

MEETING LOCATION CHANGE NOTICE

CITY OF NANAIMO

NOTICE IS HEREBY GIVEN that the location for the Regular Finance / Policy Committee of the Whole Meeting scheduled for Monday, 2011-APR-04 has been changed from the Board Room, City Hall to the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street.

DATE: Monday, 2011-APR-04

LOCATION: Shaw Auditorium, Vancouver Island Conference Centre
80 Commercial, Nanaimo, BC

TIME: 4:30 p.m.



J.E. Harrison, Manager
LEGISLATIVE SERVICES

AMENDED

AGENDA FOR THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON MONDAY, 2011-APR-04 COMMENCING AT 4:30 P.M.

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

2. **INTRODUCTION OF LATE ITEMS:**

- Add Item 6 (b) – Delegations Pertaining to Agenda Items - Mr. Michael Harrison, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (c) – Delegations Pertaining to Agenda Items - Ms. Nancy Mitchell, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (d) – Delegations Pertaining to Agenda Items - Ms. Joy Bremner, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (e) - Delegations Pertaining to Agenda Items – Mr. Daniel Appell, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (f) – Delegations Pertaining to Agenda Items – Mr. Allan Davidson, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (g) – Delegations Pertaining to Agenda Items – Mr. Ron Van Wachem, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (h) – Delegations Pertaining to Agenda Items – Mr. Odai Sirri, regarding the draft Newcastle + Brechin Neighbourhood Plan.
- Add Item 6 (i) - Delegations Pertaining to Agenda Items - Mr. Fred Taylor, regarding Item 10 (b) – Information Only Items – Yard Waste Collection.

3. **ADOPTION OF AGENDA:**

4. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall, on Monday, 2011-MAR-21 at 4:30 p.m.

Pg. 4-8

5. **PRESENTATIONS:**

- (a) Presentation from Mr. Lance Berelowitz, Urban Forum Associates, Vancouver, Paul Rollo, GP Rollo & Associates, Vancouver, Mr. Bruce Anderson, Manager of Community Planning and Ms. Deborah Jensen, Community Development Planner, Community Planning regarding the draft Newcastle + Brechin Neighbourhood Plan.
- (b) Presentation from Mr. Steve Ricketts, Manager of Engineering Construction, regarding Fortis Gas Contract.

6. **DELEGATIONS PERTAINING TO AGENDA ITEMS: (10 MINUTES)**

- (a) Delegations Pertaining to the 2011 – 2015 Financial Plan.
- (b) Mr. Michael Harrison, 280 Hemlock Street, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.1*
- (c) Ms. Nancy Mitchell, 225 Cypress Street, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.2*
- (d) Ms. Joy Bremner, 235 St. George Street, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.3*
- (e) Mr. Daniel Appell, 142 – 940 Hecate Street, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.4*
- (f) Mr. Allan Davidson, 2730 Elk Street, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.5*
- (g) Mr. Ron Van Wachem, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.6*
- (h) Mr. Odai Sirri, 1000 Stewart Avenue, Nanaimo, regarding the Newcastle + Brechin Neighbourhood Plan. *Pg. 8.7*
- (i) Mr. Fred Taylor 204 Emery Way, Nanaimo, regarding Item 10 (b) – Info Only Items – Yard Waste Collection. *Pg. 8.8*

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission - District 68 Sports Field and Recreation Services Agreement 2011 – 2015** *Pg. 9-27*

Commission's Recommendation: That Council:

1. *renew the "District 68 Sports Field and Recreation Services Agreement 2011 – 2015" with the Regional District of Nanaimo and the District of Lantzville;*

AND:

2. *authorize the Mayor and the Manager of Legislative Services, to sign the agreement on behalf of the City of Nanaimo.*

(b) **Parks, Recreation and Culture Commission - Dog Off Leash Parks**

Pg. 28-42

Commission's Recommendation: *That Council:*

1. *approve the following 2010 pilot sites as permanent sites:*
 - *Colliery Dam Park (Schedule A) (6 a.m. to 10 a.m. daily, as well as 4 p.m. to park closing);*
 - *Beaufort Park (Schedule B); and,*
 - *Diver Lake Park (Schedule C) (Seasonal: October 1 – March 31);*

AND:

2. *approve the implementation of the following new pilot sites for 2011:*
 - *forested area adjacent to May Richards Bennett Park (Schedule E);*
 - *Invermere Beach (Schedule F); and,*
 - *St. George Ravine Park (Schedule G).*

Note: Similarly to 2010 pilot sites, all proposed pilot off-leash parks for 2011 will be implemented for a one-year trial basis following which the success will be evaluated. If the above are approved, the number of off-leash dog sites would increase from three to nine.

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:** *(blue)*

COMMUNITY SAFETY AND DEVELOPMENT:

(a) **Draft Newcastle + Brechin Neighbourhood Plan**

Pg. 43-51

Staff's Recommendation: *That Council:*

1. *direct Staff to proceed with a selected option for building height along the waterfront within the Medium High Density Waterfront designation;*

AND:

2. *direct Staff to proceed with a selected option for neighbourhood residential densities along the west side of Stewart Avenue; and,*

AND:

3. *direct Staff to revise the draft Newcastle + Brechin Neighbourhood Plan according to the selected options, and proceed with preparation of the necessary Official Community Plan (OCP) amendment bylaw for consideration of the Newcastle + Brechin Neighbourhood Plan at a regular meeting of Council.*

COMMUNITY SERVICES:

- (b) **Water Treatment Plant – Award of Detailed Design Work** *Pg. 52-53*

Staff's Recommendation: That Council award the second phase of consultant services for membrane procurement and detailed design for the Water Treatment Plant to Associated Engineering Ltd. with the fees estimated to be \$3.6 million.

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Ms. J. E. Harrison, Manager, Legislative Services, *Pg. 54-55*
re: 2011 By-Election Results.
- (b) Report from Mr. T. M. Hickey, General Manager of Community Services, re: Yard Waste Collection. *Pg. 56-65*
- (c) Report from Mr. G. Franssen, Manager of Sanitation, Recycling and Cemeteries, re: Collection and Disposal of Sanitary Materials. *Pg. 66-68*
- (d) Report from Mr. B. Anderson, Manager, Community Planning, re: Pesticide Use Bylaw NO. 7102 – Update. *Pg. 69-71*

11. **CORRESPONDENCE:**

12. **NOTICE OF MOTION:**

13. **OTHER BUSINESS:**

14. **DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:
(10 MINUTES)**

- (a) None.

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

16. **ADJOURNMENT:**

MINUTES OF THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING
HELD IN THE BOARD ROOM, CITY HALL
ON MONDAY, 2011-MAR-21, COMMENCING AT 4:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor W. J. Holdom
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor J. F. K. Pattje
Councillor L. J. Sherry
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, Director of Strategic Relationships
A. J. Tucker, Director of Planning
T. L. Hartley, Director of Human Resources and Organizational Planning
B. E. Clemens, Director of Finance
K. Felker, Manager, Purchasing
P. Kristensen, Director of Information Technology
B. Sims, Manager, Water Resources
D. Mousseau, Manager, Engineering and Subdivision
J. E. Harrison, Manager of Legislative Services
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

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

Mr. P. Kristensen, Director of Information Technology, gave an update on the recent computer virus and reported that the system is up and running with no loss of data and no personal information compromised. Mayor Ruttan thanked the Information Technology Staff for their hard work and dedication in getting the problem contained as quickly as possible.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 9 (a-1) – Staff Reports - Draft New Zoning Bylaw – Timeline.
- (b) Councillor Kipp announced that he would be bringing forward an item under Agenda Item 13 – Other Business, regarding 72-hour emergency preparedness.

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 Finance / Policy Committee of the Whole Meeting held Monday, 2011-MAR-07 at 4:30 p.m. in the Board Room, City Hall be adopted as circulated. The motion carried unanimously.

5. DELEGATIONS PERTAINING TO AGENDA ITEMS: (10 MINUTES)

(a) Delegations Pertaining to the 2011 – 2015 Financial Plan

Mr. Drew Cooper, PacificSport, gave Council a presentation on PacificSport's athletic services, educational programs and community contributions, as well as their various sources of funding.

6. COMMITTEE REPORTS:

(a) Grants Advisory Committee – Three Year Permissive Exemption Review

It was moved and seconded that Council:

1. renew Permissive Tax Exemptions for another three (3) years to those organizations identified on Schedule 'A' of the report; and,
2. deny a Permissive Tax Exemption to Downtown Nanaimo Business Improvement Association (RPTE-35); and,
3. award Permissive Tax Exemptions to the following applicants:
 - Nanaimo Region John Howard Society (RPTE-08);
 - Nanaimo FOS Non-Profit Housing Society (RPTE-32);
 - Island Crisis Care Society (RPTE-42);
 - Nanaimo Minor Hockey Association (PTE-01); and,
4. award Cash-in-Lieu (Permissive Tax Exemptions) for 2010 taxes to Nanaimo FOS Non-Profit Housing Society (RPTE-32) - \$2,105.85; and,
5. award Cash-in-Lieu (Permissive Tax Exemptions) for 2011 taxes as follows:
 - Nanaimo FOS Non-Profit Housing Society (RPTE-32) - \$6,615;
 - Island Crisis Care Society (RPTE-42) - \$1,258;
 - Nanaimo Minor Hockey Association (PTE-01) - \$1,750.

The motion carried unanimously.

7. STAFF REPORTS:

ADMINISTRATION:

(a) Hiring of an Executive Search Firm

It was moved and seconded that Council approve the direct contract award for executive search services for the Economic Development Corporation's Economic Development Officer to Pinton Forrest and Madden. The motion carried.

Opposed: Councillors Holdom, Kipp and Sherry

COMMUNITY SAFETY AND DEVELOPMENT:

(b) Draft New Zoning Bylaw - Timeline

It was moved and seconded that Council reschedule the April Public Hearing to 2011-APR-14 and the June Public Hearing to 2011-JUN-23. The motion carried unanimously.

CORPORATE SERVICES:

(c) Purchasing Policy Revision

It was moved and seconded that Council:

1. rescind the current Purchasing Policy dated 2007-OCT-15 and adopt the proposed Purchasing Policy dated 2011-MAR-21;
2. rescind policy "Use of Recycled Paper" dated 1990-AUG-20;
3. rescind policy "Donation of Obsolete Computer Equipment to Charitable Organizations" dated 2002-JUN-17; and,
4. rescind policy "Insurance Requirements for City Contractors" dated 1991-OCT-07.

It was moved and seconded that the proposed Purchasing Policy include local preference as follows: "Preference shall be given to local suppliers where quality, service, and price are equivalent." The motion carried unanimously.

The vote was taken on the main motion as amended.

The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Ms. L. Mercer, Manager, Revenue Services, re: Assessment Roll Adjustments.

9. OTHER BUSINESS:

(a) 72-Hour Emergency Preparedness

Councillor Kipp encouraged Council and Staff to think about amending recommendations for 72-hour emergency preparedness to 7-day preparedness and to consider conveying a message to the public that they may have to be self-sufficient for several days in a disaster until emergency services are accessible.

(b) PacificSport

It was moved and seconded that Council fund PacificSport in the amount of \$15,000 for 2011, 2012 and 2013 and that PacificSport be required to provide Council with an annual report. The motion carried unanimously.

10. QUESTION PERIOD: (Agenda Items Only)

- Mr. Fred Taylor, re: hiring of an executive search firm, purchasing policy revisions.

11. PROCEDURAL MOTION:

It was moved and seconded that Council move "In Camera" in order to deal with the following matters under the *Community Charter* Section 90(1):

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited from disclosure under Section 21 of the *Freedom of Information and Protection of Privacy Act*.

The motion carried unanimously.

Council moved into "In Camera" at 6:52 p.m.

Council moved out of "In Camera" at 7:10 p.m.

12. ADJOURNMENT:

It was moved and seconded at 7:10 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES

DELEGATION REQUEST

Michael Harrison has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 280 Hemlock Street
City: Nanaimo
Province: BC
Postal Code: V9S 1Z2
Home Phone:
Email:

Details of Presentation:

Draft Newcastle+Brechin Neighbourhood Plan

DELEGATION REQUEST

Nancy Mitchell has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 225 Cypress Street
City: Nanaimo
Province: BC
Postal Code: V9S 5P2
Home Phone:
Email:

Details of Presentation:

Draft Newcastle+Brechin Neighbourhood Plan

DELEGATION REQUEST

Joy Bremner has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 235 St George Street
City: Nanaimo
Province: BC
Postal Code: V9S 1V6
Home Phone:
Email:

Details of Presentation:

Draft Newcastle+Brechin Neighbourhood Plan

DELEGATION REQUEST

Daniel Appell has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 142 - 940 Hecate St.
City: Nanaimo
Province: BC
Postal Code: V9R 4K8
Home Phone:
Email:
Business Phone: 250-729-7311

Details of Presentation:

I would like to make a small powerpoint assisted presentation regarding the Newcastle+Brechin Hill Neighbourhood plan.

DELEGATION REQUEST

Allan Davidson has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 2730 Elk Street
City: Nanaimo
Province: BC
Postal Code: V9S 3T9
Home Phone:
Email:

Details of Presentation:

Brechin Newcastle Neighbourhood Plan

DELEGATION REQUEST

Ron Van Wachem has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address:
City: Nanaimo
Province: BC
Postal Code: Home Phone:
Email:

Details of Presentation:

Brechin Newcastle Neighbourhood Plan

DELEGATION REQUEST

Odai Sirri has requested an appearance before council.

The requested date is Apr 04, 2011.

The requested meeting is:
FPCOW

Presenter's information

Address: 1000 Stewart Avenue
City: Nanaimo
Province: BC
Postal Code:
Home Phone:
Email:

Details of Presentation:

Brechin Newcastle Neighbourhood Plan

CITY OF NANAIMO

THE HARBOUR CITY



LEGISLATIVE SERVICES DEPARTMENT

REQUEST TO APPEAR AS A DELEGATION

ON 2011 April 4
year month day

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

FINANCE / POLICY COMMITTEE OF THE WHOLE
(at 4:30 p.m. in ~~the City Hall Board Room, 105 W. 1st St.~~ Shaw auditorium)

NAME OF PERSON MAKING PRESENTATION:		<u>FRED TAYLOR</u> <small>Print</small>	
ADDRESS:	<u>204 EMERY WAY</u> <small>street address</small>	<u>NANAIMO</u> <small>City</small>	<u>B.C. V9R - 5Z8</u> <small>Province Postal Code</small>
PHONE:	<u>(250) 754 - 6917</u> <small>home</small>	<u></u> <small>business</small>	FAX: <u>(250) 753 - 8124</u>
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
request the opportunity to address the Council in regards to			
agenda information items only item 10 (b) Yard Waste Collection			

PLEASE NOTE

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the 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.

REPORT TO: MAYOR & COUNCIL

**FROM: DIANA JOHNSTONE, CHAIR,
PARKS, RECREATION AND CULTURE COMMISSION**

RE: DISTRICT 68 SPORTS FIELD & RECREATION SERVICES AGREEMENT 2011-2015

RECOMMENDATION:

That Council renew the "District 68 Sports Field and Recreation Services Agreement 2011 – 2015" with the Regional District of Nanaimo and the District of Lantzville and that the Mayor, and, the Manager of Legislative Services, be authorized to sign the agreement on behalf of the City of Nanaimo.

BACKGROUND:

In October 2005, as part of the implementation of the Regional Services Review recommendations, the City of Nanaimo entered into an agreement with the Regional District of Nanaimo to provide Electoral Areas A, B, C and D with access to recreational facilities and sports fields within the City of Nanaimo. In addition, two sports fields within Electoral Areas B and C were included as part of the cost sharing agreement. This agreement expired on 2010-DEC-31 and in order to continue with the current cost sharing and governance arrangement, the service agreement requires renewal.

The majority of the sections under the proposed agreement are consistent with the terms and conditions of the existing agreement. The data compiled in the 2010 survey will be used for annual budget purposes for 2011 to 2015, with a new survey to be conducted in the final year of the Agreement.

The Recreation Services Agreement reflects the agreement reached between the Regional District and the City in 2005 on how recreational services are cost shared. As the recreational facilities and sports fields are owned by the City and are not part of a regional function, only the cost of operation and maintenance are shared by the parties. The City retains the decision making authority on the operation and capital investments of its recreation facilities. Under the Agreement, the Regional District, Electoral areas, and the District of Lantzville have representatives from the contributing areas participate on the City of Nanaimo, Parks, Recreation and Culture Commission.

In 2010, the RDN contribution under this Agreement was \$889,620.

At their meeting held on 2011-MAR-23, the Parks, Recreation and Culture Commission reviewed the Agreement and unanimously recommend that Council renew the "District 68 Sports Field and Recreation Services Agreement 2011 – 2015".

The attached Agreement provides details of the recreational service delivery relationship.

Respectfully submitted,



Diana Johnstone, Chair
Parks, Recreation and Culture Commission

Attachment – 1 - Agreement

DISTRICT 68 SPORTS FIELD & RECREATION SERVICES AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2011

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Rd.
Nanaimo BC
V9T 6N2
("Regional District")

OF THE FIRST PART

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC
V9R 5J6
("Nanaimo")

OF THE SECOND PART

WHEREAS:

- A. The Regional District established by Bylaw 1059 a service for pleasure, recreation and other community use known as the Southern Community Recreation Service which has as its participants the District of Lantzville and Electoral Areas A, B and C;
- B. By Agreement dated the 7th day of February, 1997 between Nanaimo and the Regional District, Nanaimo has provided access to Sports Fields (as defined herein) and recreational facilities and programs as a service to members of the general public residing within the District of Lantzville and Electoral Areas A, B and C;
- C. The Regional District wishes Nanaimo to continue providing access to Sports Fields and recreational services to members of the public residing outside of the boundaries of Nanaimo and within the boundaries of the District of Lantzville and Electoral Areas A, B and C;
- D. The Regional District and Nanaimo wish to continue to permit the Regional District to have an ongoing voice in recreation service provision through, among other things, participation by representatives of the Regional District on a Parks, Recreation and Culture Commission established by Nanaimo;

NOW THEREFORE in consideration of the premises and mutual covenants and agreements contained in this Agreement, the parties covenant and agree as follows:

1.0 DEFINITIONS

In this Agreement:

- 1.1 **"Non-shareable costs"** shall generally mean the development of a new Sports Field or Recreation Facility and/or an upgrade to an existing Sports Field or Recreation Facility costing more than \$10,000 including but not limited to the construction of facilities or improvements, or the addition, replacement, repair or extension of fences, roofs, seating, irrigation systems, wells, drainage, lighting, backstops, goalposts, time clocks or similar game display signage or sod replacement.
- 1.2 **"Commencement Date"** means January 1, 2011.
- 1.3 **"Cost of Operation and Maintenance"** means:
- (a) in relation to Sports Fields, the Net Costs for Sports Fields for the items set out in Schedule "A";
 - (b) in relation to Nanaimo Recreation Facilities, the Net Costs for Nanaimo Recreation Facilities for the items set out in Schedule "B";
- but does not include Non-shareable costs or debt;
- 1.4 **"Electoral Areas"** means that portion of the Regional District included within the boundaries of Electoral Areas A, B, and C.
- 1.5 **"District 68"** means that portion of the Regional District included within the boundaries of Nanaimo, Lantzville and Electoral Areas A, B, and C;
- 1.6 **"Lantzville"** means the District of Lantzville;
- 1.7 **"Nanaimo"** means the City of Nanaimo;
- 1.8 **"Nanaimo Recreation Facilities"** means:
- (a) Beban Park;
 - (b) Bowen Park;
 - (c) Civic Arena;
 - (d) Nanaimo Aquatic Centre;
 - (e) Nanaimo Ice Centre.
- 1.9 **"Net Cost"** means prior year actual expenditures for the Cost of Operation and Maintenance less cost recovery from fees and charges imposed for the use of Nanaimo Recreation Facilities and Sports Fields;
- 1.10 **"Participating Areas"** means Nanaimo, Lantzville and Electoral Areas A, B, and C of the Regional District of Nanaimo;

- 1.11 **"Recreation Services"** means recreation and community services offered at Nanaimo Recreation Facilities to residents of the Regional District Areas and Lantzville;
- 1.12 **"Regional District"** means the Regional District of Nanaimo;
- 1.13 **"Regional District Areas"** means that portion of the Regional District included within the boundaries of Lantzville, Electoral Areas A, B, and C;
- 1.14 **"Sports Field"** means land developed for the playing of baseball, softball and soccer and other sport activities which is owned and operated by either Nanaimo or the Regional District Areas and includes the following:

City of Nanaimo:

- a) Beban Park
- b) Bowen West
- c) McGirr Park
- d) Elaine Hamilton Park
- e) May Bennett Park.
- f) Caledonia Park
- g) Robins Park
- h) Gyro Park
- i) Harewood Park
- j) Pleasant Valley Park; and

Regional District of Nanaimo:

- a) Rollo McClay (EA 'B')
- b) Extension Sports Field (EA 'C')

any Sports Field within Nanaimo, or the Regional District, which meets the criteria to be considered a Sports Field under Section 5.0;

- 1.15 **"Sports Field Services"** means:
- (a) operation and maintenance of Sports Fields in District 68; and
 - (b) permitting access to and use of Sports Fields by residents of the Participating Areas.
- 1.16 **"Term"** means the period of time from the Commencement Date to December 31, 2025.

2.0 INTERPRETATION

2.1 A reference in this Agreement to:

- (a) the singular includes the plural and the plural includes the singular, unless the context otherwise requires;
- (b) the masculine, feminine or neuter includes a reference to the masculine, feminine or neuter, unless the context otherwise requires.

2.2 The headings of paragraphs, articles and sections of this Agreement are for convenience of reference only, do not form part of this Agreement and are not to be used in the interpretation of this Agreement.

2.3 This Agreement is to be governed and construed in accordance with the laws of the Province of British Columbia.

2.4 If any paragraph, article or section of this Agreement is declared or held invalid for any reason, the paragraph, article or section may be severed from the Agreement without affecting the validity of the remainder of the Agreement.

3.0 SERVICES

3.1 The Parties covenant and agree with each other to provide Sports Field Services during the Term of the Agreement.

3.2 Nanaimo covenants and agrees to provide Recreation Services during the Term of the Agreement.

4.0 PAYMENT

4.1 Commencing with 2011, payment to Nanaimo shall be made in accordance with the following:

(a) Cost share calculation:

Each party shall share in the Cost of Operation and Maintenance of Sports Fields and/or Recreation Services based on the percentage of use established by averaging data from the three most recent usage surveys. Surveys shall be conducted once every five (5) years with the next survey to be completed on or before October 30th, 2015, as set out in Section 6.0.

(b) Payment to Nanaimo:

Total costs reported by Nanaimo for cost sharing purposes	\$ xxxx
Less: the share calculated for Nanaimo under the formula in 4.1(a) above	<u>\$(xxx)</u>
Net amount payable to Nanaimo	\$ xxx

4.2 Annual Budget

(1) For the purpose of calculating annual contribution amounts under Section 4.1(b), in each year during the Term of this Agreement, Nanaimo and the Regional District respectively, shall provide to each other, on or before January 31st a statement of actual Costs of Operation and Maintenance compared to budget for the prior year ending December 31st. The costs to be shared shall consist of prior year actual costs of Nanaimo, budgeted current year Regional District costs net of any prior year surplus or deficit as reported by the Regional District for Sports Fields in the Regional District Areas.

(2) For the purposes of preparing the Regional District's financial plan, Nanaimo shall also provide to the Regional District annually along with the budget information in 4.2(1) above an estimate of the Cost of Operation and Maintenance for Sports Fields and Recreation Facilities for the subsequent five

year period.

4.3 Payment Due Date

The amount payable to Nanaimo under 4.1(b) shall be remitted on or before August 2nd in each year during the Term of this Agreement.

4.4 Debt

The cost of providing the Services under this Agreement is a debt owed to the party providing the Service.

5.0 NEW SPORTS FIELDS/CITY RECREATION FACILITIES

5.1 The Participating Areas shall use best efforts to agree which Sports Fields shall be included in the inventory of Sports Fields by November 30th of each year.

5.2 Where a new Sports Field or Recreation Facility within Nanaimo is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields or Recreation Facilities as the case may be, for the prior year. After the first year, the Cost of Operation and Maintenance shall be as reported by the Nanaimo under Section 4.2(1).

5.3 Where a new Sports Field within the Regional District Areas is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields in the Regional District Areas for the prior year. After the first year the Cost of Operation and Maintenance shall be as reported in the Regional District accounts under Section 4.2.

5.4 Where a new Recreation Facility is constructed, it shall not form part of this Agreement until a survey conducted pursuant to Section 4.1(a) is undertaken which demonstrates that 10% or more of the population from the Regional District Areas is attending public sessions at the facility.

6.0 SURVEY

6.1 The usage survey of Recreation Facilities and Sportsfields shall be:

- (a) conducted by the Regional District on or before October 31st in the years 2015, 2020 and 2025.
- (b) the survey shall collect street addresses for the purposes of identifying the participating area as follows:
 - (i) for aquatic centres the survey shall be based on drop-in public attendance, program registrations and group rentals
 - (ii) for ice arenas the survey shall be based on the addresses provided from team registrations and program registrations
 - (iii) for Sports Fields the survey shall be based on the addresses provided from team registrations
- (c) the data for aquatic centres shall be weighted as 50% from drop-in attendance, 40% from program registrations and 10% from facility rentals.
- (d) the data for arenas shall be weighted as 90% from team registrations and 10% from program registrations.

7.0 INDEMNITY

- 7.1 A party to this Agreement (hereinafter called the "**Supplying Party**") that provides the Services to another party to this Agreement (herein after called the "**Receiving Party**"), shall indemnify, defend and save harmless the Receiving Party and its elected and appointed officers, employees, agents, successors and assigns from all manner of actions, causes of action, suits, debts, losses, liabilities, costs, expenses, claims and demands whatsoever (collectively "**Liability**") arising out of any wrongful act, omission or negligence on the part of the Supplying Party, its elected or appointed officers, employees, agents, successors and assigns arising out of the Services provided under this Agreement., except to the extent of a wrongful act, or the Liability is caused by the omission in negligence of the Receiving Party.

8.0 PAYMENT RATES

- 8.1 The Parties acknowledge and agree that payments under Section 4.1 represent a fair and reasonable reimbursement of the costs of the Sports Field Services and Recreation Services to be provided under this Agreement.

9.0 COVENANTS OF THE PARTIES

- 9.1 It is a condition precedent to the obligations of the Parties under this Agreement that:
- (a) during the Term, Nanaimo shall maintain a Parks, Recreation and Culture Commission established by bylaw, with a composition, procedures, duties and powers as outlined in Schedule "C"; and
 - (b) user or other rates shall not be charged, either directly or indirectly, for the use of Sports Fields or Recreation Services to residents of another Participating Area in excess of rates payable by or on terms other than those offered to residents of the Participating Area in which the Sports Fields are located or the Recreation Services are provided.
- 9.2 Nanaimo and the Regional District Areas shall consult with each other with respect to the planning and co-ordination of future Sports Field and Recreation Facility development.

10.0 MISCELLANEOUS

10.1 Waivers

The failure at any time of either party to enforce any of the provisions of this Agreement or to require at any time performance by the other party of any such provision shall not constitute or be construed to constitute a waiver of such provision, nor in any way to affect the validity of this Agreement or any parts thereof, or the right of either party thereafter to enforce each and every provision of this Agreement.

10.2 Statutory Powers

Nothing in this Agreement is to be interpreted as affecting or restricting the exercise by Nanaimo, Lantzville or the Regional District of any statutory power, duty or function, which may be fully exercised as if this Agreement had not been executed by the parties.

10.3 Modification

No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of both parties.

10.4 Assignment

No assignment of this Agreement shall be made by either party without the written consent of the other. A party's consent to assign will not release or relieve the party from its obligations to perform all the terms, covenants and conditions that this Agreement requires a party to perform and the party requesting the assignment shall pay the other party's reasonable costs incurred in connection with the party's request for consent.

10.5 Survival

The articles, sections, subsections and paragraphs providing for the limitation of, waiver of, or protection against liability of the parties hereto shall survive termination, cancellation or expiration of this Agreement.

10.6 Notice

All notices and demands required or permitted to be given hereunder shall be in writing and may be delivered personally, sent by facsimile or may be mailed by first class, prepaid registered mail to the addresses set forth below. Any notice delivered or sent by facsimile shall be deemed to have been given and received at the time of delivery. Any notice mailed as aforesaid shall be deemed to have been given and received on the expiration of 5 business days after it was posted, addressed as follows:

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Attention: General Manager, Recreation and Parks Services

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6
Attention: City Clerk

or to such other address or addresses as may from time to time be provided in writing by the parties hereto. If there shall be, between the time of mailing and the actual receipt of a notice, a mail strike, slow down or other labour dispute which might affect the delivery of that notice by the mails, then the notice shall only be affected if actually received by the person to whom it was mailed.

10.7 Independent Contractor

Where a party to this Agreement (hereinafter called the "**Supplying Party**") provides Sports Field Services to another party to this Agreement (herein after called the "**Receiving Party**"), the Supplying Party shall be deemed to be an independent contractor and not the agent of the Receiving Party. Any and all agents, servants or employees of the Supplying Party or other persons, while engaged in the performance of any work or services required to be performed by one of the under this Agreement, shall not be considered employees of the Receiving Party and any and all claims that may or might arise on behalf of the Supplying Party, their agents, servants or employees as a consequence of any act or omission on behalf of the Supplying Party, its agents,

servants, employees or other person, shall not be the obligation or responsibility of the Receiving Party. The Receiving Party, their agents, servants or employees, respectively, shall be entitled to none of the rights, privileges or benefits of employees of the Supplying Party except as otherwise may be stated in this Agreement.

10.8 Entire Agreement

This Agreement shall constitute the entire agreement between the parties and shall supersede all prior written or unwritten negotiations, understandings and agreements.

10.9 Arbitration

All disputes arising out of or in connection with this Agreement, or in respect of any defined legal relationship associated therewith or derived therefrom, may at the instance of either party, be referred to a Court of competent jurisdiction or to arbitration by delivery of a Notice of Arbitration in writing. If the parties cannot agree on a choice of arbitrator then each party may appoint an arbitrator and the two arbitrators so appointed must appoint a third arbitrator failing which the third arbitrator must be appointed by a Judge of the Supreme Court of British Columbia. Arbitration will be governed by the Commercial Arbitration Act (British Columbia). The place of arbitration shall be Nanaimo, British Columbia, Canada and the costs shall be borne equally by the parties.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of the)
REGIONAL DISTRICT OF NANAIMO)
was hereto affixed in the presence) of its authorized signatories:)
)
_____)
Chair)
)
)
_____)
Officer Responsible for Corporate)
Administration)

The Corporate Seal of the)
CITY OF NANAIMO)
was hereto affixed in the presence)
of its authorized signatories:)
)
)
_____)
Mayor)
)
)
_____)
Officer Responsible for Corporate)
Administration)

SCHEDULE "A"

Costs of Sports Field Operation and Maintenance

Labour - includes wages and benefits;

Equipment - means all equipment involved in the maintenance or operation of Sports Fields, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with standard municipal accounting practices;

Materials - means all materials required to maintain and operate Sports Fields, including grass seed and fertilizer;

Field Houses - means change room and washroom facilities at each park and includes facility costs (cleaning, supplies, lighting, heating, etc.)

Water - means costs related to the irrigation of Sports Fields;

Electricity - for the operation of field lights at Sports Fields which are illuminated;

Fleet Maintenance - means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Sports Fields, including depreciation calculated in accordance with standard municipal accounting practices;

Vandalism - means annual costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection - means collection of litter from Sports Fields;

Departmental Overhead - means the following administrative costs attributable to Sports Fields operation and maintenance:

- salaries of parks maintenance administrative staff
- staff training
- staff meetings
- costs related to operation of parks works yard
- other miscellaneous costs incidental to Sports Fields (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs attributed to Sports Field Operation and Maintenance do not include the construction of structures or improvements.

SCHEDULE "B"

Beban Park, Bowen Park, Civic Arena, Nanaimo Aquatic Centre and Nanaimo Ice Centre Costs of Operation and Maintenance

Facilities – means all buildings, structures, swimming pools, arenas, play fields, etc. located at Bowen Park, Beban Park or the Nanaimo Aquatic Centre.

Labour – includes wages and benefits;

Equipment – means all equipment involved in the maintenance or operation of the Facilities, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with Nanaimo's usual accounting practices;

Materials – means all materials required to maintain and operate the Facilities;

Utilities – means all utility costs required to operate the Facilities including, but not limited to: telephones, water fees, sewer fees, electricity, gas and oil.

Building Maintenance – means all costs that are required to maintain the Facilities in good operating condition, e.g. painting, flooring, HVAC, plumbing and electrical repairs, security, janitorial supplies;

Fleet Maintenance – means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Nanaimo Recreation Facilities, including depreciation calculated in accordance with Nanaimo's usual accounting practices;

Vandalism – means costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection – means collection of garbage from the Facilities;

Program Costs – means those costs incurred for the provision of recreational programs to the public at the Facilities. Costs may include contract staff and recreation supplies.

Departmental Overhead – means the following administrative costs of the Parks and Recreation Service of the City of Nanaimo attributable to the operation and maintenance of the Facilities;

- Salaries of parks and recreation administrative staff
- Staff training
- Staff meetings
- Costs related to the operation of the parks works yard
- Other miscellaneous costs incidental to the Nanaimo Recreation Facilities Service (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs of Sports Field Operation and Maintenance do not include construction of structures or improvements.

