AMENDED AGENDA

REGULAR COMMITTEE OF THE WHOLE MEETING SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC MONDAY, 2013-AUG-26, AT 4:30 P.M.

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Item 13 (c) remove delegation from Mr. Kevin Annett.
- 3. ADOPTION OF AGENDA:

4. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Committee of the Whole Meeting held in the Pg. 5-9 Shaw Auditorium, 80 Commercial Street, on Monday, 2013-APR-15 at 4:30 p.m.
- (b) Minutes of the Special Open Committee of the Whole Meeting held in Pg. 10-11 the City of Nanaimo Board Room, 411 Dunsmuir Street, on Thursday, 2013-MAY-16 at 1:33 p.m.

5. **PRESENTATIONS**:

NONE

6. **ADMINISTRATION:**

(a) <u>Legal Advisor – Labour Law</u>

Purpose: To obtain Council approval to appoint the City's labour lawyer.

<u>Staff Recommendation</u>: That Council approve the appointment of Ms. Marcia McNeil as the City's legal advisor related to labour law for the balance of a three year term ending August 2015.

Pg. 12-13

7. **COMMUNITY SAFETY AND DEVELOPMENT:**

(a) Development Variance Permit No. DVP215 – 5030 Banning Court

Purpose: To obtain Council authorization to vary the provisions of the Zoning Bylaw in order to permit the location of a heat pump to the side yard of a single residential dwelling and vary the side yard setback from 4.5 m to 4.4 m from the side yard lot line.

Staff Recommendation: That Council direct Staff to proceed with the required statutory notification for Development Variance Permit No. DVP215 at 5030 Banning Court.

Pg. 14-18

8. **CORPORATE SERVICES:**

NONE

9. **COMMUNITY SERVICES:**

(a) Packaging and Printed Paper – Financial Incentives

Purpose: To provide Council with information on the Province of BC Packaging and Printed Paper Stewardship Plan, its associated financial incentives as offered by the stewards of the plan, as well as the impact on City operations and client services.

Staff Recommendation: That Council:

Pg. 19-21

- 1. accept, in principal, the financial incentives offered by Multi-Material British Columbia for the collection of residential packaging and printed paper; and,
- 2. authorize Staff to negotiate an agreement with Multi-Material British Columbia for a three year term.

2013 Sewer Relining Tender - Cilaire Drive, Beach Drive, and (b) Albion Street

Purpose: To advise Council of a public tender call of \$250,000 and above.

<u>Staff Recommendation:</u> That Council receive for information the report Pg. 22-23 pertaining to the 2013 Sewer Relining Tender.

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

(a) Email dated 2013-JUL-31 from Ms. Beverly Fernandez, Spokesperson, Stop The Great Lakes Nuclear Dump, regarding the Ontario Power Generation's plans to build a nuclear waste repository beside the Great Lakes.

Pg. 24-25

11. NOTICE OF MOTION:

(a) Councillor Anderson advised that he will be bringing forward the following motion for consideration at the Regular Council meeting to be held 2013-SEP-09:

Whereas the Island Corridor Foundation is working to re-establish the passenger train service on the E&N Railway.

And whereas there are growing concerns that the necessary senior government funding will not be available to re-establish this service.

And whereas the E&N rail corridor has other important transportation and recreation values whether or not the passenger rail service is re-established at this time.

Now therefore be it resolved that the City of Nanaimo requests that the Island Corridor Foundation work with all local governments and First Nations along the route with a high priority of establishing bike and walking facilities on the entire length of the corridor without compromising future and existing rail services.

And that the Island Corridor Foundation also seek senior government funding assistance for walking and bicycle facilities along the rail corridor.

And further that copies of this resolution be forwarded to all local governments and First Nations along the E&N rail corridor.

12. **OTHER BUSINESS:**

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

- (a) Mr. Don Graham regarding construction of a proposed walkway along *Pg. 26* the Departure Bay waterfront.
- (b) Ms. Jo Salken, Pacific Rim Regional Chair, BC Nurses Union, on behalf Pg. 27 of nurses at Nanaimo Regional General Hospital, regarding the Vancouver Island Health Authority's proposed changes to its care delivery model.
- (c) Mr. Kevin Annett regarding the authority of Bylaw Enforcement Officers Pg. 28 to enter onto private property.
- (d) Mr. Brett Box, regarding the BeanStalk "Junior Skateboard *Pg. 29* Development" project.

- (e) Ms. Jane Bryony-Shaw and group, requesting that Council consider *Pg. 30-35* voting in favour of a resolution at the upcoming UBCM Convention regarding genetically engineered crops and animals.
- (f) Mr. Robert Wager, regarding a resolution at the upcoming UBCM *Pg.* 36 Convention regarding genetically engineered crops and animals.
- (g) Mr. Dale Schulz, regarding a footpath crossing the Cat Stream between *Pg. 37* Connaught Avenue and Park Avenue.

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

15. **PROCEDURAL MOTION:**

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

- 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; and,
- (g) litigation or potential litigation affecting the municipality.

16. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR ANDERSON 2013-JUN-10 to 2013-SEP-08

MINUTES

REGULAR COMMITTEE OF THE WHOLE MEETING SHAW AUDITORIUM, 80 COMMERCIAL STREET, MONDAY, 2013-APR-15 AT 4:30 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor G. Anderson

Councillor W. L. Bestwick 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:

A. C. Kenning, City Manager

D. W. Holmes, Assistant City Manager and General Manager of

Corporate Services

E. C. Swabey, General Manager of Community Safety and Development

T. M. Hickey, General Manager of Community Services

I. Howat, Director of Strategic Relationships

T. L. Hartley, Director of Human Resources and Organizational Planning

B. E. Clemens, Director of Finance T. P. Seward, Director of Development

Superintendent McPhail, OIC, Nanaimo Detachment RCMP

(vacated 5:26 p.m.)

A. J. Tucker, Director of Planning

R. J. Harding, Director of Parks, Recreation and Culture

S. Clift, Director of Engineering and Public Works

P. Kristensen, Director of Information Technology

P. Cooper, Communications Manager

L. Coates, Manager Accounting Services

S. Clift, Director Engineering & Public Works

M. Dietrich, Manager, Police Support Services (vacated 5:26 p.m.)

S. Snelgrove, Recording Secretary

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) Add delegation Mr. Fred Taylor to Agenda Item 12 (a) Councillor Anderson to Request Reconsideration of Motion #16013.

