involved in the design of a project at 5600 Vanderneuk Road.

- (d) “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.471” (RA231 – Part of 5600 Vanderneuk Road – to rezone part of the subject property from Rural Agricultural/Residential Zone [A-2] to Single Family Residential Zone [RS-1] in order to facilitate a lot boundary adjustment).

05110 It was moved and seconded that “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.471” be given third reading. The motion carried unanimously.

05210 It was moved and seconded that “ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.471” be adopted. The motion carried unanimously.

Councillor Kipp returned to the Shaw Auditorium.

- (e) “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.002” (OCP49 - 1350 Fielding Road - to update mapping).

05310 It was moved and seconded that “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.002” be adopted. The motion carried unanimously.

- (f) “OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.007” (OCP51 – 950 / 960 / 1170 / 1260/ 1270 Phoenix Way – to include the Oceanview Master Plan within the OCP to permit a comprehensive mixed-use resort development).

05410 It was moved and seconded that Council delete this item from the agenda and send it back to public hearing. The motion was defeated.

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

05510 It was moved and seconded that Council refer this issue to the next meeting of Council in order to seek a legal opinion as to whether there has been a breach of process. The motion carried.

Opposed: *Mayor Ruttan, Councillors McNabb and Unger*

- (g) "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.008" (OCP48 – 446 Milton Street – to include a site specific policy to permit a seven-unit multiple-family residential development).

05610 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.008" be given third reading. The motion carried unanimously.

05710 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2009 NO. 6500.008" be adopted. The motion carried unanimously.

12. INTRODUCTION OF BYLAWS:

- (a) "FINANCIAL PLAN BYLAW 2010 NO. 7097" (to confirm and adopt the Financial Plan).

05810 It was moved and seconded that "FINANCIAL PLAN BYLAW 2010 NO. 7097" be given first reading. The motion carried.  
*Opposed: Councillors Bestwick, Pattje, and Sherry*

05910 It was moved and seconded that "FINANCIAL PLAN BYLAW 2010 NO. 7097" be given second reading. The motion carried.  
*Opposed: Councillors Bestwick, Pattje, and Sherry*

06010 It was moved and seconded that "FINANCIAL PLAN BYLAW 2010 NO. 7097" be given third reading. The motion carried  
*Opposed: Councillors Bestwick, Pattje, and Sherry*

13. CORRESPONDENCE:

- (a) Letter dated 2010-JAN-18 from Ms. Courtney Campbell and Mr. Richard Simpson, 377 Milton Street, Nanaimo, BC, requesting a time limit for parking during the weekdays for non-residents so that guests and delivery people can park for a limited time during the day, and no time limit after working hours on the 300 block of Milton Street.

14. NOTICE OF MOTION:

Councillor Holdom advised that he would be bringing forward the following Notice of Motion for consideration at the Regular Meeting of Council to be held 2010-FEB-08:

"That Staff arrange a seminar session for Council to review the Liquor Control Strategy (2002 Neilson-Welch report) to evaluate, among other issues, the liquor strategy's relevance to the changed conditions in the City's downtown since its adoption."

15. OTHER BUSINESS:

(a) Disaster Preparedness

Councillor Kipp suggested that, in the wake of such natural disasters as in Haiti, those who are able, should be prepared for seven days of emergency preparedness instead of the 72 hours that is currently promoted.

16. QUESTION PERIOD:

(a) Mr. Fred Taylor

17. ADJOURNMENT:

06110 It was moved and seconded at 10:26 p.m. that the meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES