

AMENDED

AGENDA FOR THE REGULAR MEETING OF
THE COUNCIL OF THE CITY OF NANAIMO,
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON MONDAY, 2010-JUN-07, COMMENCING AT 7:00 P.M.

1. CALL THE REGULAR MEETING OF COUNCIL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

- Add Item 6 (b) – Delegations Pertaining to Agenda Items – Mr. Fred Taylor regarding Staff Reports on RA243 – Part of 953 Park Avenue and RA244 – 368 Hillcrest Avenue.
- Replace Pages 100 to 101 – Item 11 (f) Staff Reports – Expropriation of Parts 1602 Bowen Road, 211 Buttertubs Drive and 1097 Bowen Road.
- Delete Item 11 (g) – Staff Reports – Unsightly Premises – 2845 Glenayr Drive.
- Add Item 11 (g-1) – Staff Reports - Expression of Interest for City Hall Annex Replacement.
- Add Item 12 (d) – Information Only Items – Report from Mr. P. Rosen, Design Engineer, re: Design for Howard Avenue Watermain Project.
- Add Item 16 (a) – Correspondence – Ms. Joyce Lee regarding adoption of *Lotus pinnatus* as the City's floral emblem.

3. ADOPTION OF AGENDA:

4. ADOPTION OF MINUTES:

- | | | |
|-----|--|------------------|
| (a) | Minutes of the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2010-MAY-10 at 7:00 p.m. | <i>Pg. 9-19</i> |
| (b) | Minutes of the Special Open Meeting of Council held in the Board Room, City Hall, on Monday, 2010-MAY-17 at 4:30 p.m. | <i>Pg. 20-24</i> |

5. **PRESENTATIONS:**

- (a) Mr. Bill Harvey, Project Manager, Associated Engineering, to provide a presentation regarding "South Fork Water Treatment Plant – Selecting the Treatment Process". [NOTE: A report regarding this issue is presented under Information Only Items on the agenda.]

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

- (a) Mr. Serge Vaillancourt, 5320 Kenwill Drive, Nanaimo, BC, regarding the importance of donating blood. *Pg. 25*
- (b) Mr. Fred Taylor, 204 Emery Way, Nanaimo, BC, regarding Staff Reports on RA243 – Part of 953 Park Avenue and RA244 – 368 Hillcrest Avenue. *Pg. 25.1*

7. **MAYOR'S REPORT:**

8. **PROCLAMATIONS:**

- (a) That the month of June is "CHILD PASSENGER SAFETY MONTH" in the City of Nanaimo. *Pg. 26*
- (b) That 2010-JUN-14 to 2010-JUN-20 is "NATIONAL BLOOD DONOR WEEK" and 2010-JUN-14 is "WORLD BLOOD DONOR DAY" in the City of Nanaimo. *Pg. 27*
- (c) That 2010-JUN-15 is "WORLD ELDER ABUSE AWARENESS DAY" in the City of Nanaimo. *Pg. 28*
- (d) That 2010-JUN-20 to 2010-JUN-26 is "GAY PRIDE WEEK" in the City of Nanaimo. *Pg. 29*
- (e) That 2010-JUN-21 to 2010-JUN-27 is "AMATEUR RADIO WEEK" in the City of Nanaimo. *Pg. 30*

9. **COMMISSION REPORTS:**

- (a) **Minutes of the Nanaimo Athletic Commission Meetings held 2010-FEB-24 and 2010-MAR-03** *Pg. 31-37*

Commission's Recommendation: That Council receive the Minutes of the Nanaimo Athletic Commission Meetings held 2010-FEB-24 and 2010-MAR-03.

- (b) **Minutes of the Nanaimo Economic Development Commission Meeting held 2010-APR-15** Pg. 38-39

Commission's Recommendation: That Council receive the Minutes of the Nanaimo Economic Development Commission Meeting held 2010-APR-15.

- (c) **Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-APR-28** Pg. 40-50

Commission's Recommendation: That Council receive the Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-APR-28.

- (d) **Parks, Recreation and Culture Commission – City Floral Emblem** Pg. 51-55

Commission's Recommendation: That Council accept the Lotus pinnatus as the City of Nanaimo floral emblem.

10. **COMMITTEE REPORTS:**

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

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **DVP154 – 2290 Labieux Road** Pg. 56-61

It is requested that Council hear anyone wishing to speak with respect to DVP154.

Staff's Recommendation: That Council issue Development Variance Permit No. DVP154 at 2290 Labieux Road.

- (b) **Applications for a Temporary Change to a Liquor or Food Primary Licence** Pg. 62-67

Staff's Recommendations: That Council:

1. endorse the proposed liquor licence application process for a temporary change to a liquor or food primary licence, described in the 2010-MAY-10 Staff Report (Schedule B), and as outlined in the proposed temporary licence alteration checklist (Schedule A);

AND:

2. *receive the report pertaining to "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02", which is presented under the Bylaws section of the agenda.*

(c) **RA243 – Part of 953 Park Avenue**

Pg. 68-71

Staff's Recommendations: That Council:

1. *receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.478", which is presented under the Bylaws section of the agenda;*

AND:

2. *direct Staff to secure the community contribution and to register a covenant to secure general building design.*

(d) **RA244 – 368 Hillcrest Avenue**

Pg. 72-77

Staff's Recommendations: That Council:

1. *receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.479", which is presented under the Bylaws section of the agenda;*

AND:

2. *direct Staff to secure the community contribution and to register a covenant to restrict the development to six units and secure rain water pre-development flows.*

(e) **"MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071"**

Pg. 78-79

Staff's Recommendation: That Council receive the report pertaining to "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071", which is presented under the Bylaws section of the agenda.

(f) **Expropriation of Parts 1602 Bowen Road, 211 Buttertubs Drive and 1097 Bowen Road**

Pg. 80-101

Staff's Recommendations: That Council:

1. *adopt the attached resolution as described in Schedule 1, approving the expropriation of part 1602 Bowen Road;*

AND:

2. *adopt the attached resolution as described in Schedule 2, authorizing and approving the expropriation of a right of way across 211 Buttertubs Drive;*

AND:

3. *adopt the attached resolution as described in Schedule 3, approving the expropriation of part 1097 Bowen Road.*

(g) ~~**Unsightly Premises – 2845 Glenayr Drive**~~

Pg. 102

(g-1) **Expression of Interest for City Hall Annex Replacement**

Pg. 102.1-
102.9

Staff's Recommendation: That Council direct Staff to advertise the attached Expression of Interest for the City Hall Annex Replacement.

(h) **Unresolved Building Deficiencies – Notice on Title (Section 57)**

Pg. 103-107

It is requested that Council hear anyone wishing to speak with respect to unresolved building deficiencies/illegal suites for the properties listed below.

Staff's Recommendation: That Council, by resolution, instruct the Director of Legislative Services to file a Bylaw Contravention Notice respecting the properties listed below at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter:

- (1) 818 Howard Avenue – Illegal Construction / Finish Basements to include additional Dwelling Units
- (2) 373 Trinity Drive – Illegal Construction / Alter Basement to Include a Secondary Suite and Construct a New Roof at the Side of the House and Over the Suite Entrance
- (3) 376 Trinity Drive – Illegal Construction / Finish Basement to Include a Secondary Suite
- (4) 250 Lady Rose Place – Illegal Construction / Finish Basement
- (5) 132 Bird Sanctuary Drive – Illegal Construction / Alter Basement to Include a Secondary Suite
- (6) 2880 Haliday Crescent – Illegal Construction / Alter Basement to Include a Secondary Suite

CORPORATE SERVICES:

(i) **Tender #1018 – 2010 Asphalt Paving and Gravel Supply**

Pg. 108-109

Staff's Recommendation: That Council award Tender #1018 for 2010 Asphalt Paving and Gravel Supply to Hub City Paving Ltd. for an estimated annual amount of \$3,401,317 for Schedules "A" to "F" inclusive.

COMMUNITY SERVICES:

- (j) **Nanaimo River Road 30 Inch Water Supply Main** Pg. 110
- Staff's Recommendation:* That Council reallocate \$100,000 funding in the 2010 Water Supply budget to replace a section of the 30 inch water supply main in concert with the Ministry of Transportation and Infrastructure's culvert replacement.
- (k) **Harewood Centennial Park Improvement Plan – Application for Community Connections Grant** Pg. 111-113
- Staff's Recommendations:* That Council:
1. approve the improvement planning process to develop a vision and improvement plan for Harewood Centennial Park;
- AND:
2. support a joint application with School District 68 for a School Community Connections program grant to be used to assist in the development of an Improvement Plan for Harewood Centennial Park.

12. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. G. Ferrero, Manager Revenue Services and Financial Systems, re: Assessment Roll Adjustments. Pg. 114-115
- (b) Report from Councillor McNabb, Chair, Water Supply Advisory Committee, re: South Fork Water Treatment Plant – Filtration Process Selection. Pg. 116-117
- (c) Report from Mr. B. Anderson, Manager of Community Planning, re: Wesley Street and Tenth Street Housing Projects. Pg. 118-119
- (d) Report from Mr. P. Rosen, Design Engineer, re: Design for Howard Avenue Watermain Project. Pg. 119.1

13. **RECONSIDERATION OF BYLAWS: To be Moved by Councillor Kipp**

- (a) That "ZONING BYLAW AMENDMENT BYLAW 2008 NO. 4000.444" (RA206 – to rezone property from Transition Industrial Zone [I-1] to Comprehensive Development District Zone [CD-6] in order to facilitate the construction of a mixed use commercial and residential development at 2124 and 2126 Northfield Road) be adopted. Pg. 120-124

- (b) That "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460" (RA211 – 970 & 972 Brechin Road - to rezone property from Residential Duplex Zone [RM-1] to Residential Triplex and Quadruplex Zone [RM-2] in order to legalize an existing quadruplex [fourplex]) be adopted. *Pg. 125-127*
- (c) That "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" (To replace Schedule "B" and general text amendments) be adopted. *Pg. 128-148*

14. INTRODUCTION OF BYLAWS:

- (a) (1) That "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" (To incorporate policy for the processing of applications for temporary changes to liquor and food primary licences) pass first reading. *Pg. 149*
- (2) That "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" pass second reading.
- (3) That "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" pass third reading.
- (b) (1) That "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071" (To provide for the naming of a municipal highway [portion of McGirr Road renamed Thyme Place]) pass first reading. *Pg. 150-151*
- (2) That "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071" pass second reading.
- (3) That "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071" pass third reading.

15. INTRODUCTION OF DEVELOPMENT BYLAWS:

- (a) (1) That "ZONING AMENDMENT BYLAW 2010 NO. 4000.478" (RA243 – Part of 953 Park Avenue – to rezone part of the subject property from Single Family Residential Zone [RS-1] to Residential Duplex Zone [RM-1] to include two duplex lots within an approved subdivision development) pass first reading. *Pg. 152-153*
- (2) That "ZONING AMENDMENT BYLAW 2010 NO. 4000.478" pass second reading.

- (b) (1) That "ZONING AMENDMENT BYLAW 2010 NO. 4000.479" (RA244 – 368 Hillcrest Avenue – to rezone the subject property from Single Family Residential Zone [RS-1a] to Low Density multiple Family Residential (Townhouse) Zone [RM-3] to construct a multi-family development) pass first reading. *Pg. 154-155*
- (2) That "ZONING AMENDMENT BYLAW 2010 NO. 4000.479" pass second reading.

BYLAW STATUS SHEET *Pg. 156-159*

16. **CORRESPONDENCE:**

- (a) Letter dated 2010-MAY-30 from Ms. Joyce Lee, 1620 Townsite Road, Nanaimo, BC, providing a petition in favour of Council accepting the Lotus pinnatus as the City's floral emblem. *Pg. 159.1-159.3*

17. **COUNCIL APPOINTMENTS:**

18. **NOTICE OF MOTION:**

19. **OTHER BUSINESS:**

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

- (a) Mr. Richard White, 6024 Sierra Way, Nanaimo, BC, regarding storage of recreational vehicles on residential properties. *Pg. 160-164*

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

22. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR KIPP

2010-JUN-07 to 2010-JUL-18

MINUTES OF THE REGULAR MEETING
OF THE COUNCIL OF THE CITY OF NANAIMO
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON MONDAY, 2010-MAY-10 COMMENCING AT 7:00 P.M.

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

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

Staff: A. C. Kenning, City Manager
D. W. Holmes, Asst. City Manager/General Manager of Corporate Services
E. C. Swabey, General Manager of Community Safety & Development
T. P. Seward, Director of Development
K. Feiker, Manager of Purchasing
A. J. Tucker, Director of Planning
R. J. Harding, Director of Parks, Recreation and Culture
C. Scott, E-Government/Communications Officer
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 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6 (b-1) – Delegations Pertaining to Agenda Items – Mr. Leon Cake regarding Request for Proposal #1003.
- (b) Add Agenda Item 6 (b-2) – Delegations Pertaining to Agenda Items – Mr. Darryl Wright regarding Request for Proposal #1003.
- (c) Delete Agenda Item 11 (i) – Staff Reports – Unsightly Premises – 2166 Lancashire Avenue.
- (d) Add Agenda Item 11 (m-1) – Staff Reports – Expropriation of Part Properties Required for Bowen Road Realignment.
- (e) Add Agenda Item 11 (o-1) – Staff Reports – UBCM Community Tourism Grant.

- 24610 It was moved and seconded that the delegation presentation by Mr. William Frankling be moved forward to appear under "Presentations." The motion carried unanimously.

3. ADOPTION OF AGENDA:

- 24710 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

- 24810 It was moved and seconded that the Minutes of the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2010-APR-26 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Mr. William Frankling, 221 Pine Street, Nanaimo, spoke regarding Operation Nanaimo-gram, a project of the Vancouver Island Military Museum, and presented Council with the signed City of Nanaimo flag and the books of greetings for their endorsement. Mr. Frankling informed Council that the project was a great success and that the books of greetings will be on display at the Vancouver Island Military Museum on Friday, 2010-MAY-14 before they head to Afghanistan, and may also be digitized so the public can view the greetings online.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

- (a) Delegations Pertaining to the 2010 – 2014 Financial Plan.
- No one spoke regarding the 2010-2014 Financial Plan.
- (b) Mr. Tim Bordian, Corix Water Products, 2622 Beverly Street, Duncan, spoke regarding Request for Proposal #1003 - Primary Waterworks Supplier, and addressed some points that had been brought up in previous meetings. Mr. Bordian requested that Council support the Staff recommendation awarding Corix the five-year waterworks supplier contract.
- (b-1) Mr. Leon Cake, 5936 Schooner Way, Nanaimo, on behalf of Four Star Waterworks Ltd., spoke regarding Request for Proposal #1003 - Primary Waterworks Supplier and asked that Council cancel the RFP due to flaws in the bidding process.
- (b-2) Mr. Darryl Wright, 3505 Falcon Drive, Nanaimo, on behalf of Andrew Sheret Ltd., spoke regarding Request for Proposal #1003 - Primary Waterworks Supplier and expressed concern that his company's bid was not evaluated thoroughly and suggested that the tender be awarded for a one-year period, then re-evaluated.

- (c) Mr. Darren Moss, P.Eng., Tectonica Management Inc., 201-890 Crace Street, Nanaimo, updated Council on the status of the Nanaimo Train Station rehabilitation project and thanked City Staff and Council for their ongoing support. Mr. Moss informed Council that Phase One of the restoration should be completed in three months and that there has already been strong interest from a potential commercial tenant.
- (d) Mr. Rob Grey on behalf of Mr. Carmelo Mattiazzo, Rimini Townhomes, 4025 McConnell Drive, Burnaby, informed Council that he was available to address any questions Council may have regarding Development Permit No. DP643 for 50 Mill Street.

7. PROCLAMATIONS:

- (a) That 2010-MAY-16 to 2010-MAY-22 is "LOCAL GOVERNMENT AWARENESS WEEK" in the City of Nanaimo.
- (b) That 2010-MAY-16 to 2010-MAY-22 is "NATIONAL PUBLIC WORKS WEEK" in the City of Nanaimo.
- (c) That the month of May is "MISSING CHILDREN'S MONTH" and that 2010-MAY-25 is "MISSING CHILDREN'S DAY" in the City of Nanaimo.
- (d) That 2010-MAY-29 is "DAY OF THE HONEY BEE" in the City of Nanaimo.
- (e) That 2010-JUN-05 is "ACCESS AWARENESS DAY" in the City of Nanaimo.

8. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Minutes of the Meeting held 2010-MAR-24

24910 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission meeting held 2010-MAR-24. The motion carried unanimously.

- (b) Parks, Recreation and Culture Commission – Grade 5 Get Active! Program

25010 It was moved and seconded that Council endorse the Grade 5 Get Active! program, giving Grade 5 students from the City of Nanaimo, and contributing areas, free admission to drop-in swimming, skating and gymnasium-based activities for the 2011 school year. The motion carried unanimously.

- (c) Parks, Recreation and Culture Commission – Travel Assistance Application - Nanaimo Diamonds Synchronized Swim Club

25110 It was moved and seconded that Council approve the application for a Travel Assistance Grant for the Nanaimo Diamonds Synchronized Swim Club in the amount of \$500. The application meets all of the grant criteria. The motion carried unanimously.

9. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) RA235 – 3443 Meadow Lane Road and 3360 & 3370 Hammond Bay Road / RA236 – Part of Meadow Lane Road and Part of 3312 Hammond Bay Road

25210 It was moved and seconded that Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.475" (RA235);
2. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.476" (RA236); and,
3. direct Staff to register a covenant to secure upgrades to the Hammond Bay Road / Stephenson Point Road intersection; rain water pre-development flows; erosion and sediment control plan; and community contribution.

The motion carried unanimously.

- (b) OCP55 and RA237 - Part of 3312 Hammond Bay Road

25310 It was moved and seconded that Council:

1. receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.009" (OCP55);
2. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.477" (RA237); and,
3. direct Staff to register a covenant to secure upgrades to the Hammond Bay Road / Stephenson Point Road intersection; use restrictions; rain water pre-development flows; erosion and sediment control plan; and community contribution.