SCHEDULE "C"

**Composition, Procedures, Duties and Powers of
Parks, Recreation and Culture Commission**

"PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020"

Consolidated Version

2011-FEB-15

Includes Amendments: 7020.01, 7020.02, 7020.03

CITY OF NANAIMO

BYLAW NO. 7020

A BYLAW TO ESTABLISH A PARKS, RECREATION AND CULTURE COMMISSION

WHEREAS the Council of the City of Nanaimo may, pursuant to Section 143(1) of the *Community Charter*, establish Commissions;

WHEREAS the Council of the City of Nanaimo has deemed it appropriate to establish a Parks, Recreation and Culture Commission;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020".

PART I - GENERAL

2. Interpretation

In this Bylaw unless the context requires otherwise:

"Director of Parks, Recreation and Culture"	means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on their behalf.
"Member"	means a member of the Parks, Recreation and Culture Commission.
"Council"	means the City Council of the City of Nanaimo.
"Commission"	means the Parks, Recreation and Culture Commission.

3. The Role of the Commission

The role of the Commission is to provide policy advice to Council for the planning, development and the provision of City Parks, Recreation and Culture services and facilities.

4. Quorum

A quorum of the Commission shall be six (6) members; a quorum of the Parks Committee shall be three (3) members; a quorum of the Recreation Program and Facilities Committee shall be three (3) members; a quorum of the Cultural Committee shall be six (6) members.

5. Appointment of Members

The Commission shall consist of twelve (12) members, each appointed by Council as follows:

- (a) three (3) members of Council;
- (b) five (5) "at large" members who shall each be a resident of the City of Nanaimo;
- (c) one (1) member nominated from each of three (3) Electoral Areas of the Regional District of Nanaimo and one (1) member from the District of Lantzville who participate in the Nanaimo Recreation Centre function.

6. Terms of Appointment

- 6.1 All appointments to the Commission shall be for a term of three (3) years without remuneration.
- 6.2 The Mayor will appoint a member of Council as Chair. The Chair shall serve a three (3) year term, with successive terms at the pleasure of the Mayor. The other two Council representatives will serve on a rotating basis as Acting Chair in the absence of the Chair. (Bylaw 7020.01)
- 6.3 Every member shall continue to hold office until a successor is appointed.
- 6.4 Council may, by an affirmative vote of not less than two-thirds (2/3) of the Council members, remove a member of the Commission from office at any time.
- 6.5 Upon the resignation, the removal from office, or the death of any member during their term of office, Council shall appoint a successor in accordance with the provisions by which the vacating member was appointed.

7. Inaugural Meeting

7.1 The Commission shall meet for its Inaugural meeting, at 7:00 p.m. on the fourth Wednesday of April following the Municipal Election. (Bylaw 7020.03)

7.2 At the Inaugural meeting of the Commission, the members shall from amongst their number appoint, by resolution, persons to serve on the:

- (a) Parks Committee (5 Commission members)
- (b) Recreation Committee (5 Commission members)
- (c) Cultural Committee (4 Commission members)

and representatives to other Committees as deemed appropriate. (Bylaw 7020.02)

7.3 At the Inaugural meeting, or any regular meeting of the Commission, the Commission may appoint Committees as it deems necessary.

8. Notice of Regular Commission Meetings

8.1 On the Friday afternoon prior to a regular meeting of Commission, the Commission Secretary will have available for members to pick up at the Parks, Recreation and Culture administration office, a meeting agenda setting out all items for consideration.

8.2 At least 72 hours before a regular meeting of Commission, the Commission Secretary will post notice of the time, place and date of the meeting by way of posting an agenda at the Parks, Recreation and Culture administration office.

9. Location and Time of Regular Commission Meetings

9.1 Regular meetings of the Commission shall be held at least once (1) in each month excluding August and December, on the fourth Wednesday, at 7:00 p.m. in the Bowen Complex Conference Room, unless otherwise specified.

9.2 Prior to the beginning of each year, a tentative Commission meeting schedule shall be produced and posted at the Parks, Recreation and Culture administration office and on the City's website.

10. Attendance of Public at Meetings

- 10.1 Except where the provision of Section 90(1) or (2) of the *Community Charter* apply, all Commission meetings shall be open to the public.
- 10.2 Where the Commission wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 92(a) and (b) of the *Community Charter*.

PART II – MEETINGS

11. The Chair

- 11.1 The Chair, when present, shall preside at all meetings of the Commission using Roberts Rules of Order to govern the meeting.
- 11.2 Where the Chair, or either Acting Chair, is not present at the time appointed for a meeting of Commission, the Commission shall by resolution appoint an Acting Chair for that meeting.
- 11.3 Every question submitted to a meeting shall be decided by a majority of the members present.

12. Delegations

- 12.1 All delegations requesting permission to appear before the Commission shall submit a written request, including a written synopsis clearly outlining their topic of concern.
- 12.2 Requests to appear as a delegation shall be submitted to the Commission Secretary by 1:00 p.m. on the Wednesday preceding the meeting for inclusion on the Commission agenda. These delegates will be allocated 10 minutes.
- 12.3 Requests to appear as a delegation received after 1:00 p.m. on the Wednesday, but prior to 1:00 p.m. on the Tuesday preceding the meeting, shall be included on the Late Correspondence Agenda, and allocated 10 minutes.

13. Correspondence

The deadline for the public to submit items to the Commission Secretary for inclusion on the Commission agenda shall be 1:00 p.m. on the Wednesday preceding the meeting. Items of correspondence received after that time will be included on the Late Correspondence Agenda.

14. Opening Procedures

- 14.1 Call Meeting to Order - At the hour set for a meeting to commence, and provided that a quorum is present, the Chair shall call the meeting to order.
- 14.2 Lack of Quorum - Should there be no quorum present within fifteen minutes after the time appointed for the meeting to commence, the Chair shall ask the Secretary to record the names of the members present and then adjourn the meeting.

15. Order of Business

- 15.1 The following headings and order of business shall be used:

- Presentations
- Adoption of Minutes
- Introduction of Late Items
- Adoption of Late Correspondence Agenda
- Receiving of Delegations
- Chairman's Report
- Receiving of Correspondence
- Reports of Standing Committees
- Director's Report
- Committee/Commission Representative Reports
- Items of General Information
- Unfinished Business
- Other Competent Business
- Media Question Period
- Public Question Period
- Establish Next Meeting Dates
- Adjournment

- 15.2 Notwithstanding the provisions under Section 15.1, it shall always be in order for the Commission to vary the order in which business on the Agenda shall be dealt with by a majority vote of the members present.

16. Special Meetings

- 16.1 A notice of the day, hour and place of a special meeting of the Commission, being a meeting other than a regular or adjourned meeting, shall be given at least 24 hours before the time of meeting by posting a copy of the notice at the regular Commission meeting place and by leaving one copy for each member of the Commission at the place to which they have directed notices to be sent. Notice may be waived by unanimous vote of all members of the Commission. Each copy of the notice shall be signed by the Chair or the Director of Parks, Recreation and Culture.

- 16.2 Any five (5) members of the Commission may, in writing, request the Chair to call a special meeting.
- 16.3 Where the Chair, within 24 hours after receiving the request, refuses or neglects to call the special meeting to be held within seven (7) days after they received the request, or where the Chair is absent, five (5) or more members of the Commission may call a special meeting and they shall sign the notice.

17. Minutes

- 17.1 Minutes of the proceedings of the Commission shall be legibly recorded in a minute book. The minutes shall be certified as correct by the Director of Parks, Recreation and Culture and signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted.
- 17.2 The minutes shall be open for inspection by any person who may make copies and extracts at all reasonable times on payment each time of \$0.25 per page or as specifically provided for under Section 194(1)(c) of the *Community Charter*.
- 17.3 Section 17.2 does not apply to minutes of a special meeting from which persons were excluded under Section 10.

- 18. Unless otherwise stated in this bylaw, "COUNCIL PROCEDURE BYLAW 2005 NO. 7007" and all amendments thereto shall apply to meetings of the Commission.

PART III – REPEAL

- 19. "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2002 NO. 5564" and all amendments thereto are hereby repealed.

REPORT TO: MAYOR & COUNCIL
FROM: DIANA JOHNSTONE, CHAIR,
PARKS, RECREATION AND CULTURE COMMISSION
RE: DOG OFF-LEASH PARKS

RECOMMENDATION:

That Council approve making the following pilot sites permanent and approve the implementation of new pilot sites for 2011.

2010 pilot sites (make permanent):

- Colliery Dam Park (Schedule A) (6 a.m. to 10 a.m. daily, as well as 4 p.m. to park closing)
- Beaufort Park (Schedule B)
- Diver Lake Park (Schedule C) (Seasonal: October 1 - March 31)

2011 pilot sites (2011):

- forested area adjacent to May Richards Bennett Park (Schedule E)
- Invermere Beach (Schedule F)
- St. George Ravine Park (Schedule G)

Similarly to 2010 pilot sites, all proposed pilot off-leash parks for 2011 will be implemented for a one-year trial basis following which the success will be evaluated. If the above are approved, the number of off-leash dog sites would increase from three to nine.

EXECUTIVE SUMMARY:

Staff have received considerable input from the public, conducted numerous surveys as well as hosted four public open houses in 2009 and 2011. Based on this input, the following off-leash sites, park improvements, and enforcement, park etiquette and awareness initiatives are being considered.

At their meeting held on 2011-MAR-23, the Parks, Recreation and Culture Commission endorsed the Staff recommendation and recommend Council approve making the following pilot sites permanent and approve the implementation of new pilot sites for 2011.

2010 pilot sites (make permanent):

- Colliery Dam Park (Schedule A) (6 a.m. to 10 a.m. daily, as well as 4 p.m. to park closing)
- Beaufort Park (Schedule B)
- Diver Lake Park (Schedule C) (Seasonal: October 1 - March 31)

2011 pilot sites (2011):

- forested area adjacent to May Richards Bennett Park (Schedule E)
- Invermere Beach (Schedule F)
- St. George Ravine Park (Schedule G)

BACKGROUND:

Petitions were received by the Parks, Recreation and Culture Commission in 2009 requesting the City add more dog off-leash parks in the City. Staff gathered information from other municipalities, websites and other public comments which suggested Nanaimo, with only three permanent off-leash options, lagged behind other comparable cities in British Columbia in terms of dog off-leash parks.

As a result, the Parks, Recreation and Culture Commission hosted public open houses in 2009 to gather public input regarding an increase in dog off-leash parks. The reaction was very positive and supported more dog off-leash parks within the City. As part of the Open Houses, staff identified many sites that could be implemented in phases over several years. These sites covered the City geographically and had varying characteristics. Three of these sites were opened in 2010 as pilot sites and have been tested for a year.

Two open houses were held in February 2011 to gauge support for the pilot sites and to explore the addition of new pilot sites for 2011. A few hundred people attended with about 150 people sending in survey responses and written feedback.

Feedback from these open houses was much divided. There was clear support for more off-leash parks and an appreciation of the pilot sites and efforts to increase off-leash facilities. Comments gathered from the public suggest the off-leash parks need to have access to water for drinking and swimming, shade trees, fencing in some areas, large open spaces, parking, and be geographically spread out around town. There was also clear frustration about dogs in parks in general. Many respondents observed a lack of respect of dog owners picking up dog waste and obeying rules as well as a general lack of dogs being under owner control when off-leash. There was also a perceived lack of enforcement in both off and on leash parks. This frustration also has led many park users to avoid areas where dogs are frequently walked and to desire “dog free” areas where conflicts between dogs and people can be avoided and environmentally sensitive features are preserved.

Based on this feedback, the following off-leash sites, improvements, and programs are being proposed. The ideas presented can be covered with money currently budgeted for dog off-leash parks in 2011.

2010 Pilot Sites:

Overall, the following sites were well liked by the public with some minor improvement ideas expressed. These sites are relatively low-cost and meet the range of needs expressed by the public. Consequently, these sites are suggested as being made permanent.

- Colliery Dam Park (Schedule A) (6 a.m. to 10 a.m. daily, as well as 4 p.m. to park closing)
- Beaufort Park (Schedule B)
- Diver Lake Park (Schedule C) (Seasonal: October 1 - March 31)

2011 Pilot Sites:

Of the ten future off-leash ideas presented to the public at open houses in 2011, the following three were the most popular. These are relatively low-cost to implement and meet the range of needs expressed by the public.

- forested area adjacent to May Richards Bennett Park (Schedule D)
- Invermere Beach (Schedule E)

- St. George Ravine Park (Schedule F)

Beban Park Off-Leash Park:

The Beban off-leash site is a very popular park with a great central location and heavy use. Staff are responding to feedback and are implementing a number of improvements to the Beban Dog Off-Leash Park. Improvements include the planting of shade trees, increased water fountains, introduction of a trail loop inside the fence and outside the fence, doubling the size of the small dog off-leash park, resurfacing of the park, addition of lights for evening use and pickup, and improved universal accessibility. These improvements are expected to be complete by May of this year and are focused on making this a comfortable destination park for people who like fenced dog facilities with an urban character.

Enforcement, Park Etiquette, and Awareness:

Over 8000 residents in Nanaimo have licensed dogs¹ of which, the majority are exercised outside. The number of dogs in parks and general park use are both increasing. In order to avoid current and future conflicts, the City of Nanaimo Bylaw Department and Animal Control are planning to increase enforcement regarding dogs starting 2011-MAY-01. Violators will be ticketed.

In order to make dog owners more aware of the etiquette expectation when walking a dog in a park (both on and off-leash), new signage with clear expectations posted will be installed in parks. A media campaign on the same subject will also be launched in April to raise awareness about dog etiquette. The City of Vancouver has recently launched a similar campaign with much success. In addition, a brochure with dog off-leash options advertised will also be available to the public this spring. Maps to each of the off-leash sites and the amenities at each will be clearly presented. This brochure will be available at recreation facilities, on line, and will be distributed by Animal Control Services when in the field.

The City of Nanaimo is also offering a *Good Neighbors Dog Program* course in an attempt to raise awareness about etiquette for both dog owners and dogs in parks and public spaces. This course is open to the public as a personal edification course right now but could also be an optional consequence for people who have been ticketed for dog off-leash infractions. Currently, those who pass the course do receive a discount when renewing their dog license for the following year as an incentive.

Respectfully submitted,



Diana Johnstone, Chair
Parks, Recreation and Culture Commission

2011-MAR-30
File: A4-1-2 / C5-4-5
G:\Admin\PRCC\RptCouncil\2011\PRCCRPT110404DogOff-LeashParks.doc

¹ City of Nanaimo Bylaw Services and Licensing Department, March 2011.
Stats are based on 2010 license renewals.

SCHEDULE A

2010 Pilot Site - DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

Colliery Dam Park — Upper Dam

Wooded, natural dog off leash park with water access | 6am - 10am pilot times, All Year:

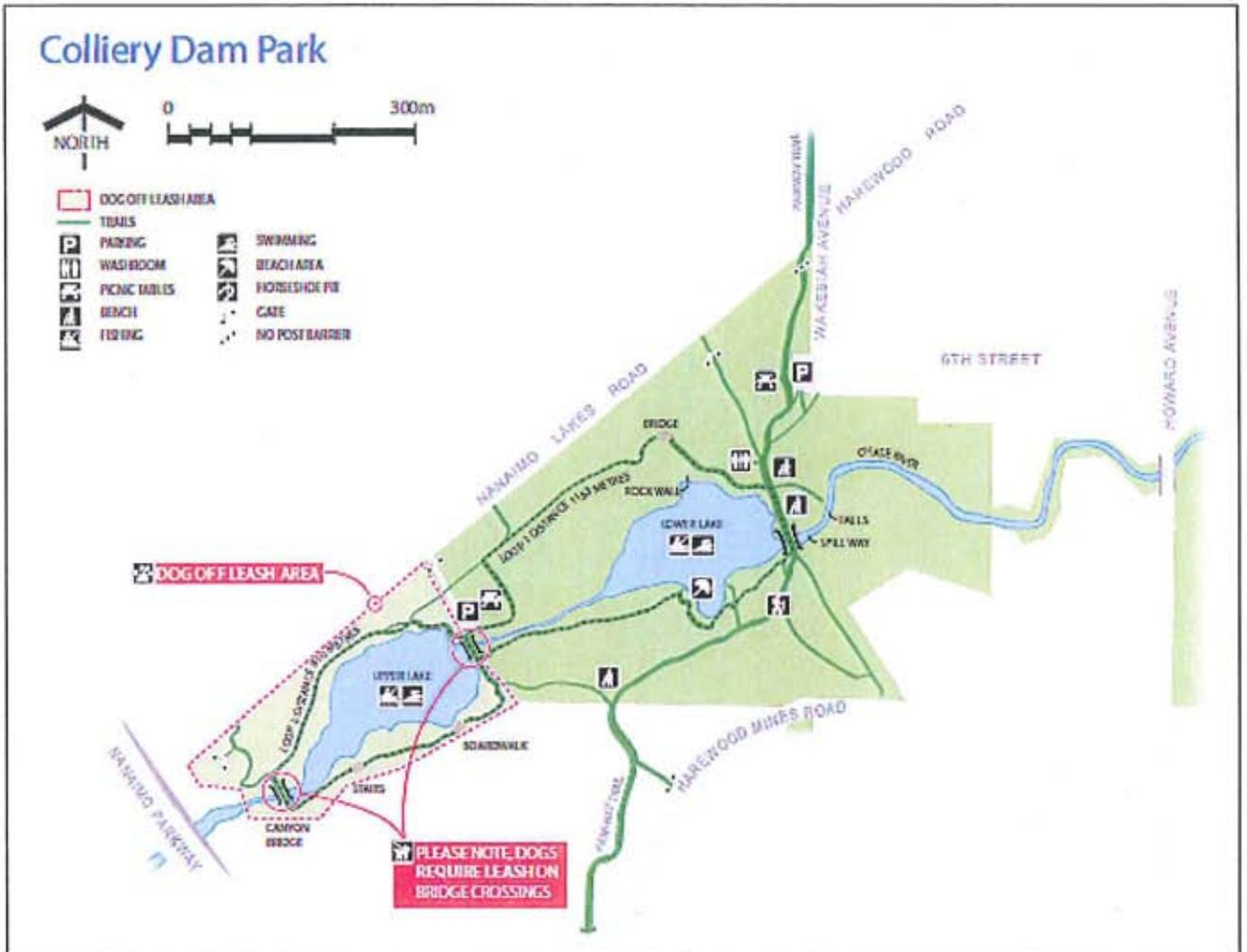
- This Park is located in South Nanaimo and consists of two reservoirs, parking lots and main trail loops.
- The upper trail loop was converted into an off-leash trail with ease and limited costs. There is an existing parking lot at the second loop with good access to the wooded trail loop and reservoir.
- Only the upper trail loop and reservoir were designated as off-leash. Dogs require a leash in all other areas of the park

Feedback to Date:

- Main concerns expressed for this site included the fact that it's not fenced, conflicts between runners, cyclists and dogs and hours being too short (especially for people working). There was also a clear feeling that rules were being abused and not enforced. Dogs are seen all over the park off leash (not just the upper loop), off leash outside of the hours, and owners are not picking up despite the busy nature of the park and environmental sensitivities.
- Benefits of this site are that it's in the South End, offers some shaded trail and swimming options for dogs and owners, and is a relatively low cost off-leash site. Hours help to mitigate impacts of dogs on other park users.

