

**MINUTES**  
REGULAR COMMITTEE OF THE WHOLE MEETING  
SHAW AUDITORIUM, 80 COMMERCIAL STREET,  
MONDAY, 2015-JUL-13 AT 4:30 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (via telephone – terminated call at 9:04 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt (arrived at 5:18 p.m.)  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: E. C. Swabey, City Manager  
T. M. Hickey, General Manager of Community Services  
D. Duncan, A/Director of Finance  
D. Lindsay, Director of Community Development  
Supt. M. Fisher, OIC, Nanaimo Detachment RCMP  
Inspector Cam Miller, Operations Support Officer, Nanaimo Detachment, RCMP  
M. Dietrich, Manager, Police Support Services  
G. Goodall, Director of Engineering & Public Works  
P. Cooper, Communications Manager  
M. Desrochers, Client Support Specialist  
G. Ferrero, Director of Information Technology & Legislative Services  
P. Humphreys, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Item 8 (c) Colliery Dams – Add “Colliery Dams Update” report, “Colliery Dam Update” report from 2015-JUL-06 Council meeting and the following delegations:
  - 1. Mr. William McCallum
  - 2. Mr. Jeff Solomon
  - 3. Ms. Mary Montague
- (b) Councillor Kipp advised that Mr. Leon Cake was in attendance and wished to address Council as a late delegation regarding Item 8 (c) Colliery Dams.

It was moved and seconded that Mr. Leon Cake be permitted to address Council as a late delegation with a five-minute time limitation. The motion carried unanimously.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2015-MAY-25 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

5. CORPORATE SERVICES:

(a) Quarterly Direct Award Purchases

It was moved and seconded that Council receive for information the report pertaining to Quarterly Direct Award Purchases for the period ending 2015-JUN-30. The motion carried unanimously.

It was moved and seconded that Council direct Staff to prepare a report regarding options to amend "Purchasing Power Delegation Bylaw 2013 No. 7175" related to social procurement policy and local preference, including the triple bottom line issues related to Council's Strategic Plan. The motion carried unanimously.

(b) Quarterly Single Submission Purchases

It was moved and seconded that Council receive for information the report pertaining to Quarterly Single Submission Purchases for the period ending 2015-JUN-30. The motion carried unanimously.

(c) Minutes of the Design Advisory Panel Meeting held 2015-MAY-28.

It was moved and seconded that Council receive for information the Minutes of the Design Advisory Panel Meeting held 2015-MAY-28. The motion carried unanimously.

(d) Minutes of the Planning & Transportation Advisory Committee Meeting held 2015-MAY-27.

It was moved and seconded that Council receive for information the Minutes of the Planning & Transportation Advisory Committee Meeting held 2015-MAY-27. The motion carried unanimously.

6. COMMUNITY SERVICES:

(a) Police Staffing Plan – Budget Presentation

Superintendent Mark Fisher, Officer In Charge, Nanaimo Detachment, RCMP, and Ms. Deborah Duncan, A/Director of Finance, provided a presentation on RCMP budget issues and the financial effects of proposed staffing increases from 2016-2020.

It was moved and seconded that Council receive the presentation regarding the RCMP budget by Supt. Mark Fisher, Officer in Charge, Nanaimo Detachment, RCMP, and Ms. Deborah Duncan, Acting Director of Finance. The motion carried unanimously.

(b) “Slide the City” Event Update

Mr. Tom Hickey, General Manager of Community Services, provided a verbal update on the conditions surrounding the special event permit application for the “Slide the City” event, including water usage amounts in drought conditions and the availability of a water circulation method acceptable to the Vancouver Island Health Authority.

It was moved and seconded that Council direct Staff to advise the “Slide the City” organizers that a recirculation system is required for the event to be allowed and only if Level 3 or 4 watering restrictions are not in place. The motion was defeated.

Opposed: Councillors Bestwick, Hong, Kipp, Yoachim and Pratt

It was moved and seconded that Council direct Staff to advise the “Slide the City” organizers that the City of Nanaimo will not approve a “Special Event Permit” for their event. The motion carried unanimously.

(c) Colliery Dams

It was moved and seconded that Council allow a 10-minute time limit for the delegations of Mr. William McCallum, Mr. Jeff Solomon, and Ms. Mary Montague and a 5-minute time limit for the late delegation of Mr. Leon Cake. The motion carried unanimously.

1. Mr. William McCallum spoke of concerns over the reliability of data gathered regarding the Colliery Dams.
2. Mr. Jeff Solomon spoke in favour of seeking more time to thoroughly investigate an overtopping remediation option.
3. Ms. Mary Montague spoke of remediation options for the Jordan River Dam.
4. Mr. Leon Cake spoke of concerns of misunderstood statistics regarding the Colliery Dams.

(i) Colliery Dams Update

It was moved and seconded that Council receive for information the report pertaining to the Colliery Dams Update. The motion carried unanimously.

(ii) Colliery Dam Update from 2015-JUL-06 Council Meeting

It was moved and seconded that Council direct Staff to undertake design and installation of an Auxiliary Spillway (Labyrinth/Box Culvert, Open Channel alternative) for the Lower Colliery Dam and prepare a conceptual plan for the Middle Colliery Dam that complies with the Dam Safety regulations. And further, that Council advise Staff that Council wishes to cease all legal efforts toward appeal of the Comptroller's orders.

