

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-FEB-08 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

Absent: 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
J. Ritchie, Senior Manager of Parks
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 (c) – Delegations Pertaining to Items on the Agenda – Mr. Fred Taylor regarding “LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06.”
- (b) Agenda Item 7 - Mayor’s Report - Presentation and announcement.
- (c) Add Schedules D-H – Item 9 (d) - Commission Reports – Dog Off-Leash Parks.
- (d) Delete Agenda Item 11 (e) - Staff Reports - Unsightly Premises – 391 Albert Street.
- (e) Delete Agenda Item 11 (h) - Staff Reports - Unsightly Premises – 111 Terminal Avenue.
- (f) Delete Agenda Item 11 (i) - Staff Reports - Unsightly Premises – 190 Wallace Street.

3. ADOPTION OF AGENDA:

06810 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

06910 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-25 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

07010 It was moved and seconded that the Minutes of the Special Open Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2010-FEB-01 at 5:20 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Mr. Andrew Tucker, Director of Planning and Ms. Christina Martens, Executive Director, Canadian Mental Health Association - Mid Island Branch, spoke regarding the Wesley Street Housing First project, a “low barrier” supported housing project, that is one of five sites to be developed under the Memorandum of Understanding with BC Housing to provide housing for homeless and high-risk individuals. The project will be developed and operated by the CMHA, Mid-Island Branch, who will provide 24/7 staffing at the site as well as various support services.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

07110 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) Ms. Diane Brennan, 2825 Haliday Crescent, Nanaimo, spoke regarding correspondence from the BC Government and Service Employees’ Union (BCGEU) concerning cuts to legal aid and the closure of the local Justice Access Centre. Ms. Brennan reminded Council of the hardships faced by low-income individuals and families who are unable to access justice services due to provincial budget cuts, and requested that Council write a letter urging the Premier and the Attorney General to restore and increase legal aid funding and to restore the regional centres, in particular, Nanaimo’s Justice Access Centre.

07210 It was moved and seconded that Council send a letter to the Premier and the Attorney General asking them to restore and increase funding for legal aid, and to keep regional legal aid centres and the LawLINE program open. The motion carried unanimously.

(c) Mr. Fred Taylor, 204 Emery Lane, Nanaimo, spoke regarding "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06" and suggested that chickens and livestock should be licensed in the same manner that dogs are licensed in order to pay for animal control.

7. MAYOR'S REPORT:

(a) Mayor Ruttan congratulated Mr. Al Kenning, City Manager, for perfect attendance for both 2008 and 2009.

(b) Mayor Ruttan announced that representatives from Vancouver Island University will make a presentation at the Council meeting on 2010-FEB-22.

(c) Mayor Ruttan announced that representatives from the Nanaimo Airport will make a presentation at the Council meeting on 2010-MAR-22.

8. PROCLAMATIONS:

(a) That 2010-FEB-20 is "KINSMEN AND KINETTES DAY" and that 2010-FEB-14 to 2010-FEB-20 is "KINSMEN AND KINETTES WEEK: A CELEBRATION OF KINSMEN AND KINETTES IN CANADA" in the City of Nanaimo.

(b) That the month of March is "KIDNEY HEALTH MONTH" in the City of Nanaimo.

9. COMMISSION REPORTS:

(a) Minutes of the Parks, Recreation and Culture Commission Meeting held 2009-NOV-25

07310 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission meeting held 2009-NOV-25. The motion carried unanimously.

(b) Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JAN-05

07410 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission meeting held 2010-JAN-05. The motion carried unanimously.

(c) Property Gifting – 5978 Icarus Drive

07510 It was moved and seconded that Council direct Staff to:

1. add this gifted property to the City of Nanaimo parks system and that it be identified as Parkland; and,
2. that the property be zoned Parks, Recreation, and Culture Zone One (PRC 1).

The motion carried unanimously.