Recommendation:

- Recommend to make this site permanent with extended hours from 6 a.m. to 10 a.m., and 4 p.m. to close.
- Recommend the addition of garbage cans in key locations to promote waste pickup and increased enforcement.



SCHEDULE B

2010 Pilot Site - DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

Beaufort Park

Central, semi-urban dog off leash park | All Day, All Year:

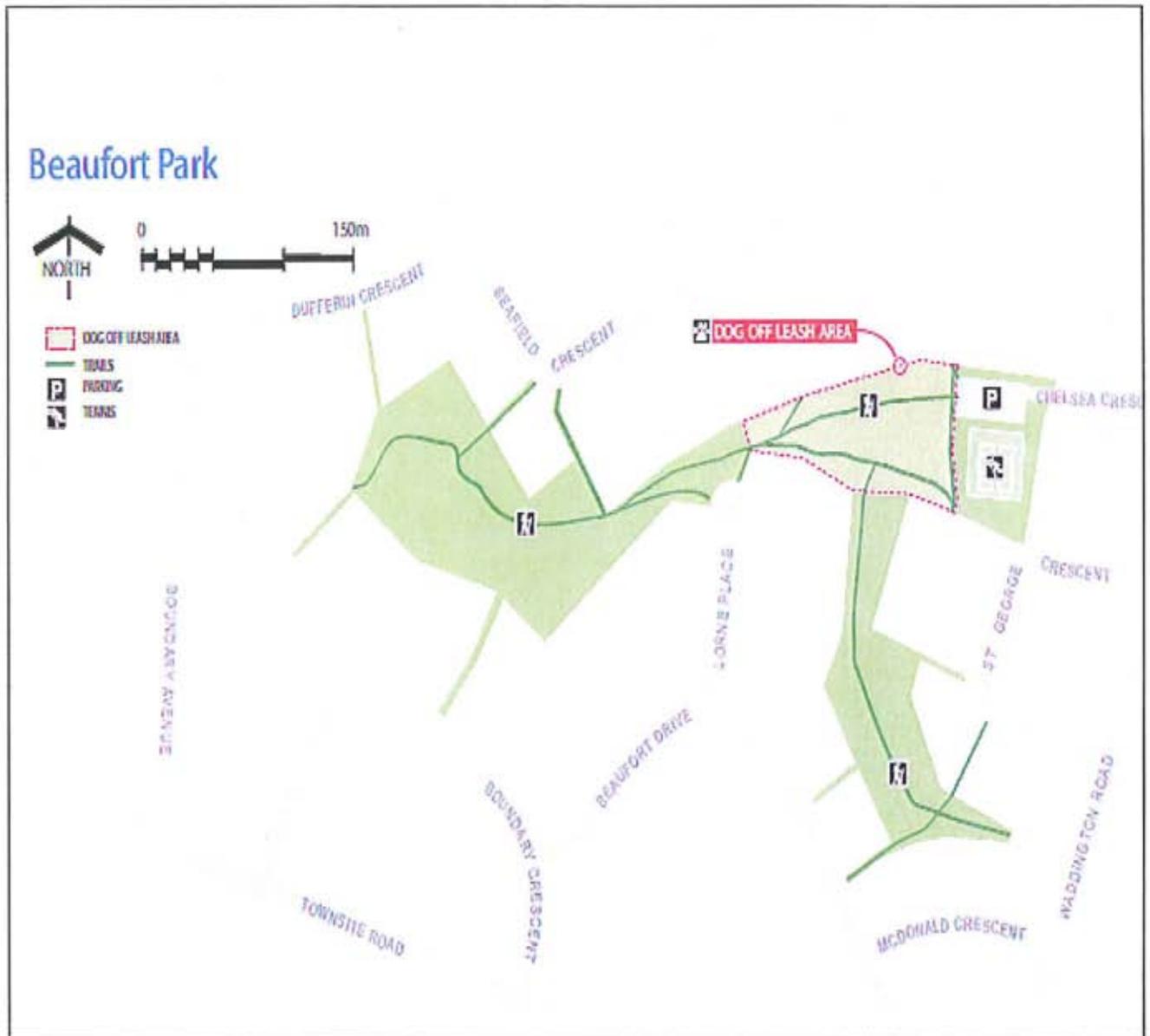
- This Park is centrally located with an under utilized large open grassy area and good access to parking. Overall, the park is ten acres and this field area is centrally linked to a trail system where dogs can be walked on leash. Off leash use was only permitted in the grassy area.
- This grassy area is separated from the tennis court and adjacent residential properties by grade, fencing and the parking lot.
- Given the short implementation time, the grassy area was not fenced and dog owners controlled their dogs and kept off leash dogs under control in the off-leash area.

Feedback to Date:

- Main concerns expressed include that it's a small location, is not completely fenced, and can be wet.
- Suggest the addition of a few more benches throughout the site and a water tap installation at Chelsea Drive.
- Well liked by most users as an alternative off-leash site in central Nanaimo
- Benefits are that the site is underutilized and dogs add life to the park, it's open and grassy and takes pressure off sports fields as an off leash site, it's central with good parking and site lines, and is linked to a larger trail system with forests and open trails (on-leash).

Recommendation:

- Recommend to make this site a permanent off leash location year round.



SCHEDULE C

2010 Pilot Site- DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

Diver Lake Park

Natural dog off leash park with water access | All Day, October 1 – March 31:

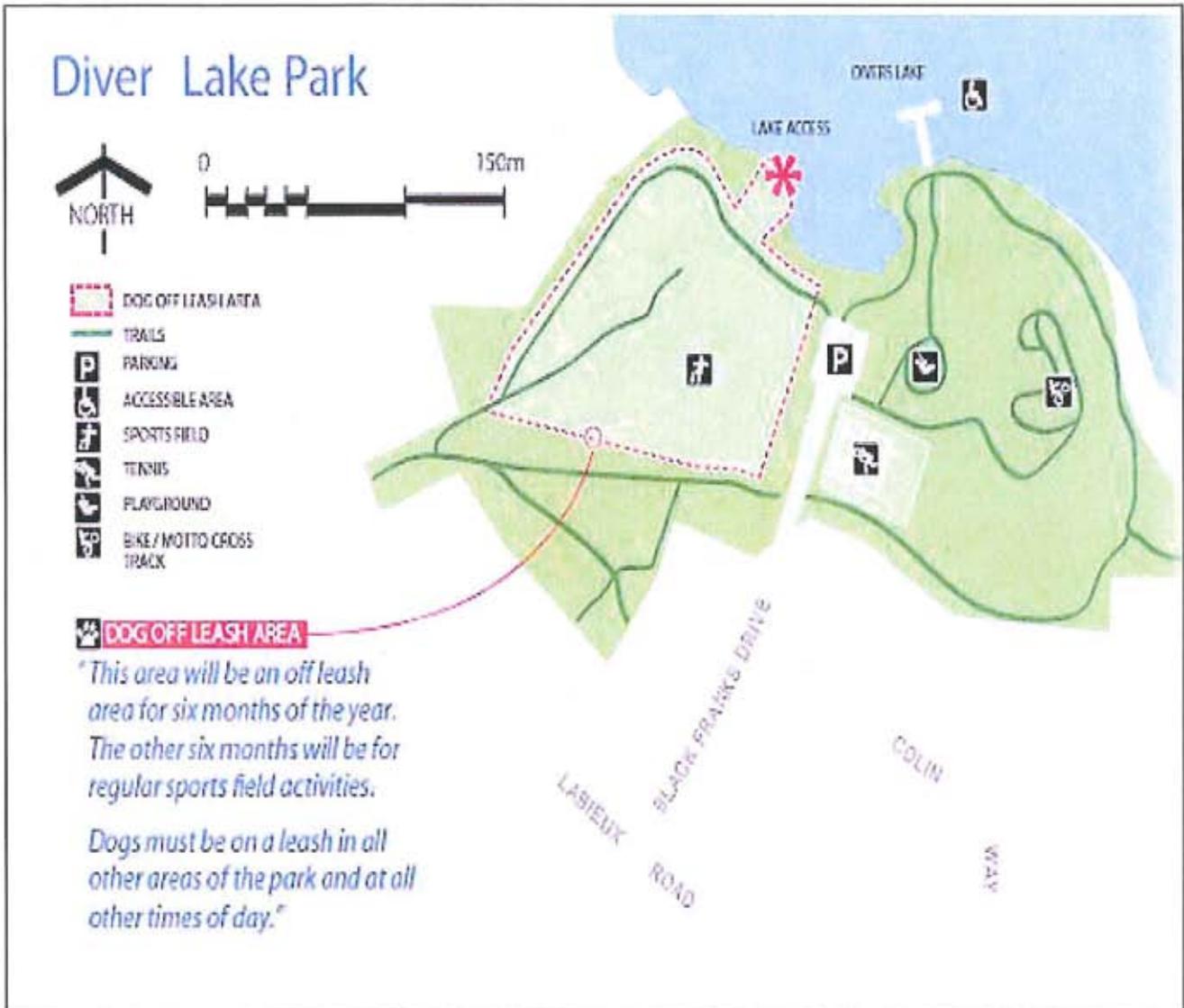
- This Park is north and centrally located with an existing sports field which is currently not frequently booked. This park has parking lot and fresh water lake area nearby and is linked to a trail system. The sports field can be converted into an off leash park area quickly and with limited cost. Only the field was off leash---not the entire park.
- This field is separated from the playground and tennis court by grade and the parking lot.
- Given the short implementation time, the field will not be fenced and dog owners must control their dog and keep off leash dogs under control in the field
- Natural dog off-leash Park with water access.

Feedback to Date:

- Concerns expressed over the saturated field conditions, small size, proximity to ducks, and lack of fence. Owners are not obeying the rules now and likely won't put their dogs back on leash when April 1st comes.
- Some conflicts between dogs off leash throughout the park (not just the field) and children in playground.
- Some very positive responses too about the location and alternative off-leash site for residents in North Nanaimo
- Benefits are that the site is open and grassy. It's suitable for dogs of all sizes, relatively low cost to implement, and makes use of an underutilized space. It's also linked to a trail network (on leash).

Recommendation:

- Recommend to make it permanent with a fence added between the field edge and parking lot as well as increased enforcement.



SCHEDULE D

2011 Pilot site - DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

Land adjacent to May Richards Bennett Park

North | All Day, All Year:

- School district 68 owns an 8 acre forested property adjacent to the City's fields & May Richards Bennett Park. This forested area has informal trails throughout and has been used as a recreational amenity by the community for years. It has great parking facilities in place and is located on a main road, away from residences, in north Nanaimo.

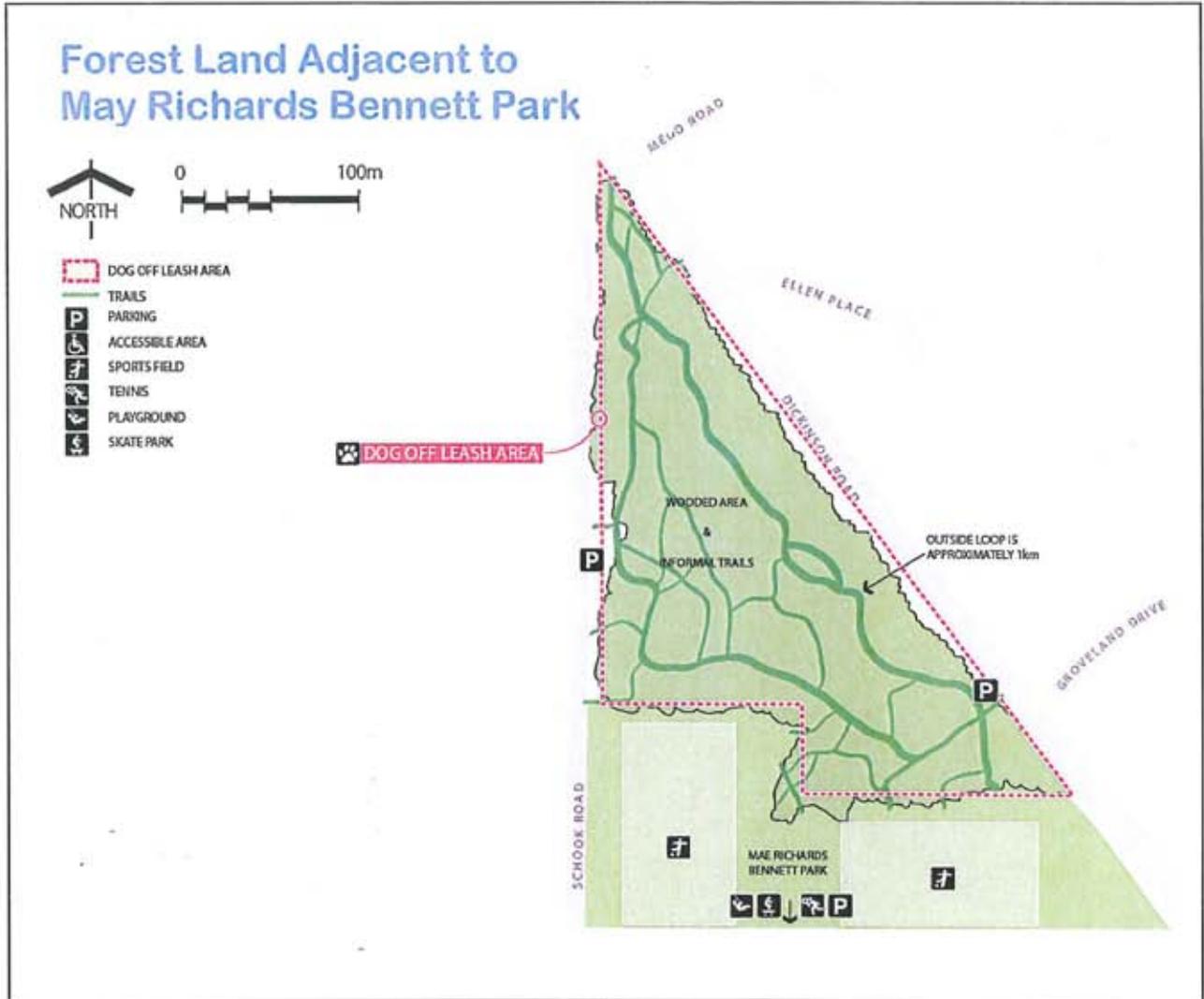
<i>SUGGESTED IMPROVEMENTS</i>	<i>BUDGET</i>	<i>TIME</i>	<i>COMMENTS</i>
• Finalize agreement with SD68	0	spring '11	already in discussion
• Clean up tree debris & hazards	\$ 10,000	spring '11	to ensure user safety
• Improve trails to meet City of Nanaimo Standards	\$ 10,000	spring '11	to ensure user safety
• Install signage	\$ 500	spring '11	inform users about dog & general park rules

Feedback to Date:

- Concerns expressed over the unfenced nature of the site, deer and rabbits that live in the site, and current use as a walking route by the neighborhood.
- Appreciation of a wooded off-leash option in North Nanaimo.
- Benefits include this park being in the North end of town and offering a forested, shaded, trail option for people. It also takes pressure off sports fields which are currently used illegally for off-leash use.