The motion carried unanimously.

- (c) RA238 - 6090 Hammond Bay Road

25410 It was moved and seconded that Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.474"; and,
2. direct Staff to register a covenant to secure the density restrictions; alternate road works; no gating; rain water pre-development flows; an erosion and sediment control plan; and community contribution.

The motion carried unanimously.

(d) Applications for a Temporary Change to a Liquor or Food Primary License

25510 It was moved and seconded that Council:

1. endorse the proposed liquor license application process for a temporary change to a liquor or food-primary license described in the report and as outlined on Schedule A; and,
2. receive the report pertaining to "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02."

The motion carried unanimously.

(e) DP643 – 50 Mill Street

25610 It was moved and seconded that Council issue Development Permit No. DP643 at 50 Mill Street with the following variance:

Height of Fence (West Property Line)

The maximum fence height, including a retaining wall, shall not exceed 2.4 m (7.8 ft) in a side yard. The proposed fence height, including the retaining wall, is 4 m (13 ft), a proposed variance of 1.6 m (5.3 ft).

The motion carried unanimously.

(f) DVP154 - 2290 Labieux Road

25710 It was moved and seconded that Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP154 for 2290 Labieux Road. The motion carried unanimously.

(g) HAP24 – 321 Selby Street

25810 It was moved and seconded that Council issue a Heritage Alteration Permit for the rehabilitation and reconstruction of the E&N Railway Station at 321 Selby Street. The motion carried unanimously.

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

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unresolved building deficiencies for the properties listed below.

Mr. Mike Stone, 740 Begbie Street, the new owner of 102-1930 Island Diesel Way informed Council that he is in the process of correcting building deficiencies.

25910 It was moved and seconded that Council:

1. by resolution, instruct the Director of Legislative Services to file a Bylaw Contravention Notice respecting the properties listed below at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*:

- (1) 2310 Rosstown Road – Illegal Construction / Finished Basements to include additional Dwelling Units
 - (2) 5405 Big Bear Ridge – Illegal Construction / Interior Structural and Plumbing Alterations; and,
2. grant the owner of 102-1930 Island Diesel Way an additional 30 days to rectify deficiencies.

The motion carried unanimously.

(j) Unsightly Premises – 3230 Norwell Drive

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unsightly premises at 3230 Norwell Drive.

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

- 26110 It was moved and seconded that Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of 3230 Norwell Drive to remove graffiti from the premises within fourteen (14) days, or the work will be undertaken by the City's agents at the owner(s) cost. The motion carried unanimously.

(k) Unsightly Premises – 644 Railway Avenue

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to unsightly premises at 644 Railway Avenue.

Mr. Doug Thomson, owner, requested extra time to clean up the property.

- 26210 It was moved and seconded that Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of 644 Railway Avenue to remove a derelict brown/gold van, derelict grey car, derelict black car, derelict red car, household furniture, household garbage, and miscellaneous debris from the premises within thirty (30) days, or the work will be undertaken by the City's agents at the owner(s) cost. The motion carried.

Opposed: Mayor Ruttan, Councillors Pattje and Unger

(l) Structure Removal Order – Illegal Suites in a Duplex – 2310 Rosstown Road

Mayor Ruttan inquired if there was anyone wishing to speak to the report pertaining to illegal suites in a duplex at 2310 Rosstown Road.

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

- 26310 It was moved and seconded that Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner(s) of 2310 Rosstown Road to remove the structure or bring it up to standard within thirty (30) days. The motion carried unanimously.

(m) Appointment of Bylaw Enforcement Officer

26410 It was moved and seconded that Council, by resolution, appoint Neil Adam Ashman as a Bylaw Enforcement Officer to enforce the provisions of the City of Nanaimo "LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923." The motion carried unanimously.

(m-1) Expropriation of Part Properties Required for Bowen Road Realignment

26510 It was moved and seconded that Council:

1. adopt the resolution as described in Schedule 1, authorizing the expropriation of part 1602 Bowen Road;
2. adopt the resolution as described in Schedule 2, authorizing the expropriation of part 211 Buttertubs Drive;
3. adopt the resolution as described in Schedule 3, authorizing the expropriation of part 1 Buttertubs Drive; and,
4. adopt the resolution as described in Schedule 4, authorizing the expropriation of part 1097 Bowen Road.

The motion carried unanimously.

CORPORATE SERVICES:

(n) Request for Proposal #1003 – Primary Waterworks Supplier Follow Up Report – Referred from Finance / Policy Committee of the Whole Meeting 2010-MAY-03.

26610 It was moved and seconded that Council award Request for Proposal (RFP) #1003 to Corix Water Products for a five-year term. The motion carried.
Opposed: Councillors Bestwick and Kipp

(o) Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.52, 2010

26710 It was moved and seconded that Council waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO PUMP & HAUL LOCAL SERVICE AMENDMENT BYLAW NO. 975.52, 2010" and that the Regional District of Nanaimo be notified accordingly. The motion carried unanimously.

(o-1) UBCM Community Tourism Grant

26810 It was moved and seconded that Council support the re-allocation of \$154,000 of UBCM Community Tourism Grant funding to the purchase of the LED screen score clock for the Nanaimo Aquatic Centre. The motion carried.
Opposed: Councillor Bestwick

COMMUNITY SERVICES:

(p) Hammond Bay Road Utility and Road Improvements

26910 It was moved and seconded that Council award the contract for Hammond Bay Road Utility and Road Improvements to the low tenderer, Locar Industries Inc. for the low bid of \$1,119,484.50. The motion carried unanimously.

10. INFORMATION ONLY ITEMS:

- (a) Report from Mr. A. J. Tucker, Director of Planning, re: Legal Non-Conforming Uses.
- (b) Report from Mr. J. Holm, Manager of Planning, re: LA52/Great Canadian Casino – 620 Terminal Avenue – Application for Liquor-Primary License.
- (c) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security, re: Repairs to the Bastion Street Parkade.

Councillor McNabb vacated the Shaw Auditorium at 9:07 p.m..

11. RECONSIDERATION OF BYLAWS:

- (a) "FINANCIAL PLAN AMENDMENT BYLAW 2010 NO. 7097.01" (To amend Schedule A of the 2010 - 2014 Financial Plan).

27010 It was moved and seconded that "FINANCIAL PLAN AMENDMENT BYLAW 2010 NO. 7097.01" be adopted. The motion carried.

Opposed: Councillor Sherry

- (b) "TAX RATES BYLAW 2010 NO. 7103" (To fix tax rates upon real property in the City of Nanaimo and to provide for the payment of taxes for the year 2010).

27110 It was moved and seconded that "TAX RATES BYLAW 2010 NO. 7103" be adopted. The motion carried.

Opposed: Councillor Sherry

12. INTRODUCTION OF DEVELOPMENT BYLAWS:

- (a) "ZONING AMENDMENT BYLAW 2010 NO. 4000.474" (RA238 – 6090 Hammond Bay Road - to rezone the subject property from Single Family Residential Zone [RS-1] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] in order to facilitate a multi-family residential development).

27210 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.474" be given first reading. The motion carried unanimously.

27310 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.474" be given second reading. The motion carried unanimously.

- (b) "ZONING AMENDMENT BYLAW 2010 NO. 4000.475" (RA235 – 3443 Meadow Lane Road and 3360 & 3370 Hammond Bay Road - to rezone the subject properties from Single Family Residential Zone [RS-1] to Steep Slope Residential Zone [RS-7] in order to incorporate the properties into a comprehensive steep slope development under the RS-7 Zone).

27410 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.475" be given first reading. The motion carried unanimously.

27510 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.475" be given second reading. The motion carried unanimously.

Councillor McNabb returned to the Shaw Auditorium at 9:10 p.m.

- (c) "ZONING AMENDMENT BYLAW 2010 NO. 4000.476" (RA236 – Part of 3355 Meadow Lane Road and part of 3312 Hammond Bay Road - to rezone parts of the subject properties from Steep Slope Residential Zone [RS-7] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] in order to incorporate increased residential density within the proposed comprehensive steep slope development).

27610 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.476" be given first reading. The motion carried unanimously.

27710 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.476" be given second reading. The motion carried unanimously.

- (d) "ZONING AMENDMENT BYLAW 2010 NO. 4000.477" (RA237 – Part of 3312 Hammond Bay Road - to rezone part of the subject property from Steep Slope Residential Zone [RS-7] to Mixed Use Commercial Zone [C-4] in order to incorporate a Local Service Centre within a comprehensive steep slope development).

27810 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.477" be given first reading. The motion carried unanimously.

27910 It was moved and seconded that "ZONING AMENDMENT BYLAW 2010 NO. 4000.477" be given second reading. The motion carried unanimously.

- (e) "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.009" (OCP55 – Part of 3312 Hammond Bay Road – to amend Schedule D of the OCP to permit a Local Service Centre).

28010 It was moved and seconded that "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.009" be given first reading. The motion carried unanimously.

28110 It was moved and seconded that "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.009" be given second reading. The motion carried unanimously.

- (f) "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" (To add a charge for applications to temporarily amend a liquor license).

28210 It was moved and seconded that "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" be given first reading.

28310 It was moved and seconded that "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02" be referred to Staff for a report on comparative fees and charges in other communities. The motion carried unanimously.

13. CORRESPONDENCE:

- (a) Letter dated 2010-APR-26 from Deputy Solicitor General David Morhart, PO Box 9290 Stn Prov Govt, Victoria, BC, V8W 9J7, responding to Council's letter of 2010-MAR-23 that requested additional provincial policing resources, and informing Council that the province will not be funding additional provincial resources for the Nanaimo Detachment in the coming year.
- (b) Letter dated 2010-APR-28 from Deputy Commissioner – Pacific Region and Commanding Officer, "E" Division, Gary Bass, OOM, 657 West 37th Avenue, Vancouver, BC, V5Z 1K6, responding to Council's letter of 2010-MAR-25 that requested support for additional provincial policing resources, and informing Council that all additional policing requests have not been realized due to the economic situation.

14. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:

- b) Ms. Sharon Welch and Ms. France Tellier spoke on behalf of the School District #68 Anti-Vandalism Sub-Committee, to request that Council provide a letter of support, a City wall for art space, and t-shirts for participants for their proposed community art project aimed at teaching students social responsibility regarding vandalism and graffiti. The sub-committee is making an application for funding and would require a letter of support before the 2010-MAY-26 application deadline.

28410 It was moved and seconded that Council provide a letter of support to Ms. France Tellier of the John Howard Society to be included in the grant application for funding for an anti-vandalism program. The motion carried.
Opposed: Councillor Holdom

15. QUESTION PERIOD:

- Mr. Fred Taylor, re: Request for Proposals #1003.

16. ADJOURNMENT:

28510 It was moved and seconded at 9:33 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES

MINUTES OF THE SPECIAL OPEN MEETING
OF THE COUNCIL OF THE CITY OF NANAIMO
HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY, 2010-MAY-17,
COMMENCING AT 4:30 P.M.

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

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

Absent: Councillor W. L. Bestwick
Councillor D. K. Johnstone

Staff: A. C. Kenning, City Manager
E. C. Swabey, General Manager of Community Safety and Development
A. W. Laidlaw, General Manager of Community Services
T. L. Hartley, Director of Human Resources and Organizational Planning
T. M. Hickey, Director of Engineering and Public Works
T. P. Seward, Director of Development
R. J. Harding, Director of Parks, Recreation and Culture
B. Anderson, Acting Director of Planning
S. Samborski, Manager of Recreation & Culture Services
S. Graham, Manager of Financial Planning & Payroll
J. Elliot, Manager of Utilities
K. King, Legislative Services Coordinator
T. Wilkinson, Recording Secretary

1. CALL THE SPECIAL OPEN MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6 (a) – Delegations Pertaining to Agenda Items – Mr. Fred Taylor regarding "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02".
- (b) Add Agenda Item 8 (a) – Proclamations – "SPINA BIFIDA AND HYDROCEPHALUS AWARENESS MONTH".
- (c) Add Agenda Item 8 (b) – Proclamations – "JUMPSTART DAY".

- (d) Add Agenda Item 12 (a) – Information Only Reports – Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security re: Urban Deer.
- (e) Add Agenda Item 13 (c) – Reconsideration of Bylaws – "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.467".
- (f) Add Agenda Item 17 (a) – Council Appointments – Appointments of City of Nanaimo Representatives to the Downtown Nanaimo Business Improvement Association (DNBIA).
- (g) Add Agenda Item 17 (b) – Council Appointments – Appointments to the Transportation Advisory Committee.

3. ADOPTION OF AGENDA:

28610 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. DELEGATIONS PERTAINING TO AGENDA ITEMS:

- (a) Mr. Fred Taylor, 204 Emery Way, Nanaimo, advised of concerns and requested that a maximum 24 hour parking limit be implemented at the Brechin Boat Ramp parking lot.

5. PROCLAMATIONS:

- (a) That the month of June 2010 is "SPINA BIFIDA AND HYDROCEPHALUS AWARENESS MONTH" in the City of Nanaimo.
- (b) That 2010-MAY-29 is "JUMPSTART DAY" in the City of Nanaimo.

6. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Parks, Recreation and Culture Regulation Amendment Bylaw 2010 No. 7073.02

28710 It was moved and seconded that Council receive the report pertaining to "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02". The motion carried unanimously.

- (b) Parks, Recreation and Culture Commission – Nanaimo Sports Field Strategy

28810 It was moved and seconded that Council receive the Nanaimo Sports Field Strategy as a guide for improvements to the field system for the next 15 years. The motion carried unanimously.

7. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Report of the Public Hearing held Thursday, 2010-MAY-06 for Bylaw Nos. 6500.011 and 6500.010
-

28910 It was moved and seconded that Council receive the Report and the Minutes of the Public Hearing held Thursday, 2010-MAY-06. The motion carried unanimously.

COMMUNITY SERVICES:

- (b) Ditch / Swale Policy

29010 It was moved and seconded that Council:

1. adopt the Ditch / Swale Policy; and,
2. rescind the existing Council Policy entitled "Ditch Piping Program".

The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security re: Urban Deer.

9. RECONSIDERATION OF BYLAWS:

- (a) "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.010" (To include green house gas emissions reduction targets within the Official Community Plan).

29110 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.010" be given third reading. The motion carried unanimously.

29210 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.010" be adopted. The motion carried unanimously.

- (b) "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.011" (General text and map amendments to maintain the effectiveness and accuracy of the bylaw).

29310 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.011" be given third reading. The motion carried unanimously.

29410 It was moved and seconded that "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2010 NO. 6500.011" be adopted. The motion carried unanimously.

- (c) "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.467" (RA218 – to rezone 5220 Metral Drive from Single Family Residential Zone [RS-1] to Comprehensive Development District Zone 7 [CD-7] to facilitate the construction of a mixed-use development).

29510 It was moved and seconded that "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.467" be adopted. The motion carried unanimously.

10. INTRODUCTION OF BYLAWS:

- (a) "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" (To replace Schedule "B" and general text amendments).

29610 It was moved and seconded that "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" be given first reading. The motion carried unanimously.

29710 It was moved and seconded that "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" be given second reading. The motion carried unanimously.

29810 It was moved and seconded that "PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" be given third reading. The motion carried unanimously.

11. CORRESPONDENCE:

- (a) Letter dated 2010-MAY-10 from Mr. Ken Williams, 236 Haliburton Street, Nanaimo, advising of the action he has taken to secure his property at 241 Irwin Street that was deemed an unsafe structure at the 2010-APR-26 Regular Meeting of Council.

12. COUNCIL APPOINTMENTS:

- (a) Appointments of City of Nanaimo Representatives to the Downtown Nanaimo Business Improvement Association (DNBIA)

29910 It was moved and seconded that Council ratify the appointment of the following two applicants to the Downtown Nanaimo Business Improvement Association (DNBIA):

- Mr. John Cooper
- Mr. Blake McGuffie

The motion carried unanimously.

(b) Appointments to the Transportation Advisory Committee

30010 It was moved and seconded that Council:

1. ratify the appointment of the following three applicants to the Transportation Advisory Committee:
 - Mr. Trevor McLeod
 - Mr. James Routledge
 - Mr. Allan Davidson; and,
2. direct Staff to re-advertise for a fourth community-at-large member to the Transportation Advisory Committee.

The motion carried unanimously.

13. DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:

- (a) Mr. Gordon Heys, 5218 Fillinger Crescent, Nanaimo, advised of concerns regarding Nanaimo Airport operations.

14. ADJOURNMENT:

30110 It was moved and seconded at 5:00 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CITY MANAGER

DELEGATION REQUEST

Serge Vaillancourt has requested an appearance before council.

The requested date is Jun 07, 2010.

The requested meeting is:
Council

Presenter's information

Address: 5320 Kenwill Drive
City: Nanaimo
Province: BC
Postal Code: v9t5z8
Home Phone:
Email:

Details of Presentation:

To provide statistical information on the importance of donating blood.

- on average someone in Canada needs blood every 60 seconds
- in the B.C. & Yukon Region, we need to collect 121,400 units of blood this fiscal year (April 1, 2010-March 31, 2011) in order to fill hospital demand
- that's roughly 10,000 units a month that need to be collected across our province
- a liver transplant recipient can need up to 100 units of blood
- a victim of a bad car crash can need up to 50 units of blood
- a cancer patient on average can need up to 8 units of blood per week

In addition here are some stats from Vancouver Island North and Nanaimo:

- Last fiscal year (April 1, 2009 - March 31, 2010) we collected 11,566 units on Vancouver Island North (Ladysmith, Nanaimo, Oceanside, Port Alberni, Courtenay, Comox and Campbell River)
- 4393 units were collected at clinics hosted in Nanaimo (we are here for 3 days every 4 weeks with an addition 2 days on the 8th week)

**RECEIVED**

JUN 07 2010

LEGISLATIVE SERVICES**REQUEST TO APPEAR AS A DELEGATION**

ON 2010 - June 7 -
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, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: FRED TAYLORPrintADDRESS: 204 EMERY WAY NANAIMO B.C. V9R - 5Z8street addressCityProvincePostal CodePHONE: (250) 754 - 6917homebusinessFAX: (250) 753 - 8124

NAME OF APPLICANT IF OTHER THAN ABOVE: _____

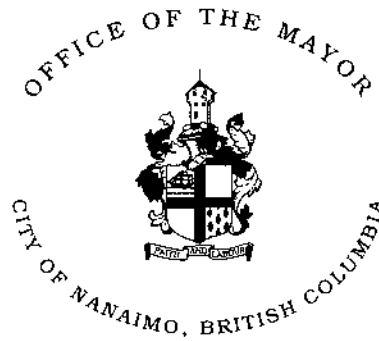
DETAILS OF PRESENTATION:

request the opportunity to address the Council in regards

to Staff reports item 11 (c & d)

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.



PROCLAMATION CHILD PASSENGER SAFETY MONTH JUNE/2010

- Whereas:** our children are the foundation of the City of Nanaimo's future; and
- Whereas:** motor vehicle collisions are the leading cause of injury and death for Canadian children; and
- Whereas:** the use of car safety seats, booster seats and seat belts can greatly increase the chances of preventing injuries and surviving a motor vehicle collision; and
- Whereas:** British Columbia law requires children under 1 year and under (20lb) be correctly buckled in a rear facing car seat and children over 1 year and over (20lb) be correctly buckled in a front facing seat with tether and children over 18 kg (40lb) and under 145cm (4'9") be correctly buckled in a booster seat and where children over 145cm (4'9") or over 9 years of age be correctly buckled in a seatbelt; and
- Whereas:** City of Nanaimo residents are encouraged to ensure that all children are appropriately buckled up every time they ride in a motor vehicle.

NOW, THEREFORE I, John Ruttan, Mayor of the City of Nanaimo, do hereby proclaim the month of June, shall be known as:

Child Passenger Safety Month

In the City of Nanaimo

John Ruttan
MAYOR

DATED THIS 7th DAY OF JUNE, 2010.

National Blood Donor Week runs June 14th - June 20th. This encompasses World Blood Day which is June 14th. Luckily for us, National Blood Donor week falls on a week where the clinic is in Nanaimo. We will be in Nanaimo on June 15th and 16th and Ladysmith on June 17th.

Here is some info on National Blood Donor Week and World Blood Day.

About National Blood Donor Week – June 14th – June 20th, 2010

In 2008 a bill was passed by the federal government in Ottawa recognizing National Blood Donor Week as an opportunity to celebrate and thank the donors and volunteers of the blood system in Canada who ensure the health of their fellow citizens. The week also builds awareness of the importance of blood, plasma, platelet and bone and stem cell donations, and encourages Canadians to donate or become a volunteer – especially during the challenging summer months. This year, National Blood Donor Week runs from June 14th to June 20th.

About World Blood Donor Day – June 14th, 2010

World Blood Donor Day falls within National Blood Donor Week on June 14th – the birth date of Karl Landsteiner, a pioneer of transfusion medicine. Every year the World Health Organization selects a country to host international celebrations. This year Barcelona in Spain will host World Blood Donor Day with the theme "New blood for the world".

Please let me know if you need anything else. Feel free to pass along my contact information.

Chris Barron
Community Development Coordinator
Canadian Blood Services
Vancouver Island North

Phone: 250.729.3628
Cell: 250.616.2035
Fax: 250.729.2498
Email: chris.barron@blood.ca

www.blood.ca

It's in You to Give

Call 1-888-2-DONATE to book your appointment today.

Sent by Serge Vaillancourt liver transplant recipient as of Dec 2005.

I am asking you to Please consider registering to be an organ donor .

Be sure to register your children also as it takes a child to save a child.

My efforts are directed at saving lives possibly even your loved ones.

Here is the link www.transplant.bc.ca

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting

Meeting Date: 2010-JUN-07

PROCLAMATION
"WORLD ELDER ABUSE AWARENESS DAY"
JUNE 15, 2010

- WHEREAS: throughout the world, abuse and neglect of older persons is largely under-recognized; and
- WHEREAS: World Elder Abuse Awareness Day is in support of the United Nations International Plan of Action which recognizes the significance of elder abuse as a social issue; and
- WHEREAS: a better understanding of abuse and neglect will support the development of awareness into action; and
- WHEREAS: seniors are a diverse population within a society that supports its members throughout the life continuum, and recognizes individual rights to dignity, respect, autonomy and choice; and
- WHEREAS: citizens, community organizations and public officials all have vital roles in working together and sharing information on how to prevent and recognize signs of abuse or neglect; and
- WHEREAS: the Government of British Columbia is committed to ensuring that seniors are valued within safe communities and to supporting their contributions to a vibrant province; and
- WHEREAS: our Lieutenant Governor, by and with the advise and consent of the Executive Council, has been pleased to enact Order in Council 903 on October 11, 2002.

NOW, THEREFORE, I, John Ruttan, Mayor of the City of Nanaimo, do hereby proclaim that June 15, 2010 be known as:

"WORLD ELDER ABUSE AWARENESS DAY"

in the City of Nanaimo.

John Ruttan
MAYOR

Dated this 16th day of June, 2010.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

RECEIVED

APR 14 2010

MAYOR'S OFFICE

Vancouver Island Rainbow Association

April 13, 2010

Mayor & Council
City of Nanaimo

Dear Mayor and Council

Our annual Gay Pride celebrations will take place the week of June 20-26 as in previous years we are requesting a proclamation for Gay Pride week in Nanaimo. Pride is celebrated around the world in communities large and small in order to celebrate how far the Gay, Lesbian, Bisexual and Transgendered community has come and to remind us how far there is to travel.

Gay, Lesbian, Bisexual and Transgendered people live and work throughout Nanaimo and they make significant economic and social contributions to the community. A healthy community strives to be inclusive of all it's citizens and most would agree that discrimination based on sexual orientation is wrong and repressive.