It was moved and seconded that Ms. Joanne Jonas-McRae, Ms. Sally Ramsay and Mr. Adrian Hough be permitted to address Council as late delegations, regarding the Linley Valley, with a five-minute time limitation. The motion carried unanimously.

It was moved and seconded that Mr. Serge Vaillancourt be permitted to address Council as a late delegation, regarding National Tissue and Organ Donation Week, with a five-minute time limitation. The motion carried unanimously.

3. <u>ADOPTION OF AGENDA</u>:

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 Special Open Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2013-MAR-27 at 4:31 p.m. be adopted as circulated. The motion carried unanimously.

PRESENTATIONS:

(a) Superintendent McPhail, OIC, Nanaimo Detachment RCMP, and Mr. Bradley Lanthier, A. Senior Manager, Contract Policing, Corporate Management Branch, Pacific Region, provided a presentation regarding the policing budget.

CORPORATE SERVICES:

- (a) Delegations pertaining to the 2013-2017 Financial Plan
 - 1. Mr. Robert Fuller spoke regarding property taxes and user rate fees.

(b) 2012 Annual Financial Statements

It was moved and seconded that Council accept the unaudited 2012 Annual Financial Statements for the City of Nanaimo. The motion carried unanimously.

(c) 2013 - 2017 Financial Plan Bylaw Preparation

Mr. B. E. Clemens, Director of Finance, provided a presentation regarding the 2013-2017 Financial Plan Bylaw Preparation.

It was moved and seconded that Council refer the request for an Operating Grant for Centre Stage (25 Victoria Road) in the amount of \$6,000 to the Cultural Committee. The motion carried.

Opposed: Councillor McKay

It was moved and seconded that Council direct Staff to amend the Financial Plan Bylaw and prepare the Tax Rates Bylaw for three readings on 2013-APR-22, based on the information contained in the report. The motion carried.

Opposed: Councillors Bestwick, Kipp, McKay

(d) Purchasing Policy Revision – Prequalification

It was moved and seconded that Council amend its current Purchasing Policy to include the section on prequalification as attached to the report. The motion carried unanimously.

(e) 2013 Grants Advisory Committee Recommendation

It was moved and seconded that Council <u>deny</u> an Other Grant to the Nanaimo & District SPCA (OG-02) in the amount of \$25,000 for the SNIP program (low income spay and neuter service). The motion carried.

Opposed: Councillor Anderson, Bestwick, Kipp, Pattje

It was moved and seconded that Council award a grant in the amount of \$25,000 from Council Contingency to the Nanaimo & District SPCA for their SNIP program. The motion carried unanimously.

(f) Minutes of the Grants Advisory Committee Meeting held 2013-FEB-20

It was moved and seconded that Council receive for information the Minutes of the Grants Advisory Committee meeting held 2013-FEB-20. The motion carried unanimously.

(g) Strategic Plan Implementation Progress

Councillor Greves vacated the Shaw Auditorium at 6:03 p.m.

It was moved and seconded that Council receive for information the report regarding the strategic plan implementation. The motion carried unanimously.

7. COMMUNITY SERVICES:

(a) Strathmore Water, Storm and Sidewalk Improvements

It was moved and seconded that Council receive for information the report regarding the Strathmore water, storm and sidewalk improvements. The motion carried unanimously.

Councillor Greves returned to the Shaw Auditorium at 6:06 p.m.

(b) Additional Position in Engineering & Public Works

It was moved and seconded that Council approve an additional full time staff position in the Engineering Services Section of Engineering & Public Works. The motion carried.

Opposed: Councillor Kipp

(c) Nanaimo Boathouse and Paddling Centre Proposal

It was moved and seconded that Council receive for information the report regarding the Nanaimo boathouse and paddling centre proposal. The motion carried unanimously.

8. OTHER BUSINESS:

(a) Councillor Anderson to Request Reconsideration of Motion #16013 as per Section 33 of COUNCIL PROCEDURE BYLAW 2007 NO. 7060

Delegation:

1. Mr. Fred Taylor spoke regarding Council procedure.

It was moved and seconded that Council table Councillor Anderson's request to reconsider Motion #16013 to the 2013-APR-22 Regular Meeting of Council. The motion carried unanimously.

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

- (a) Mr. Dwight Yochim, Executive Director, Truck Loggers Association, spoke regarding the importance of the logging industry in the community.
- (b) Ms. Jennifer O'Rourke, Save Linley Valley West Society, spoke regarding the 2012 Biological Inventory of Linley Valley.
- (c) Ms. Joanne Jonas-McRae spoke regarding the proposed Linley Valley development.
- (d) Ms. Sally Ramsay spoke regarding the proposed Linley Valley development.
- (e) Mr. Adrian Hough spoke regarding the proposed Linley Valley development.
- (f) Mr. Daniel Appell spoke regarding the Vancouver Island Conference Centre.
- (g) Mr. Charles Thirkill spoke regarding the Vancouver Island Conference Centre.
- (h) Mr. Serge Vaillancourt spoke regarding National Tissue and Organ Donation Week which takes place April 21 to April 27, 2013.

MINUTES - COMMITTEE OF THE WHOLE 2013-APR-15 PAGE 5

It was moved and seconded that 2013-APR-21 to 2013-APR-27 be proclaimed National Tissue and Organ Donation Week in the City of Nanaimo. The motion carried unanimously.

10. QUESTION PERIOD:

- Ms. Rosemary Taylor, re: Council meeting decorum.
- Mr. Ron Bolin, re: proposed Linley Valley development and Development Cost Charges.
- Mr. Serge Vaillancourt, re: National Tissue and Organ Donation Week.
- Mr. Gord Fuller, re: Nanaimo Port Authority.
- Dr. Michelle Corfield, re: Nanaimo Port Authority
- Mr. Bill Carter, re: Nanaimo Port Authority.
- Mr. Fred Taylor, re: 2013 Grants Advisory Committee Recommendation.

11. 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):

personal information about an identifiable individual who holds or is being (a) considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

The motion carried unanimously.

Council moved into "In Camera" at 8:12 p.m.

Council moved out of "In Camera" at 8:22 p.m.

12.	ADJOURNMENT:				
	It was moved and seconded at 8:22 p.m. that the meeting terminate. The motion carried unanimously.				
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MINUTES

SPECIAL OPEN COMMITTEE OF THE WHOLE MEETING BOARD ROOM, 411 DUNSMUIR STREET, NANAIMO, BC THURSDAY, 2013-MAY-16 AT 1:33 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick

Councillor M. D. Brennan (departed 2:43 p.m.) Councillor G. E. Greves (departed 2:26 p.m.)