Recommendation:

- Recommend that the City continue to work with the school board to make this site happen.



SCHEDULE E

2011 Pilot Sites--DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

Invermere Beach

North Nanaimo | All Day, All Year:

- The beaches along Nanaimo’s North Slope are wide and sandy at low tide. Invermere beach access is not heavily used and does offer some parking off Invermere and at Groveland Park.
- The access is only moderately steep and meets desires for ocean and north Nanaimo dog off-leash access.

SUGGESTED IMPROVEMENTS	BUDGET	TIME	COMMENTS
• Install signage	\$ 500	spring '11	to reinforce rules for dogs & general park use
• Install doggy station can	\$ 500	spring '11	for user comfort & cleanliness

Feedback to Date:

- Concerns expressed over pollution on the beach from owners not picking up feces, dogs chasing shorebirds, and clearly marking where the off leash area starts and stops on the beach.
- Delight and appreciation that the City would have an ocean front option for people who want to let dogs swim off-leash.
- Benefits are that the site is relatively low cost to try, it's in the North end of town, and offers beach access (yet the beach is not a busy beach).

Recommendation:

- Recommend that this site is implemented 2011-MAY-01 as a pilot site.
- Off-leash area must be well marked on the beach and enforcement must ensure that owners pick up feces.



SCHEDULE F

2011 Pilot site- DOG OFF-LEASH PARK DEVELOPMENT STRATEGY

St. George Ravine Park

South Central | All Day, All Year:

- St. George Ravine Park has a small grassy area accessed off St. George Street accessed by a paved trail down the ravine. This open grassy area is undefined and is bordered by several multifamily units. It could be developed as a neighbourhood level off-leash pilot site.

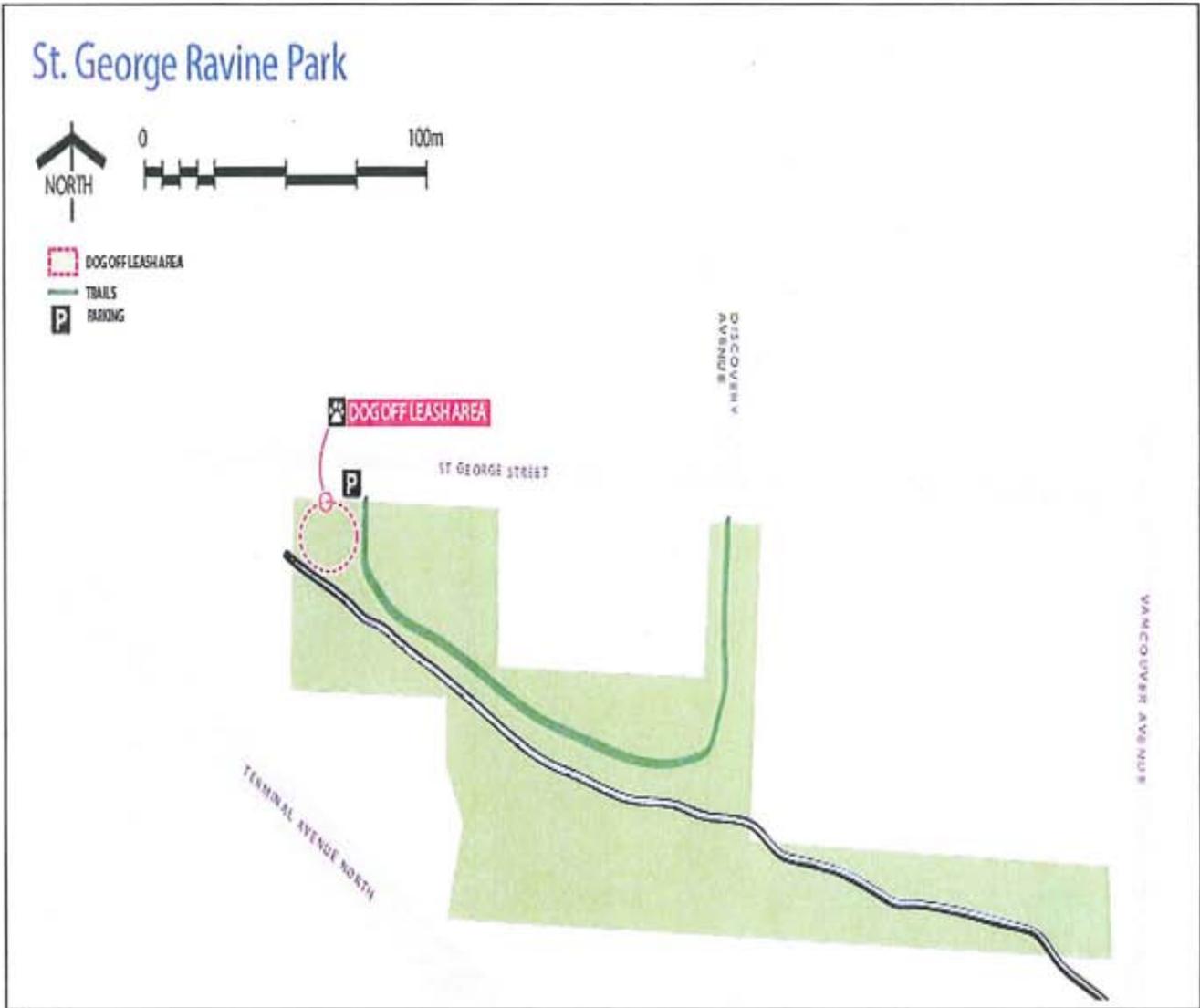
SUGGESTED IMPROVEMENTS	BUDGET	TIME	COMMENTS
• Add appropriate signage & doggy station	\$500	spring '11	to inform about park & dog rules & ensure site cleanliness
• Install bench(es)	\$1000	spring '11	to ensure user comfort

Feedback to Date:

- Concerns over the size of the site, a lack of a trail loop, and parking.
- Benefits are that it's an underutilized site and is suitable for small dog and neighborhood use.
- Appreciation for a site that is suitable for small dogs in central/south Nanaimo.

Recommendation:

- Recommend implementing this as a trial site in 2011.
- Adequate garbage and signage will have to be added to the site in conjunction with opening.



STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING
COMMUNITY SAFETY & DEVELOPMENT

RE: DRAFT NEWCASTLE + BRECHIN NEIGHBOURHOOD PLAN

STAFF'S RECOMMENDATION:

That Council:

1. direct staff to proceed with a selected option for building height along the waterfront within the Medium High Density Waterfront designation;
2. direct staff to proceed with a selected option for neighbourhood residential densities along the west side of Stewart Avenue; and
3. direct staff to revise the draft Newcastle + Brechin Neighbourhood Plan according to the selected options, and proceed with preparation of the necessary Official Community Plan (OCP) amendment bylaw for consideration of the Newcastle + Brechin Neighbourhood Plan at a regular meeting of Council.

EXECUTIVE SUMMARY:

At their regular meeting of 2011-MAR-14, the Newcastle + Brechin Neighbourhood Plan was introduced to Council. Council received the draft Neighbourhood Plan, considered the two key items still requiring resolution (neighbourhood residential densities and waterfront height), and directed staff to: (a) provide alternatives for Council's consideration regarding building height above 4 storeys on the portions of the waterfront within the Medium High Density Waterfront designation; and (b) provide options for the neighbourhood residential densities along the west side of Stewart Avenue. The purpose of this report is to provide Council with a series of options to consider for the two identified issues.

BACKGROUND:

During the preparation of the City's Official Community Plan (OCP), the public identified the need for a neighbourhood plan in the Stewart Avenue and Brechin Hill areas. As a result, the draft Newcastle + Brechin Neighbourhood Plan (the draft Plan) was listed in the Implementation Strategy of the OCP. Over the past 18 months, staff has been working with a steering committee, the public and consultants to prepare the draft Plan.

The draft Plan was considered by PNAC at their meeting of 2011-FEB-15, where they recommended Council consider approving the Newcastle + Brechin Neighbourhood Plan. They also identified concerns related to densities within the neighbourhood land use designations and height of buildings on the waterfront. On 2011-MAR-14, Council directed staff to prepare alternatives for building heights above 4 storeys on portions of the waterfront within the Medium High Density Waterfront designation, as well as options for the neighbourhood residential densities on the west side of Stewart Avenue.

Waterfront Building Height

The waterfront area was initially considered during the OCP 10 year review process, completed in 2008. It was determined, based on public input, that waterfront development would be better addressed through an area plan process. As such, no substantial changes were made from the previous OCP, with policy providing no direction for height along the waterfront. The only provision regarding height was a general guideline listed within the Stewart Avenue Development Permit Area, also carried forward from the previous OCP (1996), suggesting a 3 storey height limit.

The opportunities for development along the waterfront are quite limited. The area consists of a mix of fee simple lands and lease lands (managed by the Nanaimo Port Authority or the Province). Residential development is not permitted on the lease lands. Any residential development must occur on the fee simple portion of the waterfront properties.

Fee simple lands are limited given the area's topography and location of the high water mark. As shown on *Attachment A*, the Medium High Density Waterfront designation applies only to those areas that may allow higher density developments, barring any potential issues respecting soil stability, contamination, agency authorizations, or other items identified at a rezoning stage.

As indicated in the previous report considered by Council 2011-MAR-14, the main concern regarding built form along the waterfront is its potential impact on views. Any form of development along the waterfront will interrupt views for adjacent neighbourhoods. For example, building heights of 4 storeys will impact views along the hill, but mainly at lower levels of Stewart Avenue. Building heights greater than 4 storeys may have less impact on the lower levels along Stewart Avenue, opening up views to the water, but may interrupt higher level views. To balance these concerns, there are a number of options to address building height (heights measured from Stewart Avenue). Additionally, staff suggests guidelines be included in the draft Plan that address building form whereby as building height increases, a smaller building footprint is encouraged.

1. **Set a specific height range of 4 (or 6) to 12 storeys.** Setting a range provides greater certainty respecting building heights within the designated waterfront area, allowing for lower and mid rise building forms, and alleviating concerns that high rise development (ie. no maximum height) would be permitted within the Plan area. This range represents a scale of development that allows the amenities contemplated in the draft Plan to be provided through redevelopment opportunities. However, using a height range does not allow for as much flexibility through a rezoning process to achieve the aspirations for waterfront development as set out in the draft Plan.
2. **Lower base height to 4 or 6 storeys but allow applications for taller buildings.** Lowering the base height to 4 or 6 storeys addresses concerns that a base height of 8 storeys was set too high. A "base plus" height of 4 (or 6) storeys would indicate an acceptable height limit but still allow property owners to apply for additional height (as well as to provide amenities) through the rezoning process. Lowering the base height does place additional emphasis on the rezoning process to determine what the upper height limit should be, and may increase the difficulty of achieving building forms of 12 or more storeys, which would generate the additional neighbourhood amenities.
3. **Retain the 8+ base height policy contained within the draft Plan.** As with Option 2, the 8+ base height policy allows for provision of additional height (and increased amenities), as determined through a rezoning process. While this approach places additional emphasis on the rezoning process to determine an upper limit for building height, a base of 8 storeys offers greater opportunity to achieve a building form that would generate the amenities and objectives set out in the draft Plan.

Staff notes that the options provided include a discussion of 12 storeys because this is the height at which significant public amenities would be provided to the neighbourhood. The 12 storey height recognizes that a mid rise development of 8 to 12 storeys, utilizing higher residential densities, would generate the higher likelihood of amenities provided to the community.

Neighbourhood Densities

The OCP currently speaks to Neighbourhood densities ranging from 10 to 50 units per hectare (uph). A neighbourhood plan process, while respecting this target, allows for some refinement of this density (*see Attachment B*). The neighbourhood designations proposed within the draft Plan, for example, provide for increased densities along the west side of Stewart Avenue within a Medium High Density Neighbourhood designation (40 to 100 uph at 2 to 4 storeys) and lower densities within the Beach Estates area (a Medium Low Density Neighbourhood designation of 10 to 30 uph at 2 to 3 storeys) to reflect the character of the neighbourhood. The remainder of the neighbourhood area is within a Medium Density Neighbourhood designation (10 to 50 uph at 2 to 4 storeys). As concerns have been raised respecting these neighbourhood designations, and particularly at Beach Estates and Stewart Avenue, the following options are presented.

1. ***Remove proposed neighbourhood designations and utilize the OCP Neighbourhood designation.*** This approach retains the Neighbourhood designation set out in the OCP by providing for 10 to 50 uph and 2 to 4 storey building heights throughout the Brechin Hill and Beach Estates area. However, it does not value the results of the neighbourhood plan process to refine the OCP Neighbourhood designation and recognize the variety of the neighbourhood character within the area, such as found within Beach Estates or properties fronting along Stewart Avenue.
2. ***Remove Medium Low Density Neighbourhood designation (Beach Estates) and retain the Medium High Density Neighbourhood designation (Stewart Avenue).*** This approach provides for some refinement of the OCP Neighbourhood designation, reflecting some differences in neighbourhood character. This is particularly true along Stewart Avenue, where the draft Plan policies and guidelines achieve more efficient use of infrastructure and services on a collector road (provincial highway) through increased density, promotion of walkable neighbourhoods and access to amenities, and attention to topographic and street conditions. However, this approach does not reflect the results of the neighbourhood review process as it relates to conditions and local characteristics of the Beach Estates area.
3. ***Retain the proposed three neighbourhood designations.*** The draft Plan proposes three separate neighbourhood designations to respect the variety, neighbourhood character and topographic conditions of the Brechin Hill area. It encourages sustainability at a local level by providing for sensitive infill such as coach houses and duplexes; or where higher density is accommodated, through townhouse or small scale multi-family developments. This better utilizes existing infrastructure and reduces potential traffic flow in some areas.

Staff also notes there has been some concern respecting the potential for local commercial development within neighbourhood areas. Section 1.7 of the draft Plan, the Urban Design Framework, provides direction for the location of small scale commercial development (ie. corner stores) when proposals are brought forward; it does not designate areas as commercial. However, given neighbourhood concern respecting potential commercial development, staff proposes to remove reference to these corner store locations from the Urban Design Framework maps. The draft Plan would therefore not provide guidance as to their location.

Respectfully submitted,

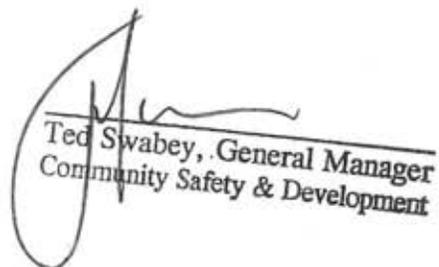


Bruce Anderson
Manager of Community Planning
Community Safety and Development



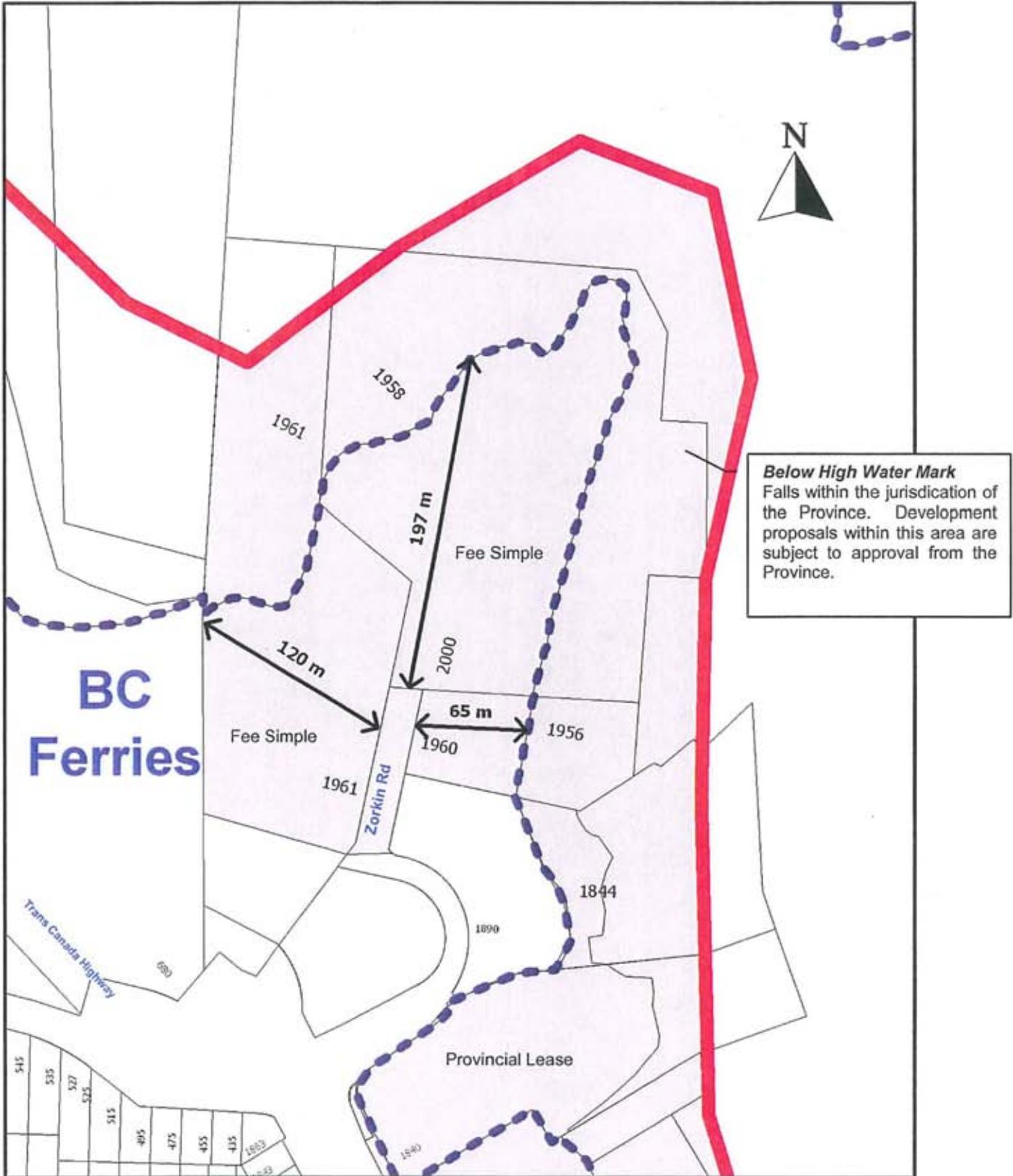
Andrew Tucker
Director of Planning
Community Safety and Development

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FPCOW Date: 2011-APR-04

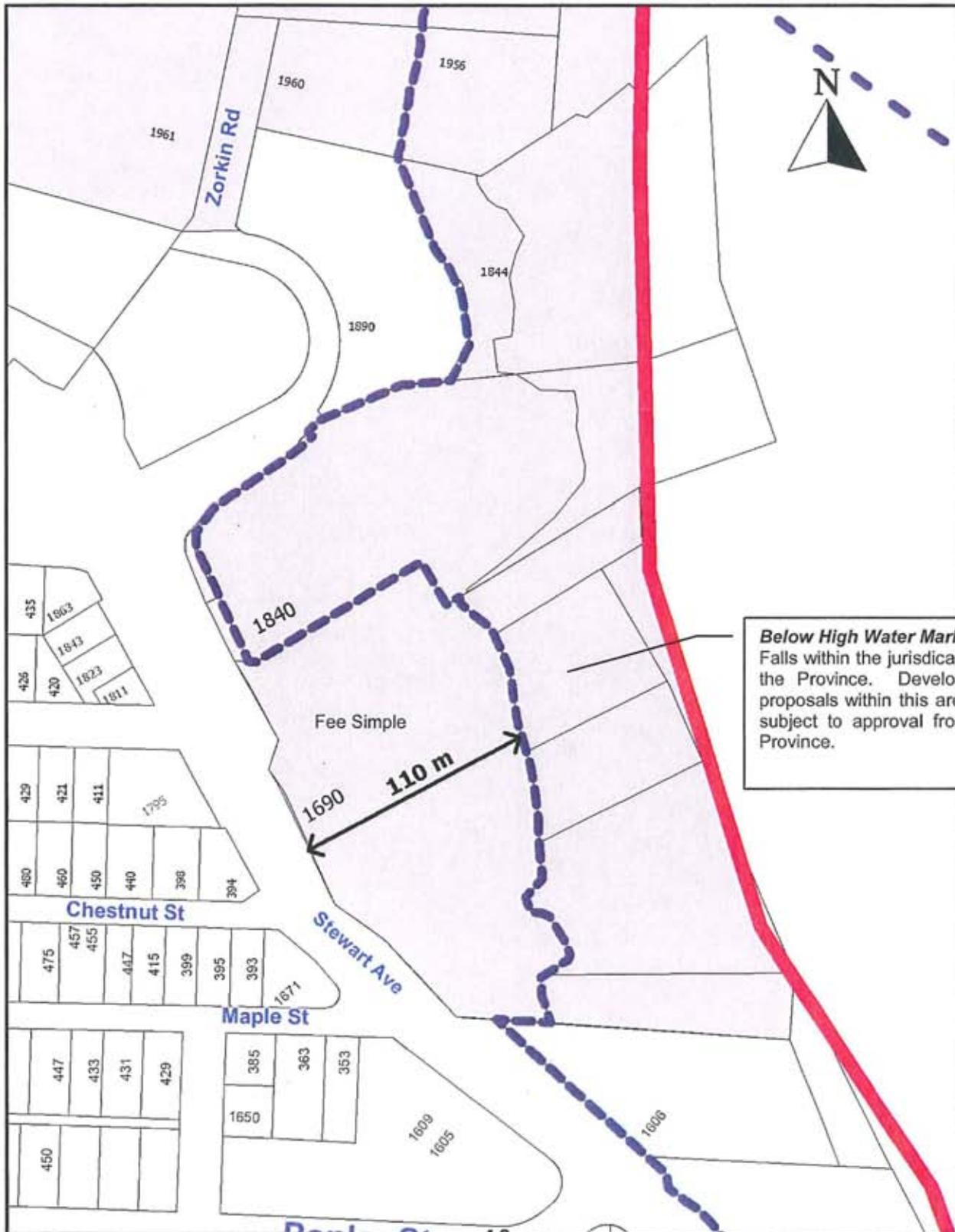


Ted Swabey, General Manager
Community Safety & Development

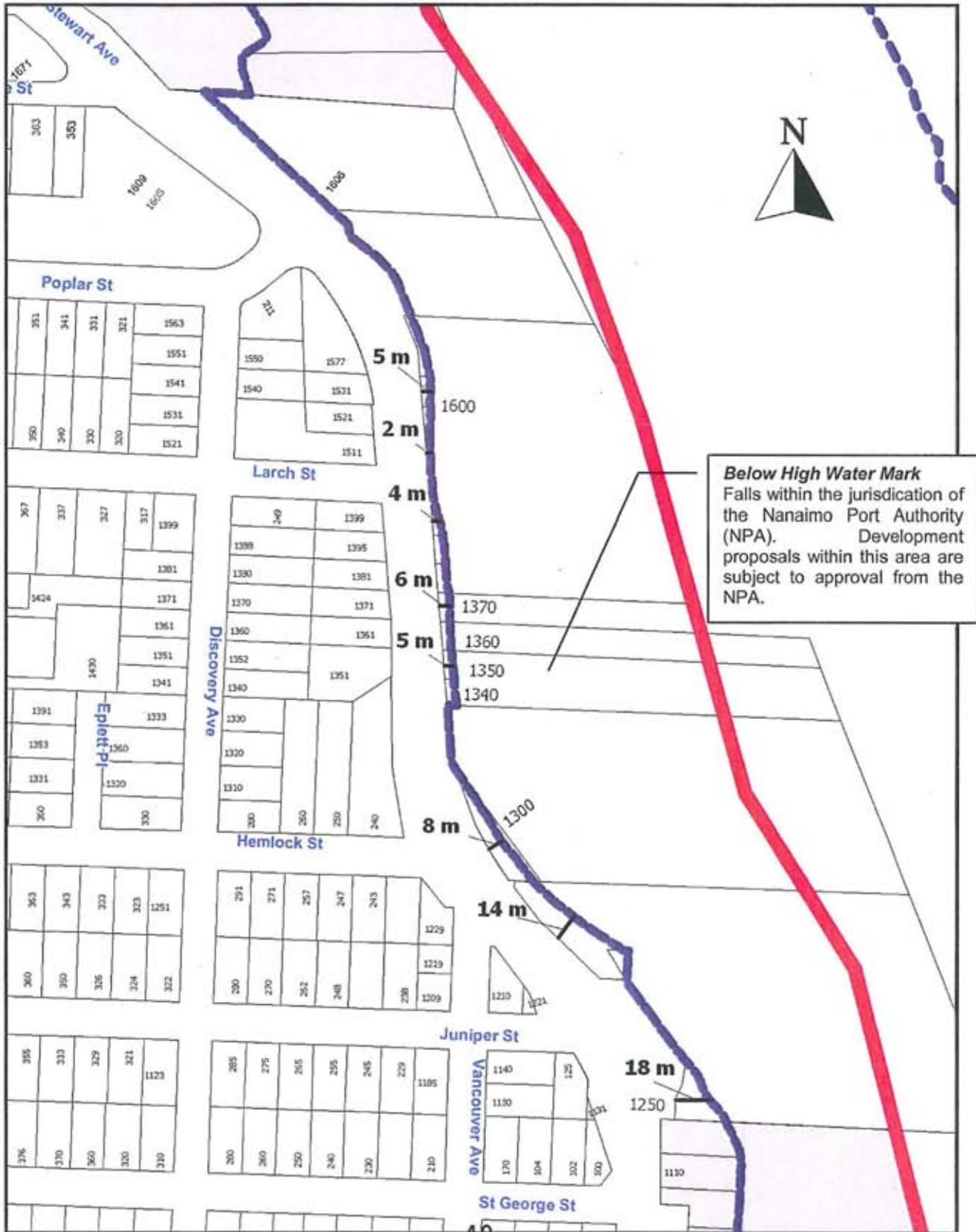
ATTACHMENT A
Medium High Density Waterfront Area
Lot Structure and Dimensions
(Page 1 of 4)



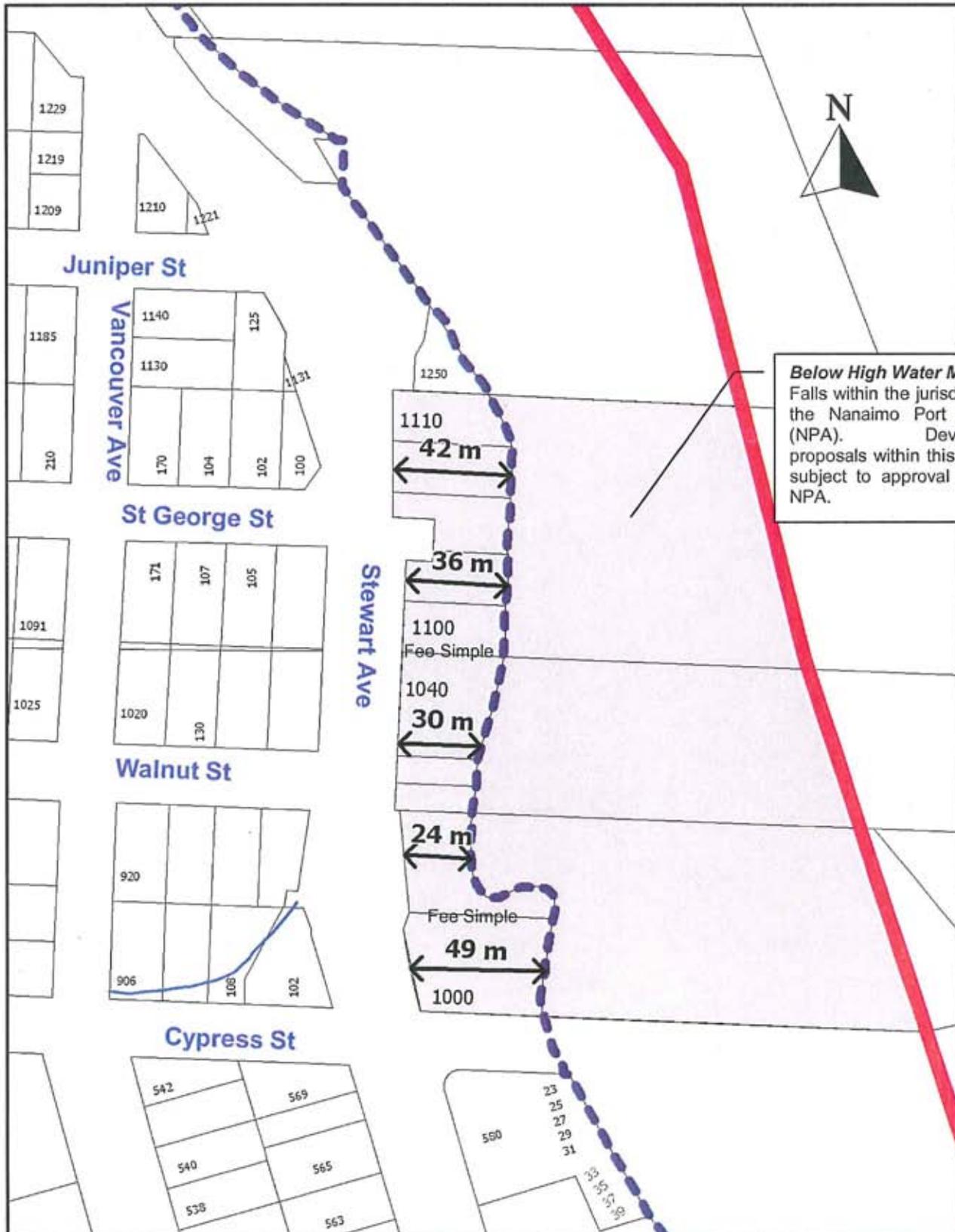
ATTACHMENT A
Medium High Density Waterfront Area
Lot Structure and Dimensions
(Page 2 of 4)



ATTACHMENT A
Medium High Density Waterfront Area
Lot Structure and Dimensions
(Page 3 of 4)



ATTACHMENT A
Medium High Density Waterfront Area
Lot Structure and Dimensions
(Page 4 of 4)



STAFF REPORT

REPORT TO: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

FROM: BILL SIMS, MANAGER, WATER RESOURCES and

RE: WATER TREATMENT PLANT – AWARD OF DETAILED DESIGN WORK

STAFF'S RECOMMENDATION:

That Council award the second phase of consultant services for membrane procurement and detailed design for the Water Treatment Plant to Associated Engineering Ltd. with the fees estimated to be \$3.6 million.

EXECUTIVE SUMMARY:

At its Finance/Policy Committee of the Whole meeting of 2009-Oct-19, Council awarded the first phase of pilot testing and preliminary design to Associated Engineering Ltd. following an extensive selection process.

Since that time, Associated Engineering and City staff have undertaken detailed pilot testing, treatment technology review and preliminary design. Most recently, the preliminary design was subjected to a rigorous Value Engineering exercise that resulted in positive adjustments to the preliminary design. Associated Engineering have performed very well and are providing a high level of professional service on this project.

At this point in the project cycle, it is timely to move into the second stage of engineering: equipment procurement and detailed engineering design. This will involve preparation of a Request for Proposal / Tender to purchase the membrane filtration units. It also involves proceeding to detailed design for the water treatment plant itself.

The Purchasing Policy requires Council authorization for a contract over the value of \$250,000.

BACKGROUND:

Vancouver Island Health Authority has revised the Operating Permit for the City's Water Supply System to require the construction of a water treatment plant incorporating filtration. The project cost is estimated to be \$67 million and the City has received a grant from senior governments for \$17.8 million.

After a pilot testing and a multiple bottom-line analysis, the City and Associated Engineering selected submerged membranes as the method of filtration for the new water treatment plant. One of the first tasks of the detailed design stage is to select a vendor of submerged membranes, as this will influence the detailed design. In parallel, detailed design of the plant structure and ancillary features will proceed.

Council
 Committee.....
 Open Meeting
 In-Camera Meeting
 Meeting Date: 2011-APR-04

Associated Engineering has prepared a scope of work and fee estimate for this stage of the work. This phase is expected to involve over 24,000 person-hours of effort and will take about 18 months to complete. The total estimated fees are \$3.6 million, with components being:

Value Engineering follow-up	\$150,000
Project management	\$408,000
Equipment procurement	\$355,000
Site investigations	\$ 76,000
Detailed design of plant	\$2,305,000
Off-site services design	\$195,000
Contract administration – equipment supply	\$106,000

The final major phase of the work – services during construction, including tendering, resident engineering, start-up, commissioning and staff training and follow-up documentation, is expected to be in the range of \$2.1 million and that contract award will be forwarded to Council for approval when the detailed design phase is complete. This will put the total fees for the project at \$7.0 million, within the expected range.

Funds for this work are in the 2011/12 capital budget, under P-9244.

The fee structure in any service-related contract is based on hourly rates. The Consulting Engineers of B.C. (CEBC) publishes standard hourly charge rates for various categories of engineering and technical staff. The rates proposed for this contract with Associated Engineering are about 10% lower than the CEBC standard rates and are consistent with rates the City and other municipalities are currently paying for other projects.

Respectfully submitted,



Bill Sims
Manager, Water Resources



Tom Hickey
General Manager, Community Services

WS/fg
FPCOW 2011-Apr-04

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2011-MAR-31

INFORMATION ONLY REPORT

REPORT TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES /
ASSISTANT CITY MANAGER

FROM: J.E. HARRISON, MANAGER, LEGISLATIVE SERVICES

RE: 2011 BY-ELECTION RESULTS

RECOMMENDATION:

That Council receive this report for information.

DISCUSSION:

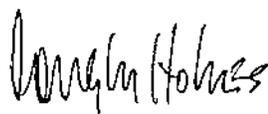
Attached are the official results of the Municipal By-Election held 2011-MAR-26 to elect one Councillor for the City of Nanaimo. Based on the final results of the election, Ted Greves has been elected for the term ending 2011-DEC-05.

The total voter turnout for the 2011 by-election was 6,328 representing a 10.1 percent elector turnout.

Respectfully submitted,



J. E. Harrison
CHIEF ELECTION OFFICER /
MANAGER LEGISLATIVE SERVICES



D.W. Holmes
GENERAL MANAGER OF CORPORATE
SERVICES / ASSISTANT CITY MANAGER

F/P COW: 2011-APR-04

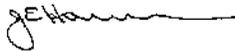
City of Nanaimo

2011 March 26 By-Election Official Declaration of Results - Councillor

Councillor	Voting Place												Percent by Candidate	Total by Candidate
	Advance	Chase River School	Departure Bay Activity Centre	Dodd Narrows Room, VICC	Georgia Avenue School	Mail-In	McCarr School	Nanaimo Regional General Hospital	Oliver Woods Community Centre	Protection Island Fire Hall	Quartenwey Elementary School	Percent by Candidate		
FILLMORE, Brian	79	42	223	100	76	5	185	11	233	2	320	20.2%	1,276	
GARTSHORE, Ian	77	34	174	129	66	8	117	8	91	9	140	13.6%	851	
GREVES, Ted	138	80	302	76	105	11	252	8	342	18	276	25.4%	1,606	
McKAY, Bill	70	39	176	36	57	10	146	5	190	10	138	13.9%	877	
MCNAB, Murray	25	41	152	35	57	11	130	7	129	3	115	11.1%	705	
OLSEN, Darcy	111	58	174	96	125	3	114	11	136	16	164	15.9%	1,008	
Percent by Voting Place	7.9%	4.6%	19.0%	7.5%	7.7%	0.8%	14.9%	0.8%	17.7%	0.9%	18.2%			
Total by Voting Place	500	294	1,201	472	486	48	944	48	1,121	56	1,153			
Total Valid Votes Cast														6,323

Total Number of Ballots Cast	6,328
Total Number of Ballots Accepted Without Objection	6,323
Number of Ballots Rejected Without Objection	5
Number of Ballots Spoiled that were replaced	10
Total Number of Ballots Used	6,338
Total Number on Voters List (not including new registrations)	62,687
New Registrations	211
Total Eligible Voters	62,898
Voter Turnout	10.1%

This determination of official election results was made by the Chief Election Officer on Wednesday March 30, 2011 at 10:30 am and is based on ballot accounts as amended or prepared by the Chief Election Officer.



Chief Election Officer

FOR INFORMATION ONLY

REPORT TO: A.C. KENNING, CITY MANAGER

FROM: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

RE: YARD WASTE COLLECTION

STAFF'S RECOMMENDATION:

That Council receive the report for information.

EXECUTIVE SUMMARY:

At the 2011-Jan-17 Finance and Policy Committee meeting, Council requested information regarding the City's policy for yard waste collection. The City does not provide a yard waste collection service. Council, at its 2002-June-17 meeting, "encouraged the population to seek methods of dealing with their leaves and woody waste products in a responsible manner through the private sector, and further, that Protection Island and on lots one acre and larger, be permitted to burn so long as they have a burning permit from the Fire Department, on appropriate days in October and April of each year."

Attached are two reports that provide information related to Council's previous consideration of yard waste collection.

The RDN landfill and Nanaimo Recycling Exchange (NRE) on Cienar Road in cooperation with the RDN, accept residential yard waste. The NRE are expanding the site this spring and one of their objectives is to improve traffic flow for yard waste drop-off which is a very well used program.

The City is implementing a curbside kitchen waste program which enables increased capacity of backyard composting for yard waste. A recent survey of residences with Kitchen Waste Service showed 70% of these residences continued to compost in their yards.

The kitchen waste goes to the ICC composting facility at Duke Point as does the yard waste collected by the Nanaimo Recycling Exchange and RDN Landfill. Kitchen waste and yard waste cannot be mixed because the ICC composting processes requires control of the inputs to maximize the productivity their system can provide.

Respectfully submitted,



G. Franssen, Manager
Sanitation, Recycling, Cemeteries



T. Hickey, General Manager
Community Services

2011-Apr-04

TH/fg
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- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2011-APR-04

CITY MANAGER'S REPORT

TO: K. M. MACKENZIE, DIRECTOR OF ENGINEERING & PUBLIC WORKS

FROM: G. FRANSSSEN, MANAGER OF SANITATION, RECYCLING & CEMETERIES

RE: BACKYARD BURNING AND YARD & GARDEN WASTE ALTERNATIVES

RECOMMENDATION:

- 1) THAT Council not initiate further services for management of organic waste.
- 2) THAT Council Directors on the Regional District Board support the same service level selected at the Regional District.

BACKGROUND

Council at their 2001-Nov-05 meeting directed staff to prepare a report for Council's consideration regarding existing services and alternatives for disposal of organic waste, in order that Council may consider the appropriate mechanism to institute the ban on outdoor burning of yardwaste.

In 1998, Council was provided with a report and seminar session focusing on backyard burning and alternative yard and garden waste service options. The options considered ranged from the "status quo", to providing limited municipal service to a bi-weekly curbside collection of all yard and garden waste. In December of 1998, Council directed staff to approach local service clubs in an attempt to acquire and fund a community provided service focussing on the collection of yard and garden waste. Over 200 groups and associations were approached without acquiring any interest. Council was provided an information report stating this in March of 1999.

In February of 1999, Council amended the appropriate sections of the Fire Protection and Control Bylaw No. 3879 to regulate backyard burning to Fridays and Saturdays during the months of April and October (Bylaw No. 5355).

The Fire Department receives approximately 150 complaints within the eight permitted burning days each year, which adversely impact response times to emergencies. Complaints of smoke are difficult to enforce under the current "Burning Bylaw" as the fire may be placed in or be in compliance after arrival of the fire crews. The discretion of the investigating officer is frequently questioned in bylaw enforcement decisions.

Under the City's Solid Waste Bylaw, yard and garden waste is one of the materials excluded from current collection programs. Existing user fee, \$100.25 per residence per year. Residents can use private sector services or self-haul their yardwaste to the Cedar landfill or Vancouver Island Recycling Centre on Cedar Drive.

DISCUSSION

Issues around backyard burning and the selection of alternatives have previously been before Council. Over the years, Council has reduced the available time for residents to burn, held

AGENDA ITEM

Council

Standing Committee

Camera Meeting

Presentation Only

Meeting Item 2001-DEC-03

9(7)1

public meetings to hear the concerns of residents, approached local clubs and associations in an attempt to acquire subsidized service for collection and reviewed a variety of alternatives related to the collection and disposal of yard and garden waste. Council's ability to select a service was restricted by the limited ability of the RDN to handle large volumes of this type of material.

Attached as Appendix No. 1 is a brief summary of backyard burning restrictions and disposal alternatives utilized by some other communities

Since 1998/99, several things have changed. The RDN recently signed a contract with Evansdale Farms near Qualicum Beach thereby gaining the ability to handle increased volumes of yard and garden waste (anticipated tipping fee of \$45 to \$50 tonne).

In August of 2000, the RDN conducted a market survey that included questions related to yard and garden waste. 50 percent of those surveyed were City of Nanaimo residents. The reliability of the RDN's survey was $\pm 5\%$, 19 out of 20 times. City of Nanaimo results, focused on yardwaste issues, are contained in Appendix No. 3. Of note in the survey, 1% of households in the City are utilizing backyard burning to dispose of their yardwaste. This would seem to indicate that the vast majority is coping without City assistance and have chosen composting, self-haul or private sector alternatives. With the range of options currently available and the private sector's ability to respond to these issues it would be staff's recommendation that Council, if it chooses to discontinue burning, provide no increase of service level or cost to taxpayers. This would likely increase the available community and/or private sector options that may develop as a result of Council's initiative

The RDN, in a recent tender for garbage and recycling services, also acquired prices for yard and garden waste collection services. The City of Nanaimo was included as a separate item for tender response. These numbers have been used in Option "4" in Appendix No. 2. Estimates are provided for other service options outside the scope of the RDN's tender.

If Council's main focus is resolving the backyard burning issue and providing services related to addressing this need, services provided should relate to burnable, woody materials – not green waste such as leaves, garden waste and lawn clippings. This need requires less frequency and more seasonal styled service. Alternatives 1,2 and 3(a) in Appendix No. 2 have this focus

Green waste collection is more related to the issue of diverting materials for composting and providing convenience to do so. Focusing service to address green waste and therefore diversion requires more intensive services with higher frequency. Larger volumes of materials and associated tipping fees naturally result. If curbside service is provided, compostable Kraft paper yardwaste bags would be required to service this type of waste. Compostable yardwaste bags would be made available through private vendors (estimated at \$1.50 each). Alternatives 3 and 4 have this focus. Responsible action by residents related to backyard composting, self-haul and hiring private sector services, reduce as convenience of service increases. The diversion issue and providing services to address it is part of the RDN's focus as it relates to landfill operations (traffic, landfill capacity, costs, organic materials diverted for composting, bans, etc.) and the provision of services to improve diversion.

Charging low volume or no volume properties the same fee provides a subsidy to higher volume generators, which is not in line with a user pay philosophy. The private sector is active, competitive and provides user pay service.

9(7)2

Any option selected will have some resident support and some opposition. There are specifically large property owners and the Protection Island Rate Payers Association who have gone on record as wanting to be singled out. They want to be allowed to burn their waste or they want a particular style of service (e.g. a chipper for Protection Island residents use) to deal with their lifestyle or the volume of material generated by them. Council may chose to exempt larger lots (greater than 1 acre) and/or Protection Island; however, staff will not be recommending these exclusions. Outdoor burning has been banned or restricted in most urban jurisdictions due to health impacts. Smoke from organic waste burning will migrate and therefore to exempt certain areas within the jurisdiction would not appear to meet Council's stated objective of providing a healthy environment.

Should Council choose to eliminate outdoor burning, staff would assist Protection Island residents to develop alternatives. Residents currently pay no garbage fee or receive service and manage this function internally.

Residents have not been polled for their feedback on the cost they are willing to support as it relates to service. The RDN approached the price issue in their August 2000 survey (Question 4 in Appendix No. 3) but were not at that time in a position to relate service levels to cost. The RDN is considering another survey in 2002 that may clarify this question. The City can participate in this, but survey results and any implementation of services would not be anticipated before the April 2002 burning season.

~~Should Council require further information on program choices, it is recommended that Council narrow their options to allow staff to provide more detail on costs and program implementation.~~

RECOMMENDATION:

- 1) THAT Council not initiate further services for management of organic waste.
- 2) THAT Council Directors on the Regional District Board support the same service level selected at the Regional District.

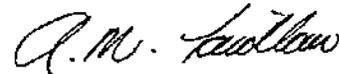
Respectfully submitted,



Gary Franssen
Manager Sanitation, Recycling & Cemeteries

G:\franssen\backyard burning mgr report.doc

APPROVED
FOR CITY MANAGERS REPORT TO COUNCIL



A.W. LAIDLAW
GENERAL MANAGER OF COMMUNITY SERVICES

9(7)3

BURNING PROGRAMS AND SERVICES

APPENDIX N

Community	Burning Restrictions	Disposal Options
Prince George	Clean Air Bylaw 2001 restricting seasonal burning to outside the "bowl".	<ul style="list-style-type: none"> 3 drop-offs provided throughout the city at transfer stations and recycling drop-offs. No fees for service.
Kamloops	Seasonal only for lots of greater than 1/2 acre.	<ul style="list-style-type: none"> Seniors pickup service in October with annual phone in required. 2 drop-offs at controlled recycling sites seasonally. Compost available to residents (no charge).
Saanich	Complete ban.	<ul style="list-style-type: none"> Fall curbside leaf collection using vacuum trucks, with material transferred to private site on request. Year round drop off available at municipal yard with controlled access, at no charge.
Oak Bay	Complete ban.	<ul style="list-style-type: none"> Public Works accept yard and garden waste at the municipal yard year round. Spring curbside yard waste collection, with volume limit. Fall clean up of leaves only, using vacuum truck for loose leaves at curbside.
Victoria	Complete ban.	<ul style="list-style-type: none"> Parks & Rec provide a Fall leaf pickup program in November & December – curbside collection using vacuum trucks. Branch pickup service provided in February/March at curbside with chippers. Year round drop-offs on Saturday morning only at Public Works Yard with \$3 per carload and \$6 per pickup fees.
Kelowna	<ul style="list-style-type: none"> Burning banned for lots less than 1 acre in size. Seasonal and permit required (\$5 – \$10) for larger lots only. 	<ul style="list-style-type: none"> 2 Spring collections and 2 Fall collections at curbside Unlimited quantities of yard waste collected, leaves in bags and woody waste bundled. Dimensional limits apply – 1/2" and less. Garbage trucks used Bags are de-bagged at landfill. Free Drop-off at city landfill (Mar. & Apr.; Oct. & Nov.). Maximum 8" diameter.
Vancouver	Complete ban.	<ul style="list-style-type: none"> Bi-weekly collection year round. Garbage cans, compostable Kraft bags, bundles collected. 3 item limit \$34 per household per year
Delta	Complete ban.	<ul style="list-style-type: none"> Drop-off at landfill sites – first 50 Kg. free. Curbside service – 2 collections in fall and 2 collections in spring. \$11.00 per household.
Nanaimo	Seasonal (April & October – Fridays & Saturdays only).	<ul style="list-style-type: none"> Self haul to Cedar Road landfill or Vancouver Island Recycling on Cienar Drive – fees apply. Private sector services available.

09.

9(1)4

917/5

COUNCIL OPTIONS

APPENDIX NO. 2

No.	OPTION	USER FEE IMPACT	ADVANTAGES	DISADVANTAGES
1.	<p>No Change – status quo</p> <ul style="list-style-type: none"> Support RDN Compost Education and Home Composter distribution programs. Assist and encourage private sector response to community needs. Self-haul of yard and garden waste for \$6/pickup load to Vancouver Island Recycling (for North and Central residents) and the Cedar landfill. 	<ul style="list-style-type: none"> Garbage & Recycling user fee cost per year is \$100.25 per household per year. No impact on user fees. 	<ul style="list-style-type: none"> Homeowner costs do not increase unless a burning ban is initiated. RDN survey indicates 1% of residents utilize backyard burning for yardwaste management. An ongoing opportunity exists to further promote home or neighbourhood composting through education and information. The private sector is available and responding to a public need through sales of products and services. The levels of service individual households want and associated cost is selected by their resident. 	<ul style="list-style-type: none"> Should a burning ban be initiated, households without transportation capabilities are limited in their choices. Individual residents will continue to be responsible for their yard and garden waste and have to make appropriate arrangements for its collection and disposal. This level of service promotes the user pay ethic. Protection Island left with no alternative unless they arrange one themselves.
2.	<p>Provide a crew and wood chipper (3-inch max.) for one day at four strategically located sites throughout the City. This spring program would be offered, scheduled (Saturdays and Sundays) and advertised. Residents would bring their pruning material to the site for disposal as per the advertised schedule.</p>	<ul style="list-style-type: none"> \$15,000 per program \$1.00 per residence, per year, per program. \$1.50 per residence per program if green waste included. 	<ul style="list-style-type: none"> Provides an annual opportunity for residents to self-haul pruning materials they might otherwise burn (yard wood waste). Does not as directly compete with any known private sector initiatives due to its duration. 	<ul style="list-style-type: none"> Residents must hold their pruning material until the scheduled program. Residents are required to deliver material to the collection site(s). Households without transportation capabilities are limited in their ability to access the service. Provides some competition to private sector. Is not a user pay program.
3.	<p>Provide selective pickup for:</p> <p>a) <u>Spring</u> - Tree prunings (3-inch maximum diameter) bundled and cut to 3-foot (1 metre) lengths by resident (woody waste only).</p> <p>b) <u>Fall</u> -Leaves collected in large compostable paper yardwaste bags, purchased by resident. Bags sold through retail outlets (estimated at \$ - \$1.50 per bag) as arranged by the City.</p>	<ul style="list-style-type: none"> Total if both collections, one in spring and one in the fall, were implemented estimated at approximately \$8 to \$10 per residence, per year on user fee, plus cost of bag(s) purchased by residents. Total for only Option "a" as a spring program woody waste only service \$3 to \$5 per residence. 	<ul style="list-style-type: none"> Specific pickup would be provided seasonally utilizing garbage collection style equipment i.e.: tree pruning would be collected on a 2 week blitz at the end of March. Garden debris and leaves would have a separate collection blitz at the end of November (no woody waste). If burning is the issue, selecting only a woody waste service specifically addresses it. 	<ul style="list-style-type: none"> We are introducing this waste into the waste stream, and whether successful or not, the City may not be able to retire the program. This program competes directly with private sector services. It is not a user pay program. Residents incur costs of bags. Home composting incentive reduced or gone.

61

COUNCIL OPTIONS

APPENDIX NO. 2 cont.

No.	OPTION	USER FEE IMPACT	ADVANTAGES	DISADVANTAGES
4.	Provide a scheduled curbside collection service for all yard and garden waste. Pruning, etc. tied in bundles, leaves and grass clippings put out in compostable bags (purchased by resident, estimated at \$1.50 per bag).	<ul style="list-style-type: none"> • Bi-weekly (all year) - \$29.56 • Bi-weekly (9 month) - \$29.46 • Monthly (9 month) - \$24.70 • Quarterly - \$16.40 <p><i>Estimates per RDN tender response.</i></p>	<ul style="list-style-type: none"> • Convenience to public. 	<ul style="list-style-type: none"> • Is not user pay and does not provide any incentive to handle the material alternatively. • As everyone pays the same amount higher volume users are subsidized by lower volume users. • Home composting and self haul decrease as frequency increases. • Provides direct competition to ongoing private sector initiatives. • Introduces this waste into collection system and the waste stream. • Residents incur the additional cost of bags.

- NB
- User control, restricting use to City residents paying user fees, would be difficult for drop-off services.
 - Assumes lower collection frequency results in reduced volumes collected/household for curbside service.
 - Disposal fee assumed to be \$45.00/tonne at landfill for garden waste.

62

9(7)6

REGIONAL DISTRICT OF NANAIMO MARKET SURVEY RESULTS – AUGUST 2000

(Reliability ±5%, 19 out of 20 times)

1. "How do you dispose of yard and garden waste?"

Compost	Burn	Take to the Landfill	Deposit on Empty Land	Someone Else Handles	Don't Have Any	Other	Don't Know or Refused to Answer
59%	1%	14%	4%	7%	8%	4%	3%

2. "Would you like to see a municipal yard and garden waste collection program?"

Yes	Already Have Picked Up	No	Don't Know or Refused to Answer
55%	1%	35%	9%

3. The 55% who said, "Yes" to Question 2 were asked, "How often would you like to have yardwaste picked up?"

63

Monthly	Weekly	Twice per Year	Every Two Weeks	Other	Don't Know or Refused to Answer
47%	15%	15%	14%	8%	3%

4. The 55% who said, "Yes" to Question 2 were asked, "How much would you be willing to pay per year for yardwaste service?"

\$0	1 cent to \$4.99	\$5.00 to \$9.99	\$10.00 to \$14.99	\$15.00 to \$19.99	\$20.00 to \$24.99	\$25.00 to \$29.99	\$40.00 to \$50.00 or more
21%	8%	10%	3%	4%	6%	3%	7%

- (e) 2105 Bowen Road
Property Owners: Long T. Nguyen
213 – 975 East Broadway
Vancouver, BC V5T 1Y3
Building Deficiency: Illegal Grow Operation

Recommendation: That Council, by resolution, instruct the City Clerk to file a Notice respecting the above property(ies) in the Land Title Office under Section 700 of the *Local Government Act*.

Mayor Korpan inquired if there was anyone in attendance who wished to speak to the report pertaining to Unresolved Building Deficiencies/Illegal Suites/Grow Operations for items (a) to (e).

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

Moved by Councillor Sherry, seconded by Councillor McNabb that the reports be received and the recommendation be adopted for items (a) to (e). The motion carried.

COMMUNITY SERVICES:

ENGINEERING AND PUBLIC WORKS:

(8) Yard Waste Options

At the Regular Meeting of Council held 2002-JUN-17 a temporary one-year ban was placed on backyard burning, excluding properties of one acre or larger and those on Protection Island.

At the 2002-NOV-25 meeting of Council, Staff was requested to provide a report on yard waste disposal options for discussion as part of the 2003 Annual Budget review in order that Spring implementation could be considered should Council deem it appropriate.

Staff have identified the following options to deal with burnable woody waste should Council wish to continue the ban on backyard burning.

1. Maintain the status quo - provide compost education and let the private sector respond to community needs.
2. Seasonal drop-off program(s) – this program provides drop off locations for woody waste in the Spring and/or leaves only in the Fall. Residents would be given the opportunity to drop off yard waste on four Saturdays in April and four Saturdays in November at any of the four locations in town. The cost of the drop off sites for Spring and Fall would be \$50,500.
3. Seasonal selective curbside pickup(s) – this program consists of Spring and/or Fall curbside service focused on woody waste in the Spring and/or leaves only in the Fall. Volume limits would apply and service would only be available to residents on City garbage and recycling service. The cost of this program, if conducted in both the Spring and Fall, is estimated to be \$262,500.

4. Regular scheduled curbside pickup(s) – provides regular scheduled curbside yard waste pickup to residents on City garbage and recycling service. The costs of this service is dependant upon the frequency of service (i.e. bi-weekly all year \$759,500/four times per year \$390,600.). Volume limits would apply.

A Regional District of Nanaimo (RDN) market survey of City residents in 2000 indicated one percent of households were utilizing backyard burning to dispose of their yard waste. The above options have varying impacts on user fees and taxation levels. Charging property owners a set user fee results in higher volume generators being subsidized by low volume or no volume households. As well, providing a publicly funded service would most likely compete with and negatively impact current/future private sector initiatives, increase the organic waste stream and reduce resident's incentives to pursue alternatives such as composting. The private sector is currently very active, competitive and provides user pay service.

Should Council wish to establish a new service, a decision is required as soon as possible in order to provide for tendering, public education and implementation to meet an April start date. Should Council decide to provide some type of yard waste disposal service, Staff's intention would be to tender the service for a three-year term unless Council directs otherwise. Council may also wish to review the existing burning exemption for larger properties and Protection Island should any yard waste service be provided.

In summary, Staff believe that the private sector is responding appropriately to the community's yard waste collection needs and that City intervention in the system is unnecessary.

Recommendation: That Council direction is sought.

Moved by Councillor Krall, seconded by Councillor Tyndall that Council support Option 2 (Seasonal drop-off program) of the report.

Councillor Krall requested a recorded vote.

IN FAVOUR

Councillor Krall
Councillor Tyndall

OPPOSED

Mayor Korpan
Councillor Brennan
Councillor Cantelon
Councillor Holdom
Councillor McNabb
Councillor Manhas
Councillor Sherry

The motion was defeated.

Moved by Councillor Cantelon, seconded by Councillor McNabb that the report be referred to the upcoming budget meetings. The motion carried.

FOR INFORMATION ONLY

REPORT TO: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

FROM: GARY FRANSSSEN, MANAGER, SANITATION, RECYCLING, CEMETERIES

RE: COLLECTION AND DISPOSAL OF SANITARY MATERIALS

STAFF'S RECOMMENDATION:

That Council receive the report for information.

EXECUTIVE SUMMARY:

At the 11-FEB-07 Meeting of Council, staff was asked to prepare a report regarding the collection and disposal of sanitary items.

BACKGROUND:

The City provides garbage and recycling collection to 25,200 residences weekly. The collection program is based on a user pay system. This approach has proven to be successful in helping to reduce community and household waste generation.

Reducing waste is important because the local landfill space is extremely limited and increasingly more expensive. RDN landfill tipping fees are presently \$110 per tonne and increase annually. Sighting new landfills has been approached several times but not received political or public support. Alternatives, such as waste export or incineration, have impact beyond just dramatically higher cost.

The objectives of the Official Community Plan include:

- "manage solid waste by meeting the community's basic needs for solid waste collection and disposal".
- "reduce consumption and promote conservation"
- "minimize the amount of waste that must be land-filled"

Garbage and recycling service levels based on a user pay system are designed to meet these objectives and the community has responded in a very positive way. In 2010, 45% of our community's household waste went to recycling facilities instead of the landfill. With the Kitchen Waste service, households will divert 70% of their household waste. The community recognizes the importance of participating in available recycling and reuses alternatives and is generally looking forward to city-wide Kitchen Waste service.

The one container weekly limit for garbage has been in place for 11 years. Annually, each September, Sanitation staff conduct a curbside container count on all City collection routes. Physical counts and information gleaned from clients consistently show:

- Year over year, the one container limit meets the needs of 95 to 98% of the households we serve (3 - 5% use \$2 garbage tags to put out extra garbage).
- Less than 1% put out more than one extra container per collection.
- A family of five is on the cusp as far as being able to operate their household and stay consistently within the one container garbage limit. With a family of five there will be times when tags for extra containers are necessary but more often than not, one container per week service will meet their needs.

- Naturally, there are differences that result from family lifestyle issues and the age of children in each household.

Every year numerous calls are received from clients who would like to be recognized for their efforts at producing less waste than our basic service limit. They indicate they feel they are subsidizing households that are not doing their part to divert waste, don't participate in diverting waste to the level they should or have large families. Calls such as this are now being received from Green Bin clients who put one container of garbage out once a month.

The City initiated a direct user pay system in 1993 when a two container garbage limit and tags for extra containers was introduced. In the last 20 years services have changed from three bag limits and newspaper only recycling to the green bin kitchen waste program and service levels we have now. The Cities 'pay as you throw' approach recognizes:

- a basic service level/ bag limit established under bylaw at a level that addresses the needs of the vast majority of clients.
- a corresponding user rate for established basic services as recognized under bylaw.
- a \$2 garbage tag for servicing extra containers to recognize households that do not have the ability to stay within the established container limit. These tags are available through numerous outlets.

The Collection and Disposal of Sanitary Waste:

This waste is household garbage and is collected with the residential pick-up. It is disposed of at the landfill and is not recyclable or compostable.

Diapers are either disposable or reusable and the choice made may be convenience based. Households may be dealing with diaper needs associated with young children, the elderly, medical conditions or even pets. Some households will have more than one family member's needs to consider. None of these situations are known to collection personnel and residents consider this extremely personal information and do not wish to share it.

Some households using diapers will be in the 3-5% of customers that put out extra garbage. However, the disposal of diapers may not necessarily be the only reason why extra garbage needs exist.

Council was asked to consider subsidizing households needing garbage tags for sanitary waste, specifically diapers. As expected, any subsidization of sanitary waste collection presents challenges:

- The use of diapers is not necessarily correlated to financial need.
- Some households may receive a subsidy or tax relief for their situation or medical conditions.
- There are diaper issues attached to many different types of elderly and child care homes, foster care homes and numerous child day-care facilities serviced by City's collection programs. Some are business enterprises where disposal costs are worked into fees or payments from external sources. Do we say no to care facilities and businesses we service but yes to foster homes?
- There would be considerable effort and expense to develop and maintain a consistent process for determining who would receive subsidy.
- How do we determine when subsidy is warranted?
- Why would the City subsidize a household that is using disposable diapers and not provide subsidy to a household for reusable diapers which do not impact the landfill?
- How do we determine what percentage of a householder's garbage is diapers and therefore deserving of subsidy – it is typically mixed in with other waste?
- How do we monitor it afterwards so the subsidy doesn't continue after diaper use ceases or a subsidized occupant moves to another location?

Based on customer feedback and program surveys, staff feel that the current user pay system is working effectively and achieving the desired objectives. Service levels meet the community's basic needs and the user pay approach promotes the goals of the OCP and helps save landfill space for future generations while still offering flexibility to those that need additional service.

Respectfully submitted,



G. Franssen, Manager
Sanitation, Recycling, Cemeteries



T. Hickey, General Manager
Community Services

2011-Apr-04

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FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

RE: PESTICIDE USE BYLAW NO. 7102 - UPDATE

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

On 2010-APR-26, the City of Nanaimo Pesticide Use Bylaw No. 7102 was adopted by Council to take effect 2011-APR-04. The bylaw prohibits the use of pesticides for maintaining ornamental flowers, shrubs, trees and lawns on private residential and City-owned land.

BACKGROUND:

On 2010-APR-26, the City of Nanaimo Pesticide Use Bylaw 2010 No. 7102 was adopted by Council to take effect 2011-APR-04. The bylaw prohibits the use of pesticides for maintaining ornamental flowers, shrubs, trees and lawns on residential and City-owned land. Over the course of the last year, work has continued to raise public awareness about the bylaw and for the City to demonstrate a leadership role on managing its lands without the use of pesticides.

What activities will not be restricted by the bylaw?

While the bylaw restricts the use of many conventional pesticides on ornamental gardens and lawns, there are exemptions from the bylaw that are required under Provincial legislation. Under these exemptions, pesticides can be used and are not affected by the bylaw. These exemptions include:

- the use of provincially excluded pesticides;
- management of pests that transmit human diseases;
- management of pests that impact agriculture and forestry, transportation, public utilities, pipelines not owned by the City;
- management of pests on or inside a building (including a residence) or greenhouse;
- management of pests on a residential area of a farm;
- application of pesticides to a public or private swimming pool;
- management for provincially-recognized invasive plants; and
- use of pesticides on hardscapes (i.e. driveways, patios, stone/concrete walkways, retaining walls) on private residential land.

In addition, there are a number of non-residential land uses where pesticides can continue to be used without restriction:

- Commercial land (including golf courses);
- Institutional land (including Vancouver Island University and the Nanaimo Regional General Hospital, all schools, and the E&N railway corridor); and
- Industrial land.

It should be noted that the sale and disposal of pesticides will continue to be ultimately controlled by the Provincial government under the Product Care Program (PCP). Questions regarding the disposal of pesticides will be addressed through the Nanaimo Recycling Exchange and the Regional District of Nanaimo.

Parks, Recreation and Culture's Management of City-Owned Land

Within City-owned lands, the Parks, Recreation and Culture Department has not been using pesticides for the last year. Since last summer, Parks staff has used a number techniques within the City's public squares and walkways, sports fields, road medians, naturalized areas and ornamental lawns and gardens. Due to concerns over public cost for ongoing maintenance and for safety reasons, Parks staff will continue to maintain major sports fields and roadway medians using an Integrated Pest Management (IPM) approach.

IPM is a knowledge-based pest management approach that requires an understanding of the landscape ecosystem including the relationships and interactions of organisms, especially pests and their natural enemies. IPM uses the full range of pest management tools and tactics including cultural, physical, biological, behavioral and, as a last resort, chemical pesticides.

How will the bylaw be administered?

Responsibility for education and public awareness about pesticide alternatives will be coordinated between Community Planning (Environmental Planner) and Parks, Recreation and Culture (Manager of Parks Operations). Community Planning will provide educational materials to residents through the City's webpage (www.nanaimo.ca/goto/pesticidefree). Information packages on the bylaw and where to go for advice on pesticide alternatives will be sent to homeowners that the City has received initial complaints about.

The Bylaw Services Section will be responsible with responding to bylaw infractions. For initial calls regarding a potential bylaw infraction, staff will provide educational material on the bylaw and advice on using pesticide alternatives. Most often, this will involve directing residents to the City's website (www.nanaimo.ca/goto/pesticidefree) or directing them to Parks horticultural staff, local horticultural groups or local businesses that can provide specific advice on alternative pest control. If there are repeated complaints about a resident, Bylaw staff may take further action, including ticketing.

Recognizing that a major goal for having the bylaw is to promote the use of non-chemical methods when dealing with pest problems on residential gardens and lawns, City staff will be emphasizing education as a large part of enforcement.

City staff will continue to monitor implementation of the bylaw and will continue to have ongoing dialogue with residents and local businesses. If there is a need to make further adjustments to the bylaw, staff will report back to Council with recommendations at that time.

What is being done to provide information to the public on alternatives to pesticides?

One goal of the bylaw is to encourage and promote the use of non-chemical pesticide methods when dealing with pest problems on residential gardens and lawns. Because of the wide variety of potential pest problems, this will involve being open to the use of new techniques and products coming onto the market. While not trying to promote one approach or method, staff's role will be to direct residents to consider a wide variety of things people can do in their garden to minimize any potential pest problem and learn to tolerate a certain threshold before taking any action. For example, a dozen aphids on a potato plant does not require any action beyond hosing them off with water.

To date, City staff have developed a website (www.nanaimo.ca/goto/pesticidefree) with information on the bylaw and where to go for advice on a wide variety of topics dealing with pest management. The City pesticidefree webpage will also have a feature to allow the public to ask Parks horticultural staff questions on how to deal with local pests.

Within the last month, staff have made presentations on the pesticide use bylaw to the Nanaimo Horticultural Society and have set up information booths at the CVIGS Spring Garden Show (March 11 to 13, 2011), the Green Solutions Trade Show (March 19 to 20, 2011) and will have a major presence at the upcoming Earth Day event at Bowen Park on April 16, 2011.

Respectfully submitted,



Bruce Anderson,
Manager of Community Planning
Community Safety & Development

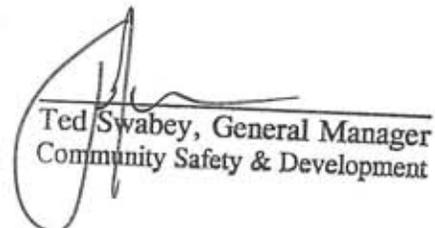


Andrew Tucker,
Director of Planning
Community Safety & Development

RL/rt

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Council Date: 2011-APR-04



Ted Swabey, General Manager
Community Safety & Development