(d) Dog Off-Leash Parks

07610 It was moved and seconded that Council approve the phase-in implementation plan as follows:

- | | |
|-----------------------------|--|
| <u>Priority 1</u>
(2010) | - Beban Park (Schedule A)
- Beaufort Park (Schedule B)
- Diver Lake Park (Schedule C) (Seasonal: Oct 1 - Mar 31)
- Colliery Dam Park (Schedule D) (Dawn – 10:00 a.m. daily) |
| <u>Priority 2</u>
(2011) | - Nanaimo Ice Centre (Schedule E)
- Northfield Rest Area (Schedule F)
- Groveland Park (Schedule G) |
| <u>Priority 3</u>
(2012) | - Linley Valley Park (Schedule H)
- Other Beach Accesses (eg. Invermere Beach, Beach Estates Park) |

All proposed off-leash parks will be implemented for a one-year trial basis following which the success will be evaluated. The motion carried unanimously.

(e) Travel Assistance Application from the Wellington Secondary Band

07710 It was moved and seconded that Council approve the application for a Travel Assistance Grant for the Wellington Secondary Band in the amount of \$2,000. The application meets all of the grant criteria. The motion carried unanimously.

(f) Pacific Sport Request for Funding

07810 It was moved and seconded that Council direct Staff to provide \$15,000. in funding to Pacific Sport from Council Contingency. The motion carried unanimously.

(g) 2010 Culture Operating Grants

07910 It was moved and seconded that Council approve the following 2010 Cultural Operating Fund Grants:

GROUP	REQUESTED	RECOMMENDED
A Capella Plus Choir Society	\$ 5,000	\$ 2,300
Arts Alive	\$ 2,000	\$ 1,800
Arts Council	\$ 15,000	\$ 10,050

Blues Festival Society	\$ 10,000	\$ 7,880
Centre for the Arts Society	\$ 7,800	\$ 6,190
Chamber Orchestra	\$ 7,080	\$ 3,230
Conservatory of Music	\$ 10,000	\$ 7,200
Crimson Coast Dance	\$ 18,000	\$ 14,800
Francophone Association	\$ 10,000	\$ 9,531
Malaspina Choir	\$ 2,600	\$ 2,360
Nanaimo Concert Band	\$ 8,000	\$ 4,790
Nanaimo Tidesmen Barbershop Chorus	\$ 2,000	\$ 1,550
Pacific Institute of Bagpiping	\$ 3,000	\$ 2,105
TheatreOne	\$ 28,000	\$ 28,000
Tozan Cultural Society	\$ 7,500	\$ 6,595
Vancouver Island Symphony	\$ 59,300	\$ 59,300
Western Edge Theater	\$ 14,500	\$ 6,460
TOTALS:	\$ 209,780	\$ 174,141

The motion carried unanimously.

(h) 2010 Arts, Cultural and Festival Events Grants

08010 It was moved and seconded that Council approve the following 2010 Arts, Cultural and Festival Events Grants:

GROUP	REQUESTED	RECOMMENDED
African Heritage Black History Celebration	\$ 2,500	\$ 745
Arts Council- Short Film Festival	\$ 3,000	\$ 1,635
Art Gallery Festival of Banners	\$ 6,000	\$ 1,120
Ballroom Dance- Island Fantasy Ball	\$ 5,000	\$ 2,145
Beat of the Street- Little Woodstock Fest.	\$ 2,000	\$ 785
Blues Society- Summertime Blues Fest	\$ 1,500	(event cancelled)
Botanical Garden- Celebration of Island Gardening	\$ 1,500	\$ 810
Canada Day 2010	\$ 2,500	\$ 1,640
Celtic Performing Arts – Celt Fest	\$ 10,000	\$ 1,905
Child Development- Silly Boat Regatta	\$ 1,000	\$ 830
Coaltown Festival	\$ 3,000	\$ 1,090
Crimson Coast- Voices in Motion, Bodies That Sing	\$ 3,000	\$ 2,475
Francophone- Maple Sugar Festival	\$ 10,000	\$ 3,975
Friends of Nanaimo Jazz- A Jazz Affair	\$ 5,000	\$ 2,075

Harbour City Jazz Fest	\$ 3,500	\$ 1,175
Highland Dance Competition	\$ 2,500	\$ 1,075
Malaspina Choir 40 th Anniversary Celebration	\$ 1,500	\$ 950
Men's Resource Center- Fathers Day in the Park	\$ 5,000	\$ 1,035
Nanaimo Quilters Guild- Material Magic Quilt Show	\$ 8,000	\$ 1,660
Vancouver Island Symphony in the Harbour	\$ 7,500	\$ 5,540
TOTALS:	\$ 84,000	\$ 32,665

The motion carried unanimously.

10. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Canadian Mental Health Association Request for Funding Support for Balmoral Hotel Renovation

08110 It was moved and seconded that Council provide \$52,719.63 from the City's Housing Legacy Fund to the Canadian Mental Health Association (CMHA) for costs associated with the installation of a fire suppression system in the residential portion of the Balmoral Hotel. The motion carried unanimously.

- (b) Amendments to the Licensing and Control of Animals Bylaw

08210 It was moved and seconded that Council receive the report pertaining to "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06." The motion carried unanimously.

- (c) DP242 – 275 Nicol Street

08310 It was moved and seconded that Council issue Development Permit No. DP242 at 275 Nicol Street with the following variances:

- Required Front Yard Setback (Nicol Street - Provincial Highway)
 The required front yard setback is 7.5 metres (24.6 feet). The proposed building setback is 4.5 metres (14.8 feet), a proposed variance of 3 metres (9.8 feet).

The proposed setback for the entry portico is 0.6 metres (2 feet), a proposed variance of 6.9 metres (22.6 feet).

- Minimum Landscape Treatment Level

Farquhar Street

The required landscape buffer along Farquhar Street is 1.8 metres (6 feet). The site conditions require a proposed variance in width from 1.8 metres (6 feet) to 0 metres.

North Property Line

The required landscape buffer along the north property line is 1.8 metres (6 feet). The proposed buffer is 0.6 metres (2 feet), a variance of 1.2 metres (4 feet).

The motion carried unanimously.

(d) RA199 – 240 Nicol Street

08410 It was moved and seconded that Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT 2009 NO. 4000.459;" and:
2. direct Staff to secure lane dedication and to register a covenant to secure storm water pre-development flows, erosion and sediment control plan, community contribution, and to replace the parking and access easement and covenant.

The motion carried unanimously.

(e) Unightly Premises – 1009 Bruce Avenue

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unsightly premises at 1009 Bruce Avenue.

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

08510 It was moved and seconded that Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of 1009 Bruce Avenue to remove household furniture, household debris, household garbage, construction material, a derelict blue automobile, 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.

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

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

Mr. Paul Verhey spoke regarding 1041 Maughan Road on behalf of Nanaimo Wood Products Recycling. Mr. Verhey explained that the company is currently working with Staff to resolve the issue at hand and that they have contracted an engineering firm to present the City with a proposed use of the amalgamated business. Mr. Verhey anticipates that the deficiencies will be rectified within 30 days.

08610 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) 1041 Maughan Road – Illegal Construction / Locating of Modular Offices and Fabric Covered Building

- (2) 10 Pirates Lane – Building Code Deficiencies / Incomplete Building Permit for an Addition
- (3) 646 Farquhar Street – Building Code Deficiencies / Incomplete Building Permit for additional Dormers to convert the Attic to Living Space
- (4) 2353 Panorama Avenue – Illegal Construction / Enclose Carport and Finish Basement
- (5) 1360 Discovery Avenue – Building Code Deficiencies / Incomplete Building Permit for Deck Addition with Storage below
- (6) 635 Haliburton Street – Building Code Deficiencies / Incomplete Building Permit for a Deck

The motion carried unanimously.

- (g) Unresolved Building Deficiencies – Bylaw Contravention Notice – Marijuana Grow Operation - 94 Milton Street

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to building deficiencies/grow operation for 94 Milton Street.

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

08710 It was moved and seconded that Council, by resolution, instruct the Director of Legislative Services to file a Bylaw Contravention Notice respecting the property listed below at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*.

- (1) 94 Milton Street – Illegal Grow Operation/Finished Basement and Plumbing Alterations.

The motion carried unanimously.

- (h) Structure Removal Order – Illegal Grow Operation – 94 Milton Street

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to the illegal grow operation at 94 Milton Street.

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

08810 It was moved and seconded that Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner of 94 Milton Street 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.