Councillor D. K. Johnstone Councillor J. A. Kipp Councillor W. B. McKay Councillor J. F. K. Pattje

Absent:

Councillor G. Anderson

Staff:

A. C. Kenning, City Manager

E. C. Swabey, General Manager of Community Safety and Development

T. M. Hickey, General Manager of Community Services

T. P. Seward, Director of Development

S. Clift, Director of Engineering and Public Works

A. J. Tucker, Director of Planning

R. J. Harding, Director of Parks, Recreation and Culture (arrived 2:15 p.m.)

B. Prokopenko, Senior Manager of Engineering

D. Fournier, Municipal Infrastructure Engineer

S. Drinnan, Engineering Services Technologist

K. MacDonald, Parks and Open Space Planner (arrived 1:50 p.m.)

K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 1:33 p.m.

2. ADOPTION OF AGENDA:

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

PRESENTATIONS:

(a) Mr. B. Prokopenko, Senior Manager of Engineering, provided a PowerPoint presentation regarding amendments to the Manual of Engineering Standards and Specifications.

MINUTES – SPECIAL OPEN COMMITTEE OF T	THE WHOLE
2013-MAY-16	
PAGE 2	

4.	ADJOURNMENT:					
	It was moved and seconded at 2:48 p.m. that the meeting terminate. The motio carried unanimously.					
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CODE	DODATE OFFICER					

City of Nanaimo

REPORT TO CITY COUNCIL

DATE OF MEETING: 2013-August 26

AUTHORED BY: Terry Hartley, Director of HR & Organizational Planning

RE: Legal Advisor relating to Labour Law

STAFF RECOMMENDATION:

That Council approve the appointment of Marcia McNeil for the balance of a three year term, ending August 2015, as the City's legal advisor relating to labour law.

PURPOSE:

To obtain Council approval to appoint Marcia McNeil as the City's labour lawyer.

BACKGROUND:

On August 13, 2012, Council appointed Heenan Blaikie as the City's legal firm in relation to labour law services. The appointment was for a 3 year term (to August 2015) with the option of 2 one year extensions.

The appointment of Heenan Blaikie was the result of a Request for Proposal. In its response to the City's Request for Proposal, dated July 12, 2012, Heenan Blaikie named Ms. Marcia McNeil as the primary labour lawyer assigned to the City. Ms. McNeil had been the City's labour lawyer prior to her joining the firm.

Ms. McNeil has recently advised that she is leaving the firm of Heenan Blaikie, effective August 31, 2013. She will be practising law under her own name, at least temporarily.

DISCUSSION

Marcia McNeil has been the primary labour law advisor for the City since November 2007 when her firm at the time (Fuller Pearlman) was appointed by Council. She has extensive experience in the areas of labour, employment and human rights law. City staff have developed a good working relationship with Ms. McNeil and have been satisfied with her work to date.

Ms. McNeil advises that there will be no change to her legal fees (\$275/hour). In order to ensure proper back-up, she has arranged for two of the partners at Heenan Blaikie (Susan Arnold and Peter Sheen) to provide labour advice in the event she is unavailable. These individuals had been originally named in the Heenan Blaikie proposal as "secondary lawyers" to the City. Their services will continue to be provided at the same hourly rate as for Ms. McNeil.

Respectfully submitted,

Terry Hartley

Director, HR & Organizational Planning

Meeting Date: 013. Aug. 26

Report to City Council – 2013-August 21 RE: Legal Advisor Relating to Labour Law

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: August 21, 2013

TH

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-AUG-26

AUTHORED BY: DAVE STEWART, PLANNER.

PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP00215 - 5030 BANNING COURT

STAFF RECOMMENDATION:

That Council direct staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP00215 at 5030 Banning Court.

PURPOSE:

The purpose of this report is to seek Council authorization to vary the provisions of "ZONING BYLAW 2011 NO. 4500", in order to permit the location of a heat pump to the side yard of a single residential dwelling and vary the side yard setback from 4.5 m to 4.4 m from the side yard lot line.

BACKGROUND:

A development variance permit (DVP) application was received from Richardson Homes Ltd. (Mr. Brad Richardson), on behalf of Mr. Paul Heising and Ms. Judith McFatridge, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit the siting of a heat pump within the side yard.

Statutory notification must take place prior to Council's consideration for the approval of the variance.

Subject Property

The subject property, located at 5030 Banning Court, is included within a bare land strata subdivision. The property is included within the Townhouse Residential (R6) zone and is designated as Neighbourhood within the Official Community Plan (OCP). Given the

Hammond Bay Re

Diver
Lang Late

Diver
Lake

Map 1- General City Location

bare land strata tenure of the property, in which the owner owns the surrounding property but the lot is accessed off a common strata road as opposed to a City road, the subject property is essentially a single dwelling residential lot.

Committee of the 13 hold

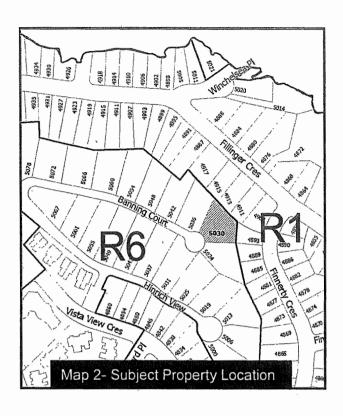
☐ In-Camera Meeting

Meeting Date: 2013 - AVG - 26

The surrounding area is entirely low density residential with neighbouring bare land strata properties bordering the subject property along both side lot lines, and fee simple single dwelling residential lots bordering the property along the rear lot line. The subject property includes a recently constructed single residential dwelling which was built on a steep slope, which runs downhill approximately 16 m from the front yard to the rear.

Board of Variance

The applicant has previously applied to the Board of Variance (BOV) to permit the placement of the heat pump within the side yard. At the meeting of 2013-JUN-20, the variance request was denied as a result of a 2-2 tie vote. The Board members who voted against the appeal did not believe the request to be a hardship.



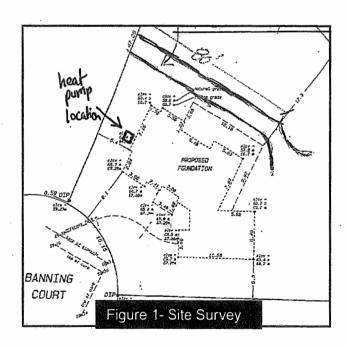
The BOV is required to find that undue hardship would be caused to the applicant if the bylaw was complied with. When considering whether or not to approve a DVP application, Council is not required to consider hardship.

An applicant who has been previously denied by the BOV is entitled to apply for a DVP for the same or a similar variance request. This should not be considered an appeal to the BOV decision, but as a separate application which may be deliberated on accounting for different criteria.

DISCUSSION:

Proposed Development

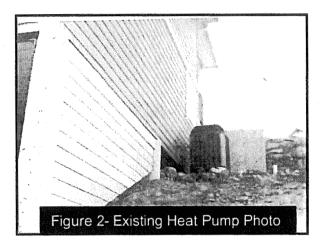
The existing single residential dwelling under construction includes a recently installed heat pump within the north-western side yard 4.4 m from the property line that borders the property at 5036 Banning Court. The property owners at 5036 Banning Court

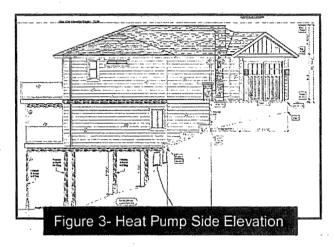


Report to Council - 2013-AUG-26
Re: DVP00215 - 5030 BANNING COURT

had previously indicated they have no concerns with the existing heat pump location or the requested variance to allow it. The heat pump is located behind a retaining wall and therefore is not visible from the road. A site survey indicating the location of the heat pump is included as Figure 1.

The dwelling itself was designed on pillars so that it is open underneath the two storeys. The applicant has advised that locating the heat pump within the rear yard, as required by the zoning bylaw, would result in greater noise disturbance for the property owner, as well as the neighbouring residents on Finnerty Crescent to the rear of the subject property. There are 2 to 7 foot high retaining walls in the rear yard area as shown on Figure 1 (Site Survey). A picture of the existing heat pump location is shown below as Figure 2, and northeast elevation drawing (the side the heat pump is located on) is also included as Figure 3. A photo of the rear of the building is included as Figure 4.







Applicants Rationale

A copy of the applicant's letter of rationale is included as Attachment A.

Required Variances

Section 6.5.2 of the City's Zoning Bylaw requires that where the principal use of a property is a single residential dwelling, heat pumps must be located to the rear of a principal building and shall not be closer than 4.5 m from the side lot lines. The proposed heat pump is located in the side yard and is 4.4 m from the side yard property line. A variance is required to permit the placement of a heat pump within a side yard and reduce the required side yard setback from 4.5 m to 4.4 m, a variance of 0.1 m.

Respectfully submitted,

B. Anderson, MCIP

MANAGER

PLANNING & DESIGN SECTION

Concurrence by:

US A

A. Tucker, MCIP DIRECTOR PLANNING E.C. Swabey

GENERAL MANAGER

COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

DS/lb

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VARIANCE RATIONALE FOR HEAT PUMP LOCATION

APPLICANT:

Mr Brad Richardson (Richardson Homes Ltd) on behalf of Mr Paul

Heising and Ms Judith McFatridge

CIVIC ADDRESS: 5030 Banning Court



LEGAL DESCRIPTION:

STRATA LOT 22, DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS6310. TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

RATIONALE:

- The relocation of the heat pump to the back of our home would have a substantial negative impact on the residents of Fillinger Crescent with respect to operating noise and visual appearance.
- The residents of Fillinger Crescent granted us a one time access to the "Private Road" at the back of the lot in order to build our house. If our relocated heat pump would require servicing, we may not be able to obtain access permission from the residents at Fillinger Crescent.
- The heat pump is presently located at the side of our house with a retaining wall in front of it, to present good curb appeal to other homes in our Strata development.
- , 5036 Banning Court, The owners of the home next to us, have signed a document stating that they do not oppose the current location nor do they find it a hindrance.
- Relocating the heat pump from its current location would go from being a non-issue to residents to a negative effect on several homes outside of our Strata.
- Due to the steep slope of the lot and the associated challenges for the maintenance of the heat pump, we believe that the present unit location is the best comprise taking the impact to other residents adjacent to our home into account.

Copen Meeting In-Camera Meeting Meeting Date: 2013-Aug-20

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: AUGUST 26, 2013

AUTHORED BY: GARY FRANSSEN, MANAGER, SANITATION AND RECYCLING

SUSAN CLIFT, P. ENG., DIRECTOR, ENGINEERING & PUBLIC WORKS

RE: PACKAGING AND PRINTED PAPER - FINANCIAL INCENTIVES

STAFF RECOMMENDATION:

That Council:

- a) accept, in principal, the financial incentives offered by Multi-Material British Columbia for the collection of residential packaging and printed paper;
- b) authorize staff to negotiate an agreement with MMBC for a three year term.

PURPOSE:

This report provides information on the Province of BC Packaging and Printed Paper Stewardship Plan, its associated financial incentives as offered by the stewards of the plan - Multi-Material British Columbia (MMBC), as well as the impacts on City operations and client services.

BACKGROUND:

In May 2011, the BC Government amended the BC Recycling Regulation to include packaging and printed paper (PPP) generated by the residential sector. This amendment shifts the responsibility for managing these materials from existing collectors like local governments to producers. Stewardship assigns cradle to grave responsibility for the packaging they produce. It is intended to improve the recovery of PPP, incent producers to incorporate environmental considerations into the design of products, and ultimately generate less waste.

Under the Regulation, producers of PPP were obligated to submit a stewardship program plan to the province by November, 2012. Industry representatives subsequently created a not-for-profit agency, MMBC to develop and implement the plan by May 2014. Throughout this process, staff from the City and the RDN have been providing input, including through UBCM.

In November 2012, MMBC submitted an initial draft stewardship plan to the Province. The draft plan outlined the financial incentives to qualified collectors and processors of PPP and proposed that local governments be given right of first refusal to become qualified collectors. A formal response to the draft Plan was prepared by RDN and City Staff and communicated back to MMBC, through the RDN Board. On April 15, 2013 the government approved the MMBC stewardship plan

On June 17, 2013 Nanaimo staff received an offer letter along with a sample contract document from MMBC. Responding to the letter will signal whether the City is interested in continuing to provide residential collection services for PPP. No obligation is created by the letter or by the City's response. A response to the offer letter is required by September 16, 2013.