The motion was defeated.

Opposed: *Councillors Bestwick, Fuller, Hong, Kipp and Yoachim.*

It was moved and seconded that Council:

- establish a select committee, membership to be comprised of two councillors and others decided by Staff and Council, for the purpose of completing studies and due diligence on the Colliery Dams;
- the select committee will define the necessary questions/studies including but not limited to; watershed capacity; flow monitoring and establishing flow capacity of lower and middle spillways; statistical analysis of storm frequency and; risk assessment based on the capacity of the spillway, structural integrity of the dam, and the incremental consequences of flooding;
- instruct Staff to draft a Select Committee Terms of Reference for Council approval by 2015-JUL-27; and,
- further; retain Geo Stabilization International (GSI) in order to finalize an overtopping design for the middle dam that meets the small dam regulatory requirements to reduce the risk to the lower dam and spillway and submit the design to the select committee.

The motion carried.

Opposed: *Mayor McKay, Councillors Brennan, Pratt, and Thorpe*

- (d) Minutes of the Advisory Committee on Environmental Sustainability Meetings held 2015-MAR-11 and 2015-MAY-13.

It was moved and seconded that Council receive for information the Minutes of the Advisory Committee on Environmental Sustainability Meetings held 2015-MAR-11 and 2015-MAY-13. The motion carried unanimously.

- (e) Minutes of the Culture and Heritage Commission Meeting held 2015-MAY-06.

It was moved and seconded that Council receive for information the Minutes of the Culture and Heritage Commission Meeting held 2015-MAY-06. The motion carried unanimously.

- (f) Minutes of the Parks and Recreation Commission Inaugural Meeting held 2015-APR-22.

It was moved and seconded that Council receive for information the Minutes of the Parks and Recreation Commission Inaugural Meeting held 2015-APR-22. The motion carried unanimously.

7. CORRESPONDENCE (not related to a Report to Council):

- (a) Letter dated 2015-JUN-18 from Mr. Poma Dhaliwal, President of the Alliance of Beverage Licensees, regarding concerns related to the BC Government's decision to allow wine on grocery shelves and the impact on the BC liquor industry.

It was moved and seconded that Council receive for information the letter dated 2015-JUN-18 from Mr. Poma Dhaliwal, President of the alliance of Beverage Licensees. The motion carried unanimously.

- (b) Letter dated 2015-JUN-23 from Mr. Randy Wilson, Board Chair, BC Private Liquor Store Association, regarding concerns related to Bill 22 which will allow grocery stores to sell BC wines, ciders, beers and distilled products.

It was moved and seconded that Council receive for information the letter dated 2015-JUN-23 from Mr. Randy Wilson, Board Chair, BC Private Liquor Store Association. The motion carried unanimously.

It was moved and seconded that Council direct Staff to prepare a report regarding the 1 kilometre distance criteria separating Licensee Retail stores and BC Liquor Stores. The motion carried unanimously:

8. DELEGATIONS (not related to a Report to Council):

- (a) Mr. Holden Southward was not in attendance.
- (b) Mr. Robert Fuller spoke regarding video recording all meetings of Council.

It was moved and seconded that Council direct Staff to prepare a report with options for video recording Council meetings and Special Council meetings, Committee of the Whole and Special Committee of the Whole meetings held at the City of Nanaimo Service and Resource Centre Room; and that all hardware, software and maintenance costs including Staff and audio recording of "In-Camera" Council meetings be included in the report. The motion carried unanimously.

- (c) Ms. Janet Irvine requested that "Council Procedure Bylaw 2007 No. 7060" be updated to include an instructional document regarding a code of conduct for elected officials and members of the public to improve meeting decorum.

It was moved and seconded to receive the delegation of Ms. Janet Irvine. The motion carried unanimously.

9. QUESTION PERIOD:

- Mr. Fred Taylor, re: auxiliary spillway at Westwood Lake.
- Mr. Mr. Leon Cake, re: purchasing procedures.
- Ms. Sandy Blankenship, re: Colliery Dams.
- Mr. Gary Chandler, re: Colliery Dams.
- A resident, re: emergency relief and Colliery Dams.

- Ms. Vicky Bertram, re: Council Procedure Bylaw 2007 No. 7060.
- Mr. Don Bonner – re: Colliery Dams.
- Mr. Dan Appell, re: Colliery Dams.
- Mr. Ron Bolin – re: questions asked at Council meetings.
- Mr. Jeff Solomon – re: Colliery Dams
- Mr. Ron Stead – re: Colliery Dams
- Mr. Terry Wagar – re: reducing water consumption at water parks.
- Mr. Leon Cake – re: Colliery Dams.
- Ms. Carol Murray – re: Colliery dams.

10. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter* Section 90(1):

- (c) labour relations or other employee relations;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under Section 21 of the *Freedom of Information and Protection of Privacy Act*; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

The motion carried unanimously.

Council moved into "In Camera" at 9:04 p.m.

Councillor Bestwick terminated the phone call at 9:04 p.m.

Council moved out of "In Camera" at 9:39 p.m.

11. ADJOURNMENT:

It was moved and seconded at 9:40 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER