

AMENDED AGENDA
REGULAR COMMITTEE OF THE WHOLE MEETING
SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2014-NOV-03, AT 4:30 P.M.

1. **CALL THE REGULAR COMMITTEE OF THE WHOLE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

- Item 8(a) – Colliery Dams Update – Add delegations Mr. Jeff Solomon, Mr. Robert Fuller and Mr. Mike Horn

3. **ADOPTION OF AGENDA:**

4. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, on Monday, 2014-OCT-06 at 4:30 p.m.

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5. **PRESENTATIONS:**

NONE

6. **ADMINISTRATION:**

NONE

7. **CORPORATE SERVICES:**

NONE

8. **COMMUNITY SERVICES:**

(a) **Colliery Dams Update**

To be introduced by Mr. Toby Seward, Director of Social & Protective Services.

Purpose: To outline the type of studies and associated costs required to further evaluate the Colliery Dam remediation options.

Delegations:

1. Mr. Jeff Solomon
2. Mr. Robert Fuller
3. Mr. Mike Horn

Staff Recommendation: That Council direct Staff to:

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1. Review flooding analysis and alternate swale/drainage course - Item 2(a) of Scope of Work (estimated cost \$26,000 - \$42,000).
 - review water distribution in overtopping situation and how it impacts overtopping flow rate;
 - review capacity of existing spillway; and
 - review concept of alternate swale/drainage course to Harewood Creek.
2. Analyse core wall in an overtopping event, if alternate swale/drainage course is not viable - Item 2(b) of Scope of Work (estimated cost \$25,000 - \$59,000).
 - determine dimensions and geometry of concrete core wall;
 - determine where core wall is located in relationship to bedrock;
 - confirm overtopping for design event (height, duration, etc.) with and without Middle Dam; and
 - undertake structural analysis to determine how core wall (unsupported) performs during overtopping in design flood event with and without Middle Dam, using both 4 ft. and larger dam width.
3. Provide a report back to Council with recommended next steps once Item 2(a) of Scope of Work is completed or if Item 2(a) is not viable, once Item 2(b) is completed.

(b) **Request from APEGBC to Use Retaining Wall Guideline**

Purpose: To provide background information on the Association of Professional Engineers and Geoscientists of BC's (APEGBC) request to use the City of Nanaimo's Retaining Wall Guideline as a base document for APEGBC's guidelines for retaining walls in British Columbia.

Staff Recommendation: That Council approve the request from the Association of Professional Engineers and Geoscientists of BC to use the City of Nanaimo's Retaining Wall Guideline as part of professional practice guidelines.

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- (c) Minutes of the Parks, Recreation and Culture Commission Meeting held 2014-OCT-01.

Pg. 18-24

9. **CORRESPONDENCE (not related to a Report to Council):**

NONE

10. **NOTICE OF MOTION:**

11. **OTHER BUSINESS:**

12. **DELEGATIONS (not related to a Report to Council): (10 MINUTES)**

- (a) Mr. Mike Horn regarding hiring a cleaner for the downtown core. *Pg. 25*
- (b) Mr. Ian Gartshore regarding a warehouse facility for the Loaves and Fishes Food Bank. *Pg. 26*
- (c) Mr. Peter Sinclair regarding a warehouse facility for the Loaves and Fishes Food Bank. *Pg. 27*
- (d) Mr. Nick Foglietta and Mr. Rob Anderson regarding the Loaves and Fishes Food Bank. *Pg. 28*
- (e) Ms. Sabrina Hornfeldt, CatNap Society, regarding licensing of cats and a mandatory cat spay/neuter program. *Pg. 29*
- (f) Ms. Mayta Ryn regarding the need for pet identification and the effect of domestic cats on wildlife. *Pg. 30*

13. **QUESTION PERIOD: (*Agenda Items Only*)**

14. **PROCEDURAL MOTION:**

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter* Section 90(1):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

15. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR MCKAY
2014-OCT-20 to 2014-NOV-30

MINUTES
COMMITTEE OF THE WHOLE MEETING
SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2014-OCT-06, AT 4:30 P.M.

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

Members: Councillor G. Anderson
Councillor W. L. Bestwick (departed at 5:02 p.m.)
Councillor M. D. Brennan
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
R. J. Harding, Director of Parks, Environment & Recreation
G. Goodall, Director of Engineering & Public Works
B. Corsan, Manager of Real Estate
J. Birch, Manager of Information Technology
B. Anderson, Manager of Planning & Design
D. Duncan, Manager of Financial Planning
P. Cooper, Communications Manager
D. Blackwood, Client Support Specialist
C. Jackson, Manager of Legislative Services
K. King, Steno/Coordinator

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 7(a) - Liquor Licence Application No. LA108 – Application for a Permanent Change to a Food Primary Liquor Licence – REWsters Restaurant – 223 Commercial Street – Add delegation Mr. Mike Horn
- (b) Remove Agenda Item 15 Procedural Motion

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, on Monday, 2014-SEP-15 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Mr. Philip Cooper, Communications Manager, provided a presentation regarding information on current approaches in place to assist the public in receiving information from the City, as well as emerging trends for receiving information from the community.

Councillor Bestwick vacated the Shaw Auditorium at 5:02 p.m.

6. ADMINISTRATION:

- (a) Fortis Gas Operating Agreement – New Operating Fees

It was moved and seconded that Council approve the Association of Vancouver Island Coastal Communities (AVICC) recommended Gas Operating Agreement in the format as attached to the report. The motion carried unanimously.

7. CORPORATE SERVICES:

- (a) Liquor Licence Application No. LA108 – Application for a Permanent Change to a Food Primary Liquor Licence – REWsters Restaurant – 223 Commercial Street

Delegation:

1. Mr. Mike Horn spoke in favour of the Liquor Licence Application.

It was moved and seconded that Council refer Liquor Licence Application No. LA108 for a permanent change to a Food Primary Liquor Licence at 223 Commercial Street to the Safer Nanaimo Advisory Committee. The motion was defeated.