DISCUSSION:

The following is a discussion of the contents of the MMBC offer and its impacts on City operations and on our clients. The City's recycling program provides service to over 26,000 households, from single family to 4-plex. Each individual household, including suites would have MMBC's incentive applied.

MMBC Offer

The MMBC stewardship plan and associated funding has an implementation date of May 19, 2014. The contract term is fixed at three years as is the annual payment per residence. Businesses serviced by the City do not qualify for the MMBC benefit.

The MMBC incentive offer to the City is \$35.25/ residential household/year, and is made up as follows:

- \$32/year/ household serviced,
- \$0.75/household/year for public education and promotion associated with MMBC sponsored curbside recycling service,
- \$2.50/household/year to cover administration associated with MMBC sponsored curbside recycling service.

One condition of the offer is that residential clients receive a reduction of \$35.25 in their Garbage and Recycling User Fee, which will effectively pass the monetary benefit of the offer back to the residential client. The City does not have the option to use the revenue to fund other recycling programs. Business properties will continue to pay the full user fee.

RDN has received a very similar offer and will soon be seeking Board approval to proceed.

Financial Implications

The MMBC offer will result in just over \$900,000 annually in revenue to the City. This amount slightly exceeds the cost to the City of the recycling program, which includes the contract, administrative and public promotional support costs. From a financial perspective, staff views the offer at approximately break-even.

Based on Council's acceptance, and as the MMBC program starts midyear, the 2014 City Budget will be prepared anticipating prorated funding.

Changes to Customer Service

Garbage and food waste services remain unchanged.

Residents will notice modest changes in the recycling service provided. All materials will be picked up in a single container, with newspapers no longer required to be separated. Film type plastic such as shopping bags will no longer be collected at the curbside. Additional materials, not currently collected will be added to the service and include tetra-pak and gable-top containers, plastic and paper drink cups, and aerosol containers. Some of the fibre containing items like gable-top containers (milk cartons) and paper drink cups are also allowed in the household food waste stream. Residents may choose either method of disposal. Styrofoam, film plastic and glass must be taken to a drop off facility.

Changes to Program Administration

Under this program, the City becomes the collection service provider on behalf of MMBC through our current recycling contractor BFI Canada Inc. Staff have met with BFI and gone over the additional tracking, monitoring and reporting of PPP collection performance requirements as specified by MMBC. The final extension of the BFI contract which runs until March 31, 2015 was negotiated reflecting the City's best efforts at recognizing the potential MMBC impact. BFI's fee schedule may be adjusted if some minor administrative issues remain unresolved with MMBC.

In addition to the province wide promotion of the new program by MMBC, the City will provide advance and ongoing public education on the anticipated changes to service.

Municipal Solid Waste Collection Bylaw 2011 No. 7128 will require amendments resulting from this program. These are updating the materials collected and a new and separate user fee for business clients.

Outstanding Issues to Resolve with MMBC

Staff have identified a number of minor items yet to be resolved with MMBC. These include: the provision of curbside bags, timing for review and adjustment of the serviced household count on which payment is based, and performance targets including contamination levels and associated fines. There are also administrative obligations for tracking, record keeping and reporting mechanisms required for customer service interactions. These will need to be more tightly defined. Staff will work to resolve these issues prior to MMBC's September 16th submission deadline.

CONCLUSION:

MMBC is offering the City of Nanaimo a financial incentive of \$35.25 per year for each household serviced with recycling services and a response to MMBC is required by September 16, 2013. Should the City decline the offer, MMBC will initiate a process to set up its own collection services. Staff recommends that the City communicate its intent to participate by responding to the offer letter, recognizing that no legally binding or enforceable obligation or relationship is created by the MMBC letter or the City response. Staff will continue to pursue issues that require definition, clarification or negotiation, but consider MMBC's offer supportable and do not foresee any irresolvable issues.

Should the process proceed and result in MMBC providing the City a formal agreement, final acceptance and authorization must be approved by Council.

Strategic Plan Consideration:

The PPP Stewardship Plan will ultimately result in providing incentives for producers to generate less waste, which is beneficial to the environment.

Respectfully submitted,

Concurrence by:

Gary Franssen, Manager Sanitation, Recycling, Cemeteries S. Clift, Director Engineering & Public Works T. Hickey, General Manager Community Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

GF/fg

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City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-AUG-26

AUTHORED BY: S. RICKETTS, MANAGER, CONSTRUCTION

RE: 2013 SEWER RELINING

STAFF RECOMMENDATION:

That Council receive this report for information.

PURPOSE:

In accordance with the City's Purchasing Policy, this report is to advise Council of a public tender call of \$250,000 and above.

DISCUSSION:

This tender will reline existing asbestos cement sewers in the Cilaire and Beach Drive neighbhourhoods, and on Albion Street. These sewer mains were identified to be in poor condition through the City's ongoing sewer video program. Relining rather than open cut excavation was chosen as most of the sewers are in backyards with significant existing structures and mature landscaping. The location of the work is shown on the attached map.

Work is expected to commence in October and be completed in November. The sewer relining will only impact the local area residents. Residents have already been contacted about the work on their properties and will receive project notices prior to construction starting.

The engineer's estimate for this tender, including contingency is \$500,000.

Strategic Plan Consideration

This action supports Council's commitment to Asset Management.

Respectfully submitted,

Concurrence by:

S. Ricketts, Manager Construction Department S. Clift, Director Engineering & Public Works T. Hickey, General Manager Community Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

SR/cl

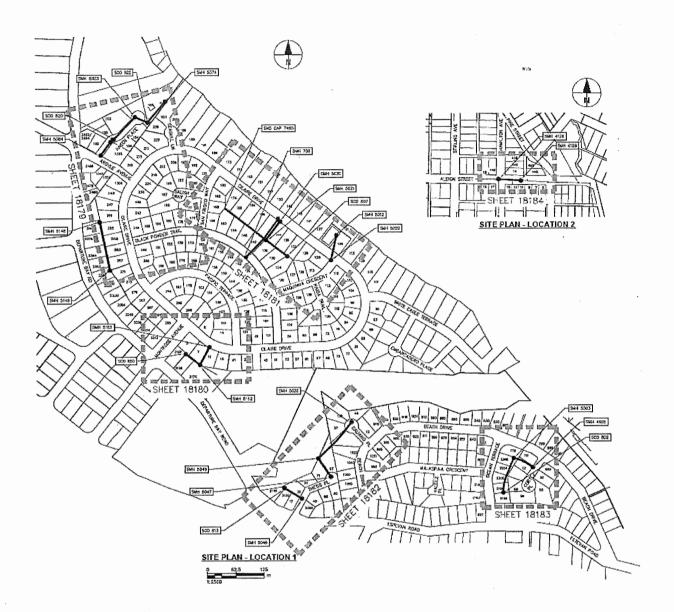
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☐ Council

Committee of the

Open Meeting ☐ In-Camera Meeting

Meeting Date: 2013. Aug



From: brf@stopthenucleardump.com [mailto:brf@stopthenucleardump.com]

Sent: July 31, 2013 12:34 PM

To: Mayor&Council

Subject: Urgent Request for Resolution Against a Nuclear Waste Dump

Dear Mayor Ruttan and Council,

I am the spokesperson for Stop The Great Lakes Nuclear Dump, a non-profit organization formed by a group of citizens who are deeply concerned about an important National issue: Ontario Power Generation (OPG) plans to build a nuclear waste repository to bury radioactive nuclear waste right beside the Great Lakes, 21% of the world's fresh surface water and the source of drinking water for 40 million people in two countries. The Great Lakes are a precious National treasure. Public hearings on this project commence on September 16, 2013 and approval could occur by the end of the year.

I am writing to you today to encourage the City of Nanaimo to join other cities and municipalities in Canada and the US that are taking action to oppose this ill-advised plan.

There are many reasons why the City of Nanaimo should be concerned about OPG's plan, namely:

- This nuclear waste dump will need to safely house the most lethal waste ever created by humans – radioactive nuclear waste, some of which remains toxic for 100,000 years.
- No scientist or geologist can provide a 100,000 year guarantee that this nuclear waste will not leak and contaminate the Great Lakes.
- A nuclear waste dump in limestone is unprecedented and unproven anywhere in the world.
- Despite the availability of land under Ontario government ownership and control (87% of Ontario's land mass is crown land), and despite the fact that OPG is wholly owned by the Province of Ontario, OPG did not consider or investigate any other sites for this nuclear waste repository.

You should know that opposition to OPG's plan is growing daily.

Our organization launched a petition that to date has gathered more than 19,000 signatures, including signatories from every Province and Territory in Canada, every US state, and 65 countries of the world. Outside of Ontario, our largest number of petition signatories reside in BC; people in 116 BC cities and towns, including the City of Victoria, have signed our petition. Various environmental groups are actively opposing OPG's plan. You should also know that concerned politicians in Canada and the US are passing resolutions formally opposing this nuclear waste dump.

We believe that the residents of Nanaimo deserve to know about this issue and have an opportunity to speak out for the protection of this precious National treasure.

I am writing to you today to ask the City of Nanaimo to consider formally expressing its opposition to OPG's plan and to speak out for the protection of the Great Lakes. If the City of Nanaimo were to consider passing a resolution about this issue, this would send a clear message to Canada's Minister of the Environment, Leona Aglukkaq that British Columbians view the Great Lakes as an important national resource that must be protected.

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Mayor Ruttan and Council, we sincerely hope that you will consider passing a resolution against a nuclear waste dump approximately 1 km from the shore of Lake Huron.

Some further information which may assist you with your deliberations:

- The executive summary of our submission to the Joint Review Panel.
 See http://www.stopthegreatlakesnucleardump.com/pdfs/STGLND%20JRP%20Exec
 %20Summary%20of%20Submission%20FINAL%20May%2013%202013%20-%20Executive%20Summary%20Only.pdf
- Submission to the Joint Review Panel by an important group of 106 Great Lakes Mayors group representing 16 million people living in the Great Lakes region. See http://www.ceaa.gc.ca/050/documents/p17520/89563E.pdf
- A draft resolution that the City of Victoria might consider passing together with some sample resolutions that have already been passed by other Canadian and US communities. See attached.

If you have any questions, I would be pleased to speak with you. I can be reached at 519-797-1896. Thank you very much for your time and consideration of this matter.

Most sincerely,

Beverly Fernandez Spokesperson Stop The Great Lakes Nuclear Dump

To learn more please visit: www.stopthegreatlakesnucleardump.com/ http://www.gopetition.com/petitions/stopthegreatlakesnucleardump.html

The Great Lakes were created by an ice age 12,000 years ago.
The Egyptian pyramids were created 4,500 years ago.
Some nuclear waste remains radioactive for 100,000 years.
The Great Lakes constitute 21% of the world's fresh water.
The Great Lakes are the water source supporting 40 million people in 2 countries.
An underground nuclear waste dump 1 km from the shore of Lake Huron defies common sense.

Don Graham has requested an appearance before council.

The requested date is Aug 26, 2013.

The requested meeting is: FPCOW

Presenter's information

City: Nanaimo Province: BC

Details of Presentation:

Considerations re construction of proposed walkway along Departure Bay waterfront

Council
Committee. of the Wole
Open Meeting
In-Camera Meeting
Meeting Date: 3.8 Aug. 3.6

Jo Salken has requested an appearance before council.

The requested date is Aug 26, 2013.

The requested meeting is: FPCOW

Presenter's information

City: Nanaimo Province: BC

Details of Presentation:

Nurses at NRGH are going through a care delivery model change. VIHA is cutting the number of RN's and LPN's at the bedside and replacing them with RCA's. Patients are much more acute than in 2008 when VIHA collected their data. VIHA has yet to share their data and research supporting decreasing nurses. Nurses have shared research showing that there will be increased mortality, infection rates and failure to rescue. This has affected nurses jobs and livelihood but their key concern is for the patients they care for which you are all a part of.

We know that you can't influence VIHA yourselves but we would like this opportunity to share our concerns with you.

Council
Committee of the whole
Dopen Meeting
In-Camera Meeting
Date: 203-Aug-26

Brett Box has requested an appearance before council.

The requested date is Aug 26, 2013.

RECEIVED

The requested meeting is: Committee of the Whole

AU6 0 1 2013

Presenter's information

LEGISLATIVE SERVICES

City: Courtenay Province: BC

Bringing a presentation: No

Details of Presentation:

Good afternoon!

We would like the opportunity to present the BeanStalk "Junior Skateboard Development" project to Nanaimo council ASAP please.

BeanStalk is a sustainable/cost effective project designed and tested by educators in partnership with the skateboard industry.

BeanStalk harnesses intrinsic motivations and love of skateboarding to develop positive young leaders, and support positive/productive use of youth recreational skate facilities.

BeanStalk project is a simple highly effective sponsorship program rewarding positive school, home and social behaviour.

☐ Council
☐ Committee. Style whole
☐ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2013-1746-26

Jane Bryony-Shaw and group has requested an appearance before Council.

The requested date is Aug 26, 2013.

The requested meeting is: FPCOW

Presenter's information

City: Nanaimo Province: BC

Bringing a presentation: No

Details of Presentation:

Individual members will introduce themselves and each speak briefly. We will be asking our Mayor and Council to vote yes for GE Free BC at the upcoming UBCM. I have also put this request in writing in a letter to the Mayor which was delivered to City Hall today.

Council
Committee attembde
Dopen Meeting
In-Camera Meeting
Meeting Date: 203. Aug. 26

1429, Seaspray Blvd., Nanaimo, V9X 1P5

19 August, 2013

To: Members of the Council,

In accordance with directions provided on your website, I am making a request for a small delegation from our group, GE Free Nanaimo, to address the Council at The Committee of the Whole, or at the next regular Council Meeting in early September.

We wish to bring to your attention some of our reasons for asking you to support the resolution for GE Free BC which is being presented to the UBCM this September.

We are aware of wide general support for this resolution, both locally, and in the regions represented by AVICC, and, moreover, in BC as a whole.

As representatives for the general good of your community and in your voting capacity at the UBCM, we would ask that you accept our delegation. We believe strongly that GE crop production in BC, and, ultimately in our own communities, is not in the best interests of the health and welfare of the people you serve.

Thank you.

Sincerely,

Jane Bryony-Shaw

250-323-3272

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Committee of the Whole

Open Meeting

☐ In-Camera Meeting

Meeting Date: 2013- Aug-21

1429 Seaspray Blvd., Nanaimo, V9X 1P5

Dear Mo. Rottan,

This letter requests your support for the resolution on genetically engineered (GE, also known as GMO) crops and animals at the 2013 UBCM Convention. The resolution reads:

"that UBCM ask the British Columbia government to legislate the prohibition of importing, exporting and growing plants and seeds containing genetically engineered DNA, and raising GE animals within BC, and to declare, through legislation, that BC is a GE Free area in respect to all plant and animal species."

Serious concern has been expressed across BC about genetically engineered crops and animals. To date: 12 municipalities have passed individual resolutions declaring themselves a GE Free zone (Powell River, Salt Spring Island, Denman Island, Nelson, Kaslo, New Denver, Rossland, Richmond, Saanich, Metchosin, Telkwa, City of North Vancouver) and over 90% of voters in Area E and D of RDNO (Regional District of North Okanagan) have voted to be GMO Free. At the Association of Vancouver Island and Coastal Communities meeting in April 2013, the same resolution as above was adopted by 51 municipalities.

In addition the UBCM has endorsed four resolutions expressing concern about genetically engineered crops in 1999: concerning monopolization of our food supply, 2006 and 2009; concerning mandatory labeling; and 2012 concerning the GE apple.

My concerns about genetically engineered crops and animals are as follows:

Safety Questions

- GE crops are not an extension of traditional breeding methods (or hybridization), they are created by inserting new gene sequences into organisms, often from unrelated species.
- GE crops have not been demonstrated to be safe; the standards for judgment by the Canadian Food Inspection Agency (CFIA) and Health Canada are lax. When the CFIA reviews an application for a novel food, its "evidence" comes from the corporation making the application and this data is kept secret. There is no independent testing of GE crops or animals in Canada, so the bottom line is we don't know if these crops are safe or not.

Corporate Control

- GE crops are about making profits for companies, often large multinationals. Five agricultural biotechnology corporations now control most of the technology needed to develop GM crops, as well as the agrochemicals and crop germ-plasm and seeds.
- GE seeds are patented which allows companies to take control over living organisms.

Pollen Drift

- · Contamination of non-GE crops by GE crops is inevitable
- Some species, such as canola, cross-pollinate more easily than others. If you are next to a farm growing GE canola it is impossible to grow non-GE canola because of contamination from GE pollen.
- The same is likely with some of the GE crops that have recently been approved or are now being developed, for example the GE alfalfa (recently approved) GE apple (under development). This will lead to significant economic loss for organic farmers, who use alfalfa as a rotational crop.
- Now GE alfalfa has been approved it will make growing conventional and organic alfalfa impossible over the long term.

There is consensus across British Columbia that we urgently need to consider other possibilities than GE crops, and to support farmers transitioning away from growing GE crops to sustainable farming practices.

I hope I can count on your support in this crucial matter, by voting in favour of GE Free BC.

Sincerely,

HOW CAN I AVOID GM FOODS?

Our government does not require labeling. But you can still make a choice:

- Eating certified organic food is one way you can avoid GM food because GM is prohibited in organic farming. This includes organic dairy, eggs and meat because animals in organic farming are not fed GM grains like corn or soy.
- 2. You can avoid eating processed foods with corn, canola and soy ingredients.
- You can buy cane sugar to avoid eating sugar from GM sugarbeets.
- 4. Support farmers who fight GM: buy food directly from farmers who do not plant GM corn, canola or soy or us



corn, canola or soy or use GM grains for meat, dairy or egg production.

More info at www.cban.ca/gmfoods

WHAT CAN I DO TO STOP GM FOODS?

- 1. Make choices to eat non-GM foods.
- Talk to your friends and family about GM foods.
 Subscribe for online news and action: www.cban.ca/About/CBAN-e-News
- 3. Connect with a group in your community to share information and action. Contact CBAN for materials and strategic action ideas.
- 4. Donate today! www.cban.ca/donate

More action at www.cban.ca/Take-Action

TAKE ACTION WITH CBAN

- Stop the GM apple.
- Stop Monsanto's GM Alfalfa and GM Wheat.
- Stop the introduction of GM animals such as the GM Atlantic salmon (We just stopped the GM pig "Enviropig!)
- Provide consumers with reliable information.
- Ban Terminator Technology in Canada.
- Fight corporate control over seeds and protect organic farming.

For the latest action and news, subscribe to the CBAN News and Action Listserve www.cban.ca/About/CBAN-e-News

To send your tax deductible donation: www.cban.ca/donate

CBAN MEMBERS:

ACT for the Earth (Toronto), Biofreedom (Edmonton), Canadian Organic Growers, Check Your Head, Council of Canadians, Ecological Farmers of Ontario, Food Action Committee of Ecology Action Centre, Halifax, GE Free Yukon, GeneAction (Toronto), Greenpeace Canada, Inter Pares, National Farmers Union, P.E.I. Coalition for a GMO-Free Province, Saskatchewan Organic Directorate, Society for a G.E. Free B.C., Union Paysanne, USC Canada, Vigilance OGM.

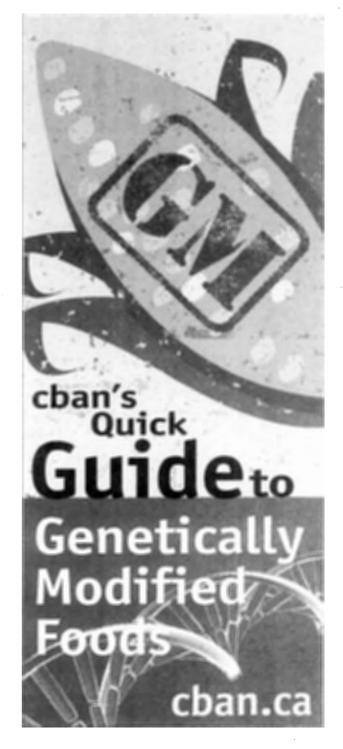
Canadian Biotechnology Action Network Suite 206, 180 Metcalfe St.

Ottawa, ON K2P 1P5

613 241 2267 ext. 25 info@cban.ca

www.cban.ca





WHAT IS GENETIC MODIFICATION?

Genetic modification (GM) is recombinant DNA technology, also called genetic engineering or GE.

With genetic engineering scientists can change plants or animals at the molecular level by inserting genes or DNA segments from other organisms. Unlike conventional breeding and hybridization, the process of genetic engineering enables the direct transfer of genes between different species or kingdoms that would not breed in nature.

WHAT GM FOODS ARE ON THE MARKET?

Four GM crops are grown in Canada: corn, soy, canola and white sugar beet (for sugar processing). These are widely used as ingredients in processed foods. There is also now some GM sweetcorn on the market.

- GM papaya, cotton and some types of squash are grown in the U.S. and can be imported, mostly as processed food ingredients.
- GM Corn: Most of the GM corn grown in Canada is hard corn used for animal feed or processed food ingredients. There is now some GM sweetcorn sold in Canada.
- X GM Tomatoes: There are no GM tomatoes on the market anywhere in the world.
- X GM Potatoes: Monsanto took GM potatoes off the market because of consumer rejection.
- X GM Wheat: In 2004, Monsanto withdrew its request for approval of GM wheat in Canada and the US because of consumer and farmer protest. Monsanto has relaunched its GM wheat research.

ARE GM FOODS SAFE TO EAT?

We don't know what, if any, impacts GM foods could have on our health. There are many unanswered safety questions.

Many scientists warn that:

- The process of genetic engineering could create new allergens.
- Foreign DNA may be able to survive in the human gut.
- Animal feeding studies indicate liver and kidney problems.

GM foods are approved for human consumption based on company-produced science. The data is secret and is not peer-reviewed by independent scientists. Health Canada does not do its own testing. There is no mandatory labeling in Canada, and no tracking or monitoring of possible health impacts.

WHAT ARE THE ENVIRONMENTAL RISKS?

Once GM plants are released into the environment they cannot be controlled or recalled. Genetic pollution is irreversible living pollution that self-replicates. Contamination of other plants is a major problem because the genes from any crop can move, via seed and pollen flow. GM crops are resulting in increased pesticide use, herbicide tolerant weeds, and the expansion of industrial farming.

WHO OWNS GM SEEDS?

GM technology facilitates corporate control because patents on genetic sequences mean that corporations can own seeds. Monsanto is the largest seed company in the world and owns about 86% of GM seeds sown globally.

GM CROPS GROWN IN CANADA

CROP	TRAIT	WHERE ON THE SHELVES	
1. Corn Insect resistant, herbicide tolerant		Corn flakes • Corn chips • Cornstarch • Corn syrup • Corn oil and other corn ingredients in processed foods • Sweeteners like glucose and fructose • Eggs, milk and meat • Some sweetcorn	
2. Canola	Herbicide tolerant	Canola oil • Eggs, milk and meat	
3. Soy	Herbicide tolerant	Soy oil • Soy protein • Soy lecithin • Tofu • Soy beverages • Soy puddings • Eggs, milk and meat	
4. Sugar beet	Herbicide tolerant	Sugar Check www.cban.ca/gmfoods for updates	

GM FOODS IMPORTED TO CANADA

FOOD	GROWN	WHERE ON THE SHELVES
5. Cottonseed oil	U.S.	Cottonseed oil • Vegetable oil in processed foods such as potato chips
6. Papaya	U.S. (Hawaii)	Papaya in fruit juices and other processed foods
7. Squash	U.S.	Some zucchini • Yellow crookneck and straightneck squash
8. Milk products (Bovine Growth Hormone)	U.S.	Milk solids and powder • Frozen desserts with dairy • Imported mixed drinks with milk ingredients Check www.cban.ca/gmfoods for updates

Robert Wager has requested an appearance before council.

The requested date is Aug 26, 2013.

The requested meeting is:

FPCOW

Presenter's information

Address: 900 Fifth Street

City: Nanaimo Province: BC

Postal Code: V9R 5S5
Email: robert.wager@viu.ca
Bringing a presentation: Yes
Business Phone: (250) 753-3245

Fax: (250) 740-6482

Details of Presentation:

Presentation regarding:

B72 GENETICALLY ENGINEERED PLANTS & ANIMALS Metchosin proposal at UCBM in September

Council
Committee of the Whole
Open Meeting
In-Camera Meeting
Meeting Date: 203 Aug. 26

Dale Schulz has requested an appearance before Council.

The requested date is Aug 26, 2013.

The requested meeting is: Council

Presenter's information

City: Nanaimo Province: BC

Bringing a presentation: No

Details of Presentation:

To thank City Council, Staff and Contractors for finishing up the footpath crossing the Cat Stream between Connaught Ave. and Park Ave.

Council
Committee of the whole
Deep Meeting
In-Camera Meeting
Meeting Date: 2013-11-5-1