CORPORATE SERVICES:

- (i) Regional District of Nanaimo Regional Growth Management Service Amendment Bylaw No. 1553.02, 2010

08910 It was moved and seconded that Council waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO REGIONAL GROWTH MANAGEMENT SERVICE AMENDMENT BYLAW NO. 1553.02, 2010," and that the Regional District of Nanaimo be notified accordingly. The motion carried unanimously.

11. INFORMATION ONLY ITEMS:

- (a) Report from Mr. S. Ricketts, Manager, Engineering Construction, re: DCC W45: Lost Lake Road Water Main Project.

12. RECONSIDERATION OF BYLAWS:

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

09010 It was moved and seconded that "FINANCIAL PLAN BYLAW 2010 NO. 7097" be adopted. The motion was defeated.

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

13. INTRODUCTION OF BYLAWS:

- (a) "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06" (to include poultry [up to four chickens or ducks and excluding roosters] within the City on lots less than 0.4 hectare [1 acre] in size) be given first reading.

09110 It was moved and seconded that "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06" be given first reading. The motion carried.

Opposed: *Councillor Sherry*

09210 It was moved and seconded that "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06" be given second reading. The motion carried.

Opposed: *Councillor Sherry*

09310 It was moved and seconded that "LICENSING AND CONTROL OF ANIMALS AMENDMENT BYLAW 2010 NO. 4923.06" be given third reading. The motion carried.

Opposed: *Councillor Sherry*

- (b) "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" (to establish an Economic Development Commission).

09410 It was moved and seconded that "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" be given first reading. The motion carried unanimously.

09510 It was moved and seconded that "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" be given second reading. The motion carried unanimously.

09610 It was moved and seconded that "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" be given third reading. The motion carried unanimously.

14. INTRODUCTION OF DEVELOPMENT BYLAWS:

- (a) "ZONING BYLAW AMENDMENT 2009 NO. 4000.459" (RA119 - to rezone 240 Nicol Street from Commercial Service Zone [C-13] to Comprehensive Development District Zone [CD-7] in order to facilitate a multi-family development).

09710 It was moved and seconded that "ZONING BYLAW AMENDMENT 2009 NO. 4000.459" be given first reading. The motion carried unanimously.

09810 It was moved and seconded that "ZONING BYLAW AMENDMENT 2009 NO. 4000.459" be given second reading. The motion carried unanimously.

15. CORRESPONDENCE:

- (a) Email dated 2010-FEB-02 from Mr. Brenton Walters on behalf of the BC Government and Service Employees' Union requesting that Council consider a motion to write letters to the provincial government asking them to restore and increase funding for legal aid, and to keep regional legal aid centres and the LawLINE program open.

16. OTHER BUSINESS:

- (a) At the Regular Meeting of Council held Monday, 2010-JAN-25, Councillor Holdom put forward the following Notice of Motion:

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

09910 It was moved and seconded that Staff arrange a seminar session for Council to review the Liquor Control Strategy (2002 Neilson-Welch report) to evaluate, among other issues, the strategy's relevance to the changed conditions in the City's downtown since the strategy's adoption. The motion carried unanimously.

17. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:

- (a) Ms. Janet Irvine, 609 First Street, Nanaimo, spoke regarding the 2009/2010 Woodstove Exchange Program and outlined some of the progress in woodstove smoke awareness over the last couple of years. Ms. Irvine reminded Council of the model municipal bylaw prepared by Environment Canada that she had submitted to Council some years back, and urged Council to continue to investigate nuisance woodstove smoke as an important public health issue.

18. QUESTION PERIOD:

- Ms. Janet Irvine, re: backyard burning, animal control.
- Mr. Serge Vaillancourt, re: animal control.
- Mr. Ron Bolin, re: dog off-leash parks, Financial Plan Bylaw 7097.
- Mr. Fred Taylor, re: Financial Plan Bylaw 7097.

19. ADJOURNMENT:

10010 It was moved and seconded at 9:07 p.m. that the meeting terminate. The motion carried unanimously.

M A Y O R

CERTIFIED CORRECT:

DIRECTOR,
LEGISLATIVE SERVICES