Opposed: Mayor Ruttan, Councillors Anderson, Greves, Kipp and McKay

It was moved and seconded that Council recommend that the Liquor Control and Licensing Branch (LCLB) approve an application to amend the existing food primary liquor licence for REWsters Restaurant (223 Commercial Street) to include patron participation entertainment (dancing). The motion was defeated.

Opposed: Councillors Brennan, Greves, Johnstone and Pattje

It was moved and seconded that Council recommend that the Liquor Control and Licensing Branch (LCLB) approve an application to amend the existing food primary liquor licence for REWsters Restaurant (223 Commercial Street) to increase the hours of late night liquor service to 1:00 a.m. within the interior of the building, provided the hours of service for the outdoor patio area are not extended past midnight. The motion carried.

Opposed: Councillor Pattje

(b) Liquor Licence Amendment Process

It was moved and seconded that Council direct Staff to modify the application process for permanent changes to liquor primary and food primary liquor licences to use a Council posting procedure to notify Council of a liquor licence application. The motion carried

Opposed: *Councillor Brennan*

(c) 1 Port Drive - Demolition Contract and Servicing Project

It was moved and seconded that Council receive for information the report pertaining to a demolition contract and a servicing project at 1 Port Drive. The motion carried unanimously.

(d) Implementation of New Public Sector Accounting Board (PSAB) Standards for Contaminated Sites

It was moved and seconded that Council receive for information the report pertaining to the implementation of new Public Sector Accounting Board (PSAB) Standards for Contaminated Sites. The motion carried unanimously.

(e) Quarterly Direct Award Purchases

It was moved and seconded that Council receive for information the Quarterly Direct Award Purchases report for the three month period 2014-JUL-01 to 2014-SEP-30. The motion carried unanimously.

(f) Quarterly Single Submission Purchases

It was moved and seconded that Council receive for information the Quarterly Single Submission Purchases report for the three month period 2014-JUL-01 to 2014-SEP-30. The motion carried unanimously.

(g) Council and Committee of the Whole Meeting Video Recordings During Municipal Election Process

It was moved and seconded that Council receive for information the report regarding video recordings of meetings during the Municipal Election process. The motion carried unanimously.

8. COUNCIL APPOINTMENTS:

(a) Appointments to the Nanaimo Advisory Planning Committee

Mayor Ruttan announced the appointment of the following individuals to the Nanaimo Advisory Planning Committee:

- Ms. Paula Waatainen, Community At Large representative
- Ms. Sandra Larocque, Neighbourhood Association representative
- Ms. Ellen Ross, Environment Community representative
- Mr. Chris Cross, Canadian Homebuilders' Association representative
- Mr. Jim Goldsack, Nanaimo Neighbourhood Network representative

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

- (a) Mrs. Cathy Peters spoke regarding human trafficking and requested that Council take action to deal with the issue in Nanaimo.

It was moved and seconded that Council refer the paper provided by Mrs. Peter to the Safer Nanaimo Advisory Committee for review and that the Social Planning Advisory Committee Chair be invited to attend the meeting. The motion carried unanimously.

- (b) Mr. Simon Schachner, Canada World Youth, provided information regarding Canada World Youth and its Youth Leaders in Action program with Indonesia that Nanaimo will be hosting from 2014-OCT-12 to 2015-JAN-06 and invited Council to attend a Welcome Event on 2014-OCT-12 at 5:00 p.m. at the Port Theatre.

10. QUESTION PERIOD:

- Mr. Fred Taylor – Communications Plan
- Mr. Gord Fuller – human trafficking, Communications Plan, liquor strategy

11. ADJOURNMENT:

It was moved and seconded at 6:40 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER

City of Nanaimo
REPORT TO COUNCIL

DATE OF MEETING: 2014-NOV-03

AUTHORED BY: TOBY SEWARD, ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

RE: COLLIERY DAMS UPDATE

STAFF RECOMMENDATION:

Council direct staff to:

1. Review flooding analysis and alternate swale/drainage course - Item 2(a) of Scope of Work (estimated cost \$26,000 - \$42,000).
 - review water distribution in overtopping situation and how it impacts overtopping flow rate;
 - review capacity of existing spillway; and
 - review concept of alternate swale/drainage course to Harewood Creek.
2. Analyse core wall in an overtopping event, if alternate swale/drainage course is not viable - Item 2(b) of Scope of Work (estimated cost \$25,000 - \$59,000).
 - determine dimensions and geometry of concrete core wall;
 - determine where core wall is located in relationship to bedrock;
 - confirm overtopping for design event (height, duration, etc.) with and without Middle Dam; and
 - undertake structural analysis to determine how core wall (unsupported) performs during overtopping in design flood event with and without Middle Dam, using both 4 ft. and larger dam width.
3. Provide a report back to Council with recommended next steps once Item 2(a) of Scope of Work is completed or if Item 2(a) is not viable, once Item 2(b) is completed.

PURPOSE:

This report outlines the type of studies and associated costs required to further evaluate the Colliery Dam remediation options.

BACKGROUND:

At its meeting on 2014-SEP-15, Council directed staff to provide a report to Council identifying the type of studies and associated costs needed to evaluate Colliery Dams remediation options that would include:

1. Review of the design flood;

☐ Council
☒ Committee of the Whole
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2014-NOV-03

2. Modeling of the flood over the Lower Dam for the design flood event with and without Middle Dam failure;
3. Review of the dam structure during the design event and estimate the rate of failure of the structure by erosion; and
4. Suggest options for upgrading that would reduce or eliminate the risk of downstream impacts due to dam failure associated with the design flood;

and obtain the Colliery Dam Park Preservation Society approval of the wording of the scope of work for the study prior to reporting to Council.

At the 2014-AUG-11 Regular Council meeting, Council directed staff to commence a Request for Qualifications (RFQ) and Request for Proposals (RFP) process. The motion directed staff to undertake a seven-step process that included:

1. Request for Qualifications
2. Develop Specifications
3. Review by Dam Safety Section
4. Peer Review
5. Request for Proposal
6. Tender Process
7. Review by Dam Safety Section

Following the 2014-AUG-11 direction, staff commenced initial steps in proceeding with the seven-step process; however, this process has been put on hold, given Council's request for additional information at its meeting on 2014-SEP-15.

DISCUSSION:

Following Council's direction at Council's meeting on 2014-SEP-15, staff has been working with representatives of the Colliery Dam Park Preservation Society (CDPPS) and engineers to determine the proposed scope of work and costs for the required studies. A draft scope of work has been developed and from this information, Golder and other engineers have provided an estimated range of costs for the various studies to be undertaken. The draft scope of work is not a comprehensive specification of the work to be undertaken, as development of a more complete scope of work will be undertaken once Council has received this report and provides direction on proceeding with additional studies. The draft scope of work is as follows:

Proposed Scope of Work		Estimated Costs
1.	Review design flood: <ul style="list-style-type: none"> • Previous information generated by Golder to be used. • 	
2(a)	Review alternate swale/drainage course: <ul style="list-style-type: none"> • review water distribution in overtopping situation and how it impacts overtopping flow rate; • review capacity of existing spillway; and • review concept of alternate swale/drainage course to Harewood Creek. 	\$5,000 - \$10,000 \$1,000 - \$2,000 <u>\$20,000 - \$30,000</u> \$26,000 - \$42,000

2(b)	<p>(If required) Analyze core wall in overtopping event:</p> <ul style="list-style-type: none"> determine dimensions and geometry of concrete core wall; determine where core wall is located in relationship to bedrock; confirm overtopping for design event (height, duration, etc.) with and without Middle Dam; and undertake structural analysis to determine how core wall (unsupported) performs during overtopping in design flood event with and without Middle Dam, using both 4 ft. and larger dam width. 	<p>\$10,000 - \$30,000 \$2,000 - \$4,000 \$3,000 - \$5,000 <u>\$10,000 - \$20,000</u> \$25,000 - \$59,000</p>
3.	<p>(If required) Modeling of the flood over the Lower Dam for the design flood event with and without Middle Dam failure:</p> <ul style="list-style-type: none"> undertake site investigation to determine characteristics of Lower Dam embankment using either sonic drilling or core drilling; undertake hydraulic modeling of Lower Dam for design flood overtopping event to evaluate dam breach characteristics noted in the risk assessment; <ul style="list-style-type: none"> design, construction, and demolition of scale model of dam model testing reporting review previous analysis for seismic design, considering unsupported core wall. 	<p>\$80,000 - \$100,000 \$130,000 - \$150,000 \$27,000 - \$30,000 \$24,000 - \$30,000 <u>\$2,000 - \$4,000</u> \$263,000 - \$314,000</p>
4.	<p>(If required) Suggest options for upgrading that would reduce or eliminate the risk of downstream impacts due to dam failure associated with the design flood:</p> <ul style="list-style-type: none"> analyze embankment armouring options previously identified; undertake hydraulic modeling of two dam hardening scenarios for design flood; and review armouring options that could also be applied to the Middle Dam. 	<p>\$5,000 - \$10,000 \$35,000 - \$40,000 <u>\$5,000 - \$10,000</u> \$45,000 - \$60,000</p>

City staff, in conjunction with CDPPS, has generated the above scope of work although both parties are not in full agreement regarding the extent of the studies needed. CDPPS and City staff agree on pursuing 2(a) and that is the first recommendation in this report. CDPPS have requested the City pursue 2(b), while City staff believes that the results of this investigation will reconfirm previously documented information that the dams will not withstand an overtopping event from a design flood.

At the Council meeting 2014-SEP-15, CDPPS representatives stated that engineering analysis of flooding associated with a design flood is incomplete. CDPPS stated that additional analysis may confirm the Lower Dam will not fail in a severe storm and, therefore, limited or no additional remediation work on the Lower Dam is warranted. CDPPS asked Council to have a hydraulic study undertaken; however, following Council's motion on 2014-SEP-15, CDPPS has revised its

initial position and now request that additional analysis be phased, seeking information regarding the Lower Dam core wall construction and testing to determine how the dam will perform in a design flood.

City staff and Golder believe that it will be extremely difficult to obtain information on the dam core wall over and above what has previously been determined through work already undertaken. Also, with or without additional information on the core wall construction, staff believe that modeling and detailed additional analysis outlined in items 3 and 4 in the scope of work will lead to confirmation that either increasing the spillway size or armouring the dam embankment to protect the dam against overtopping will still be required.

Options

1. Proceed with Item 2(a) in the Scope of Work. (Review flooding analysis and alternate swale/drainage course)
Estimated cost \$26,000 - \$42,000 and length of time: 4 – 6 weeks.
2. Proceed with Item 2(b) on Scope of Work – analyse core wall in overtopping event.
Estimated cost \$25,000 - \$59,000 and length of time: 2 – 4 weeks.
3. Proceed with Item 3 in the Scope of Work and determine remediation options after completion of the work.
Estimated cost \$263,000 - \$314,000 and length of time: 4 – 6 months.
4. Proceed with Item 4 in Scope of Work.
Estimated cost \$45,000 - \$60,000 and length of time: 4 – 6 weeks.
5. Proceed with Request for Proposals, as previously directed on 2014-AUG-11.
6. Proceed with a combination of these options.

Site Visit 2014-OCT-20

On 2014-OCT-20, the project engineer from Golder met at the Colliery Dams with five representatives of CDPPS and City staff to review the proposed scope of work. During the meeting, each item covered in Items 2(a) and (b) of the Proposed Scope of Work was discussed and Golder provided technical input into the process to evaluate each item and whether or not they believe additional investigative work would result in outcomes different than Golder provided in their five technical reports. (In general, Golder advised that it is unlikely their reports/recommendations would change after additional investigations.)

Alternate Option

During the 2014-OCT-20 site visit, CDPPS questioned whether a swale/drainage course to Harewood Creek could be considered instead of the labyrinth spillway or overtopping options. This option was briefly reviewed on site and it was agreed that this alternative option could be considered although it would have to be analyzed to determine viability, extent of

tree/vegetation removal, design constraints, permitting challenges, costs, etc. A much more invasive swale option was previously raised by Golder in March 2014, but rejected by the Technical Committee as it proposed extensive tree/vegetation removal over a large area adjacent to the dam into the existing park (Attachment A identifies two possible routes for swale/drainage course).

This alternate option is being considered as the CDPPS and City staff continue to disagree on the two options currently under consideration. CDPPS opposes the spillway labyrinth (which the SFN and City staff endorse), while the overtopping option is unproven and will likely require costly evaluation to determine if it is viable.

Snuneymuxw First Nation

Staff briefly discussed the Colliery Dams project with Snuneymuxw First Nation (SFN) staff in the past two weeks. SFN wished to know the status of the project and the next steps proposed to determine a final remediation solution. Staff outlined the concept of a swale/drainage course to Harewood Creek. SFN advised that its two main priorities in remediation of the dams are life safety and protecting the fishery in the river. The SFN asked that they be kept informed regarding the alternate option, if it is to be analysed further.

Dam Safety Section

Dam Safety Section (DSS) representatives asked to be regularly updated on the status of the remediation of the dams. City staff spoke to DSS in the past two weeks and advised them of the latest developments regarding the proposed additional studies and consideration of the alternate swale/drainage course option. DSS advised that the concept of a swale/drainage course is a reasonable alternative to address the existing undersized spillway; however, wished to see the proposal in more detail, prior to commenting further. DSS and Staff also discussed the proposed schedule for remediation work to be undertaken and staff advised remediation is still scheduled to take place in the summer of 2015.

Summary

CDPPS representatives and City staff have communicated a number of times in the past six weeks, including scheduling a site visit with Golder's Project Engineer, in an effort to agree on a scope of work as directed by Council 2014-SEP-15.

CDPPS believe additional analysis of the dams may result in lesser or no work required on the dams. Golder's engineer and City staff believe that additional analysis will further clarify understanding of how the dams will fail in a design flood event; however, this additional analysis will confirm remediation to address the undersized spillway is required.

CDPPS, Golder, and City staff believe it is prudent to re-examine the concept of a swale/alternate drainage course that is likely a smaller and deeper swale than considered and rejected by the Technical Committee in March 2014. This alternate option is being considered as CDPPS opposes the labyrinth spillway and the overtopping solution is unproven and will require further work to determine if it is viable.

This staff report recommends reviewing the flood analysis and alternate swale/drainage course in concept as a next step, as the cost and timeframe of the review can be kept to a minimum. If the review confirms this alternative is viable, staff will advise Council and seek direction to explore this option in more detail.

If this option is not viable (overly invasive, cost prohibitive, doesn't meet permitting requirements or doesn't meet engineering or DSS requirements) staff will seek Council's direction to pursue additional studies outlined in recommendations 2(b), 3 and 4 or return to pursuing a request for proposals (RFP) to remediate the dams using either the labyrinth spillway or overtopping options.

Respectfully submitted,

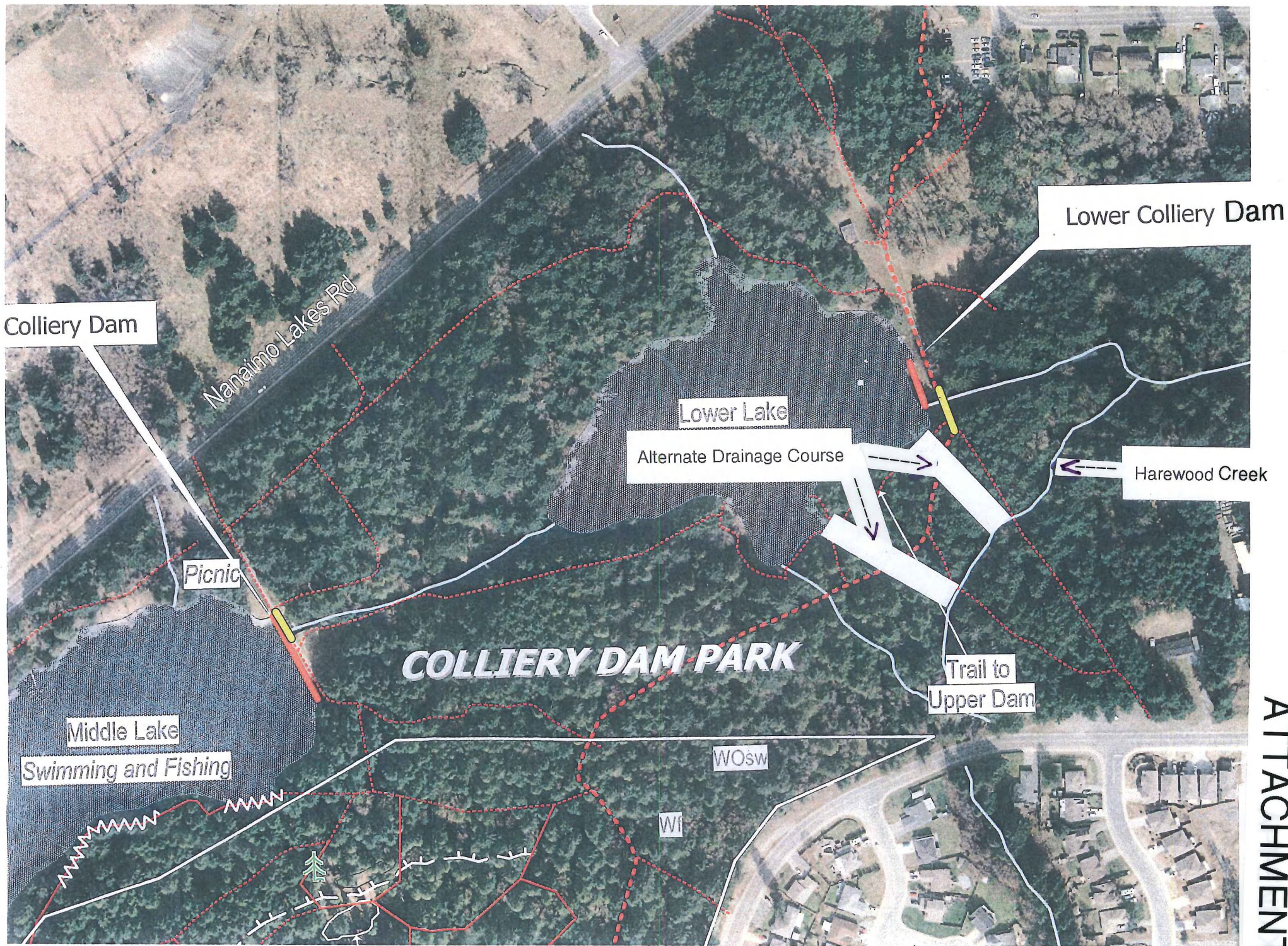


TOBY SEWARD
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014-SEP-19
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TS/hp



City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-NOV-03

AUTHORED BY: TOBY SEWARD, ACTING GENERAL MANAGER OF COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

RE: REQUEST FROM APEGBC TO USE RETAINING WALL GUIDELINE

STAFF RECOMMENDATION:

That Council approve the request from the Association of Professional Engineers and Geoscientists of BC (APEGBC) to use the City of Nanaimo's Retaining Wall Guideline as part of professional practice guidelines.

PURPOSE:

To provide background information on APEGBC's request to use the City of Nanaimo's Retaining Wall Guideline as a base document for APEGBC's guidelines for retaining walls in British Columbia.

BACKGROUND:

As the development on steeply sloping lands has increased in our community, so has the use of retaining walls. During the past 10-15 years, retaining walls have increased in both number and scale. Guidelines for construction of retaining walls are limited, which has led to a number of situations where construction of a retaining wall has resulted in problems with drainage, backfill material, retaining wall product, installation method, and various other concerns. Also, during the last 10-15 years, the types and materials used in retaining walls has expanded greatly and, in some cases, retaining walls have been constructed with materials that may not be appropriate for the conditions on site.

In response to concerns noted above regarding poorly constructed retaining walls, the City changed the Building Bylaw in 2006 to reflect the need for an Engineer to design retaining walls over 1.5 metres.

DISCUSSION:

In 2010, following a substantial failure of a large retaining wall in Nanaimo, the City retained a local engineering firm to assist in reviewing the engineered design of the failed retaining wall. This review reinforced the fact that there are little standardized guidelines for construction of retaining walls in B.C.

Given the liability of poorly constructed retaining walls and the associated concern with public safety, the City reviewed the issue with the local engineering firm who had undertaken the

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review of the failed retaining wall on behalf of the City. Following this discussion, the City retained EBA Engineering Consultants Ltd. of Nanaimo to develop scope of work for the Retaining Wall Guideline and thereafter develop a Retaining Wall Guideline for the City of Nanaimo. This guideline was developed over the past two years and involved input from City staff, local engineering consultants, and consultants retained by APEGBC. This guideline was authored by two highly qualified and experienced engineers from EBA Engineering and was completed in late 2013. This Retaining Wall Guideline has not been formally adopted as the City of Nanaimo Retaining Wall Guideline as staff were in the process of bringing this information forward to City Council for endorsement when APEGBC asked if the City would be prepared to allow Nanaimo's Retaining Wall Guideline to be used by APEGBC as a base document for their guidelines.

APEGBC has written the City of Nanaimo (a copy of the letter is included as Attachment A) and requested use of the City of Nanaimo's Retaining Wall Guideline in developing professional practice guidelines for APEGBC members and licencees.

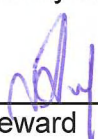
City staff recommend that Council approve APEGBC's request for use of the City of Nanaimo Retaining Wall Guideline, as it will establish a province-wide standard for construction of retaining walls, which has not been in place up until now.

If Council endorses use of this guideline, APEGBC will undertake a detailed review of the guideline, which they have advised will lead to formalizing the guideline as an APEGBC professional practice guideline. Also, the City will seek assurance from APEGBC that their use of the guideline would not lead to any liability for the City of Nanaimo.

DRAFT Retaining Wall Guidelines can be accessed on the City website under:

<http://www.nanaimo.ca/EN/main/departments/Building-Inspection/4545/residential-forms.html>

Respectfully submitted,



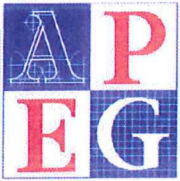
T. P. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014
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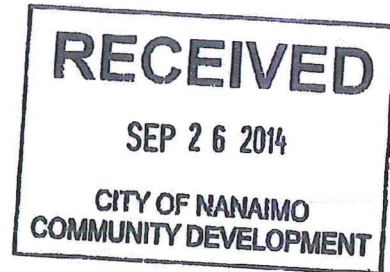
ATTACHMENT A



Professional Engineers
and Geoscientists of BC

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September 24, 2014

Mr. Toby Seward
Director, Social and Protective Services
411 Dunsmuir Street
Nanaimo, BC V9R 0E4

Dear Mr. Seward:

Re: City of Nanaimo's Retaining Wall Guidelines

I would like to thank you for giving APEGBC the opportunity to provide input on these guidelines.

These guidelines are well written and you are to be congratulated on a job well done. Also retaining walls are an issue raised with APEGBC. On this basis, APEGBC is requesting the City's permission to use the City of Nanaimo's Retaining Wall Guidelines in developing professional practice guidelines for our members and licencees.

APEGBC would of course recognize the contribution the City of Nanaimo has made in the guidelines that will be developed, published and posted on APEGBC's website.

Please feel free to contact me should you have any questions regarding this letter.

Yours truly,

Peter R. Mitchell, P.Eng., FEC
Director, Professional Practice, Standards & Development

PRM/cg

MINUTES
REGULAR MEETING OF THE PARKS, RECREATION AND CULTURE COMMISSION
BOWEN PARK COMPLEX CONFERENCE ROOM
WEDNESDAY, 2014-OCT-01, AT 6:00 P.M.

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner T. Greves
Commissioner F. Pattje
Commissioner K. Alden
Commissioner L. Avis
Commissioner M. Beaudoin-Lobb
Commissioner H. Houle
Commissioner A. McPherson
Commissioner D. Rinald
Commissioner G. Savage
Commissioner I. Thorpe
Commissioner M. Young

Staff: R. Harding, Director, Parks, Recreation and Environment
A. Britton, A/Manager of Parks Operations
R. Coulthard, Trails & Construction Supervisor
E. Williams, Manager, Recreation Services
R. Tweed, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 6:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

- Add item 13.(c) – Delegation Request – dated 2014-OCT-01 from Jeff Solomon, including e-mail from Roblyn Hunter, regarding changes to LEAP card requirements.

It was moved and seconded that the delegations under Item 12. be moved forward in the Agenda to follow Item 4. The motion carried unanimously.

3. ADOPTION OF AGENDA:

It was moved and seconded that the amended agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Parks, Recreation and Culture Commission Meeting held Wednesday, 2014-JUL-23, at 6:00 p.m., in the Service and Resource Centre Board Room, be adopted as circulated. The motion carried unanimously.

5. DELEGATIONS (not related to a Report to Commission):

- (a) Brenda Stewart, President, and, Ernie Jerome, Treasurer, Nanaimo Pickleball Club – advising of the 50th Anniversary in 2015 of the creation of the game of pickleball and their desire to work closely with Department Staff to organize events to celebrate this, and, also, to address the limited availability of pickleball court space and time in Nanaimo.

Delegates provided an overview of the game of pickleball and the average age and number of individuals who participate in the game. The delegates would like to put on a tournament with various interest groups participating in it – with possibly even Commission forming a team. Perhaps in conjunction with National Sports Day which is on 2014-NOV-29. They would like to ensure that the OWCC is made available for this event. The Delegation addressed the limited availability of indoor and outdoor space for playing pickleball. They are looking for additional inside space and have presented their wish to have dedicated outdoor space as part of the Beban Park Master Plan. Six pickleball courts can fit in the same area as two tennis courts and they would like two courts at Beban Park converted to a dedicated pickleball space.

It was moved and seconded that the delegation be received. The motion carried unanimously.

It was moved and seconded that the matter of converting the tennis courts at Beban Park be referred to Parks Committee for review as part of the Beban Park Master Plan process. The motion carried unanimously.

Staff will work with the Nanaimo Pickleball Club with regard to their event planning.

- (b) Debbie Remillard – LEAP Card Application Process.

Ms. Remillard expressed her concerns regarding the application requirements for LEAP card eligibility for special needs adult children who live at home, specifically, the requirement that household income be used to determine their eligibility.

It was moved and seconded that the delegation be received. The motion carried unanimously.

- (c) Jeff Solomon, including e-mail from Roblyn Hunter, regarding changes to LEAP card requirements.

Mr. Solomon expressed his concerns with both the application requirements for eligibility for the LEAP card for special needs adult children who live at home and the requirement that caregivers must stay with their special needs person at all times while using the City recreational facilities. He felt that the program penalize parents and the special needs person who lives at home, and, in their case, they do not leave their special needs son unattended while using public facilities.

It was moved and seconded that the delegation be received. The motion carried unanimously.

It was moved and seconded that the Parks, Recreation and Culture Commission study the eligibility requirements for LEAP program with possible changes to allow fixed income special needs adults living at home access to the program.

A friendly amendment was made to the motion to read:

It was moved and seconded that the Parks, Recreation and Culture Commission refer the matter of possible changes to the LEAP program eligibility requirements to allow fixed income special needs adults living at home to the Recreation Committee for review and report back to the Commission. The motion carried unanimously.

6. 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):

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and,

(n) the consideration of whether a Commission meeting should be closed under a provision of this subsection or subsection (2).

The motion carried unanimously.

Commission moved into "In Camera" at 6:44 p.m.

Commission moved out of "In Camera" at 7:27 p.m.

7. PRESENTATIONS:

(a) Trails Maintenance & Projects – Al Britton, Manager of Parks Operations, and, Rich Coulthard, Trails & Construction Supervisor.

Al Britton introduced Rich Coulthard who then provided a well-received presentation on trails maintenance and projects to the Parks, Recreation and Culture Commission.

8. CHAIR'S REPORT:

(a) 2015 PRCC Key Date Calendar.

It was moved and seconded that the 2015 Parks, Recreation and Culture Commission and Committee Key Date Calendar be adopted. The motion carried unanimously.

(b) PRCC Awards Night – Wednesday, 2014-OCT-15, 6:30 p.m., Beban Park Social Centre.

Members were reminded that this important event will be taking place and were asked to attend if at all possible.

- (c) Correspondence Item 9.(a) – Letter from Ms. Christy Clark, announcing the 2015 British Columbia Community Achievement Awards.

This is provided for information only and is an opportunity for individuals or groups to nominate persons for the Awards.

- (d) Family Fun Night & BBQ – Departure Bay Centennial Park – held on Thursday, 2014-JUN-26.

Commissioner Johnstone wished to congratulate staff on hosting this well-attended and amazing family-oriented event, and requested that a letter be sent to staff.

- (e) The Chair extended congratulations to Commissioner Thorpe who is to be awarded a Community Sport Hero Award from Sport BC at the Vancouver Island Conference Centre in Nanaimo on 2014-OCT-09. The program recognizes coaches, officials, mentors and administrators who have dedicated themselves to amateur sport at the community level.

Commissioner Houle left the meeting at 8:00 p.m.

9. REPORTS OF ADVISORY BODIES:

- (a) Parks Committee: Commissioner Thorpe gave a verbal report on the Parks Committee meeting held 2014-SEP-11. There had been some discussion about having a walking tour of Maffeo Sutton Park as part of the next Parks Committee meeting; however, this is not possible at this time. The 2014-OCT-09 Parks Committee meeting will be in the Bowen Park Complex Conference Room as usual. The Draft Beban Park Master Plan will return to the Parks Committee on 2014-NOV-13 for review. It is anticipated that the Draft Plan will then be forwarded to the Parks, Recreation and Culture Commission for inclusion on their 2014-NOV-26 agenda.

It was moved and seconded that the report be received. The motion carried unanimously.

- (b) Harewood Dry Floor Development Working Group: Commissioner Thorpe provided a verbal update on the status of the Group and the plans in process. The Group last met on 2014-SEP-11. The meeting was attended by representative groups with Councillor Greves and Commissioner Savage also in attendance. Staff are gathering a “wish list” from the user groups, and are exploring options on the building. Art and Kirsty to cost out options and will return to next meeting of the group. The plan has been slightly reconfigured and this will allow for retention of existing lacrosse box (to be refurbished) as well as a new facility. Cost estimates are approximately \$2,000,000.00. The Group is looking at the possibility of corporate partnering, utilizing funds from the Knowles Estate, and receiving a contribution from Minor Lacrosse.

It was moved and seconded that the report be received. The motion carried unanimously.

- (c) Recreation Committee: Commissioner Greves gave a verbal report on the Recreation Committee meeting held 2014-SEP-10.

(i) 2014 Sport Tournament Grant Applications

SPORT TOURNAMENT GRANT APPLICATIONS 2014					
GROUP		EVENT	TYPE	2014	2014
				REQUESTED	RECOMMENDED
		PREVIOUSLY RECOMMENDED		\$11,258.33	8,625.00
1.	Nanaimo Minor Hockey	Peewee Recreational "Blades of Steel" Tournament	Local	\$1,100.00	\$1,100.00
		TOTALS:		\$12,322.53	\$9,725.00

2014 Budget Totals	\$21,498.00
Less: Approved Grants - First Intake	\$8,575.00
Less: Approved Grants – Second Intake	\$8,625.00
2014 Sub-Total Remaining:	\$4,298.00
Less: Recommended Grants	\$1,100.00
2014 Remaining Budget:	\$3,198.00

The Recreation Committee recommended that the Parks, Recreation and Culture Commission approve and recommend that Council approve the expenditure of \$1,100.00 to the Nanaimo Minor Hockey for the Peewee Recreational "Blades of Steel" Tournament under the 2014 Sport Tournament Grant allocations.

It was moved and seconded that the recommendation be adopted. The motion carried unanimously.

It was moved and seconded that the report be received. The motion carried unanimously.

- (d) Grants Advisory Committee: Commissioner Avis reported on meetings held since 2014-JUL-23.

The Grants Advisory Committee met again to discuss the PTEs and interviewed a delegation from the Nanaimo Recycling Exchange. The Committee approved a one-year exemption for the Nanaimo Recycling Exchange, with further consideration on re-application. The Nanaimo Women's Resources Society was also given a tax exemption for 2015.

It was moved and seconded that the report be received. The motion carried unanimously.

10. STAFF REPORTS:

(a) Sport Tourism Grant Program – Verbal – R. Harding.

Purpose: To advise and update Commission on the Council motion of 2014-AUG-18, at the Finance and Policy Committee of the Whole Meeting, that Council:

1. approve the Sport Event Hosting Policy; and,
2. starting in 2015, transfer the \$20,000 annual grant fund budget to the Nanaimo Economic Development Corporation for Tourism Nanaimo to promote and administer the Sport Tourism Grant Program.

The Application form for the Sport Tourism Grant is now off-line and applicants are being referred to the NEDC.

It was moved and seconded that the report be received. The motion carried unanimously.

(b) Amplified Events In Public Parks – Verbal – R. Harding.

The City has received more complaints this year and this is partly as a result of the increased residential density downtown, as well as events growing and becoming more frequent. There is a clause in the contract that refers to sound levels. Unless a policy of not having amplified events downtown is approved, the best that can be expected is to keep the sound at reasonable levels. Staff need to continue to work with the user groups in order that they are more aware of sounds and impacts to residents.

It was moved and seconded that the verbal report be received. The motion carried unanimously.

(c) Parks & Facilities Monthly Report – July & August 2014.

It was moved and seconded that the report be received. The motion carried unanimously.

(d) Recreation Services Monthly Report – July & August 2014.

Complaints have been received with regard to the locker sizes. This situation is to be rectified – in the interim, staff are providing patrons with two tokens for one locker rental.

It was moved and seconded that the report be received. The motion carried unanimously.

11. CORRESPONDENCE: (not related to a Report to Commission)

- (a) Letter dated 2014-SEP-02 from Ms. Christy Clark, Premier, Province of British Columbia, and Board Member, British Columbia Achievement Foundation, announcing the 2015 British Columbia Community Achievement Awards and inviting the Commission to nominate individuals who inspire them for the award.
- (b) Minutes of the Nanaimo Harbour City Seniors Board of Directors meeting, held 2014-SEP-05.

It was moved and seconded that the correspondence be received. The motion carried unanimously.

12. NOTICE OF MOTION: (None.)

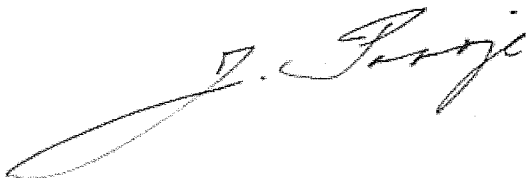
13. OTHER BUSINESS: (None.)

14. QUESTION PERIOD: (No questions.)

15. ADJOURNMENT:

It was moved and seconded at 8:41 p.m. that the meeting adjourn.
The motion carried unanimously.

CERTIFIED CORRECT:



for: D. Johnstone, Chair
Parks, Recreation and Culture Commission



R. Harding, Director
Parks, Recreation and Environment

LEGISLATIVE SERVICES DEPARTMENT
REQUEST TO APPEAR AS A DELEGATION

ON 2014 - OCTOBER - 6
year month day

RECEIVED

OCT 06 2014



COUNCIL

(at 7:00 p.m. in the Shaw Auditorium, 80 Commercial Street)

LEGISLATIVE SERVICES



COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the Shaw Auditorium, 80 Commercial Street)

NAME OF PERSON MAKING PRESENTATION: MIKE HORN

Print

ADDRESS: _____
street address City Province Postal Code
NANAIMO B.C.

PHONE: _____ **FAX:** _____
home business

EMAIL ADDRESS: _____

NAME OF APPLICANT IF OTHER THAN ABOVE: _____

DETAILS OF PRESENTATION:

ALSO ADVOCATING THE HIRING OF A DOWNTOWN CLEANER IN AM

PLEASE NOTE

- Audio/Visual presentations must be provided on a CD or by e-mail no later than 12:00 noon on the Friday preceding a Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.
- *Freedom of Information and Protection of Privacy Act (FOIPPA)* Information collected on this delegation request form is done so under the general authority of the *Community Charter* and FOIPPA, and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose.
- City of Nanaimo public meetings may be recorded and made available online for public access. By speaking at these meetings, you are consenting to disclosure of any personal information made evident through your speech or presentation materials. You are also asserting that your presentation is in compliance with the *Federal Copyright Act*, and grant the City of Nanaimo license to publish these materials.
- For further information regarding the collection, use, or disclosure of personal information, please contact the Legislative Services Department at 250-755-4405 or at foi@nanaimo.ca.

Legislative Services Department
455 Wallace Street, Nanaimo BC V9R 5J6

☒ Council
☒ Committee COW
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2014-NOV-03

Phone: (250) 755-4405

Fax: (250) 755-4435

legislativeservices.office@nanaimo.ca

Delegation Request

Ian Gartshore has requested an appearance before council.

The requested date is Oct 20, 2014.

The requested meeting is:
Council

Presenter's information

City: Nanaimo
Province: BC
Bringing a presentation: No

Details of Presentation:

I wish to address the subject of finding a long-term warehouse solution to the Loaves and Fishes food bank.

<input type="checkbox"/> Council	Agenda Item	<input type="checkbox"/>
<input checked="" type="checkbox"/> Committee...COW...	Delegation	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <u>2014-NOV-03</u>		

Delegation Request

Peter Sinclair has requested an appearance before council.

The requested date is Oct 20, 2014.

The requested meeting is:
Council

Presenter's information

City: Nanaimo
Province: BC
Bringing a presentation: Yes

Details of Presentation:

I would like to present on the work of Loaves and Fishes Food Bank. Specifically I would like to share our plans to acquire a new warehouse facility to better serve the 1 in 13 people in Nanaimo that use our services each year. I will also briefly share how the new warehouse will benefit the over 30 other non profits, schools and agencies that receive food from us each month. I will be requesting financial support from the City of Nanaimo to help make our new warehouse a reality. Nick Foglietta of RBC Dominions Securities and Rob Anderson of the Salvation Army will also be applying to appear as a combined delegation to speak to our request.

<input type="checkbox"/> Council	Agenda Item	<input type="checkbox"/>
<input checked="" type="checkbox"/> Committee (LAW).....	Delegation	<input checked="" type="checkbox"/>
<input type="checkbox"/> Of <input type="checkbox"/> Council	Agenda Item	<input type="checkbox"/>
<input type="checkbox"/> In- <input checked="" type="checkbox"/> Committee (LAW).....	Delegation	<input checked="" type="checkbox"/>
Meeting <input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: 2014-NOV-03		

Delegation Request

Nick Foglietta/Rob Anderson has requested an appearance before council.

The requested date is Oct 20, 2014.

The requested meeting is:
Council

Presenter's information

City: Nanaimo
Province: BC
Bringing a presentation: No

Details of Presentation:

Rob and I would like to share the allotted 10 minute time slot on behalf of the Loaves and Fishes delegation.

<input type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Committee... <u>COW</u>	Delegation	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <u>2014-NOV-03</u>		

Delegation Request

Sabrina Hornfeldt has requested an appearance before council.

The requested date is Nov 03, 2014.

The requested meeting is:
FPCOW

Presenter's information

City: Nanaimo
Province: B.C.
Bringing a presentation: No

Details of Presentation:

CatNap Society respectfully requests that City Council, after reviewing all of the information presented regarding the cat overpopulation crisis, make a motion for City staff to submit a report for animal control bylaw amendments to include cats, for a mandatory cat spay/neuter bylaw and the licensing of cats.

<input type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Committee <i>caw</i>	Delegation	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <u>2014-Nov-03</u>		

Delegation Request

Mayta Ryn has requested an appearance before council.

The requested date is Nov 03, 2014.

The requested meeting is:
Council

Presenter's information

City: Ladysmith
Province: B.C.
Bringing a presentation: No

Details of Presentation:

The need for and benefits of effective pet identification from the point of view of the pet owner, the farmer, the wildlife enthusiast, the conservationist, local government, and politicians. It is my understanding that you have a presentation or correspondence from a company speaking to the devastating effect of domestic cats on wildlife and a presentation from Cat Nap on the need for cat identification. I would like to follow these presentations and speak to related topics. Pet identification is an issue for me as a member of the Nanaimo SPCA Community Council, a farmer, a member of the RDN Agricultural Advisory Committee, a member of the BC Wildlife Federation and a citizen who is concerned about companion animals, farm animals and wildlife. This is a good opportunity for me to speak on this issue and I would like to be included on the list of delegations that will make a presentation.

<input type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Committee <i>can</i>	Delegation	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <u>2014-11-03</u>		