Nanaimo is growing as a popular tourist spot and some of those tourists will be from the GLBT community especially if Nanaimo is considered a welcoming place to visit and spend time

To this end we request your support in proclaiming June 20-26 2010 as gay pride week in Nanaimo and in the spirit of pride to fly the Rainbow flag.

Sincerely,
J Lee


President
Vancouver Island Rainbow Association

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting

Meeting Date: 2010-JUN-07

PROCLAMATION

The Nanaimo Amateur Radio Association respectfully requests that the Council of the City of Nanaimo proclaim the week of the 21-27 June 2010 as "Amateur Radio Week In The City of Nanaimo".

Thank you very much for your attention to this request.

Jean-Michel Hanssens
Media and Community Relations,
Nanaimo Amateur Radio Association
250-729-8871

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

**MINUTES OF THE REGULAR NANAIMO ATHLETIC COMMISSION MEETING
HELD IN THE BOWEN CONFERENCE ROOM
ON WEDNESDAY, 2010-FEB-24, COMMENCING AT 12:00 NOON**

PRESENT: Commissioner M. Unger, Chair

Members: Commissioner E. Garner
Commissioner B. Meunier
Commissioner B. Avis
Commissioner B. Bestwick
Commissioner L. McNabb

Staff : D. Osborne S. Samborski
H. Richardson, Recording

ABSENT: Members: Mr. W. Taylor (Advisory Member)

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting of the Nanaimo Athletic Commission was called to order at 12:00 noon.

2. INTRODUCTION OF LATE ITEMS:

- (a) Province Wide Meeting – B. Meunier.
- (b) Supervisors Report from Last Card – E. Garner.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

- (a) Minutes of the Regular Nanaimo Athletic Commission (NAC) Meeting held Wednesday, 2010-JAN-27, at 12:00 noon, in Room 8 of the Beban Park Recreation Centre.

It was moved and seconded that the Minutes be adopted as read. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Brian Clemens, Director of Finance. As NAC is the sanctioning body for combative sports events in Nanaimo, it is inappropriate for them to be paying the participants and officials. The promoter should pay. If the City pays, there can be issues with Canada Pension, Unemployment Insurance, etc. Paying out cash in an uncontrolled area is not proper.

Council
Committee
Open Meeting
In-Camera Meeting
Meeting Date: 2010-JUN-07

The Promoter should write cheques to the officials, which will be distributed by the Chair of the NAC at the weigh-in the night before the event.

Two officials from the previous fight at the Port Theatre have not yet been paid. A letter will be drafted to the promoter, Don Arnott, stating that these officials must be paid before any of his events will be sanctioned in the future.

Receipt of a security deposit from all promoters having events sanctioned by the NAC, should be enforced.

It was moved and seconded that Promoters present cheques, made out for each fight official, to the Chair of the Nanaimo Athletic Commission, at least 24 hours prior to the event, for distribution by a member of the Nanaimo Athletic Commission. The motion carried unanimously.

It was moved and seconded that one member of the Nanaimo Athletic Commission be appointed for each event to distribute cheques to the fight officials. The motion carried unanimously.

Any outstanding payments to officials or participants will be taken from the promoter's security deposit.

6. STAFF REPORTS:

(a) Roles and Responsibilities – D. Osborne.

An excerpt from Nanaimo Athletic Commission Bylaw 7019, which outlines the roles and responsibilities of the Nanaimo Athletic Commission, was distributed and reviewed.

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

7. UNFINISHED BUSINESS:

(a) Province Wide Meeting – B. Meunier.

Mr. Meunier will make preliminary arrangements for a meeting in Nanaimo encompassing provincial Athletic Commissions. The meeting will address MMA events and how commissions are sanctioning all levels of MMA including professional amateur.

It was moved and seconded that the Nanaimo Athletic Commission host a meeting of provincial Athletic Commissions, to be arranged by B. Meunier. The motion carried unanimously.

(b) Supervisor's Report on Western Canadian MMA Championship at Port Theatre, 2010-FEB-10 – E. Garner.

Mr. Garner said overall the event was well done. However, there were a

few issues that need to be addressed, the most important being that two dressing room officials have yet to be paid. Officials were being paid cash at ringside, which is a concern. A form recording suspensions imposed by the event physician needs to be included in the event Tool Kit. Timelines for medical suspensions needs to be included on the results form that is circulated to other Commissions post-fight. There were ringside seating arrangement issues. There was no area designated as a "smoking" area outside the Port.

It was moved and seconded that the Nanaimo Athletic Commission send a letter to Don Arnott notifying him that cheques be made out to the two dressing room officials who have not been paid and delivered to Darcie Osborne for delivery. The motion carried unanimously.

In future, all fighters, whether amateur or professional, must have pre-fight medicals done. An official seating plan must be submitted to the NAC for approval prior to events.

Weigh-ins are not public events and spouses and friends should wait outside until after the weigh-in is over. It is not uncommon to have an official weigh-in and a press weigh-in. It was confirmed that the Commission's role is to set the venue for weigh-ins.

A Promoter's Contract will be created for signing after events have been sanctioned by the NAC, that will outline all rules and requirements to be fulfilled by the Promoter for their event.

It was moved and seconded that the Nanaimo Athletic Commission prepare a contract for Promoters that will outline all rules and requirements for their events. The motion carried unanimously.

B. Meunier will work with staff to draft a Promoters' Contract that will set out consistent guidelines for combative sports events in Nanaimo. Once drafted, the contract will be reviewed by the City solicitor.

- (c) King of the Cage Canada Event being held 2010-MAR-12, at the Frank Crane Arena.

Ed Garner and Brent Meunier have been appointed as Fight Supervisors for the event. John Cooper, Promoter, is required to submit a list of officials to NAC prior to the event. Cheques will be prepared by Mr. Cooper for officials and given to NAC for payment of officials.

9. ADJOURNMENT.

It was moved and seconded at 1:13 p.m. that the meeting adjourn, with the next Meeting of the Nanaimo Athletic Commission to be held Wednesday, 2010-MAR-03 at 12:00 noon in the Bowen Park Conference Room.

The motion carried unanimously.

CERTIFIED CORRECT:



M. Unger, Chair
Athletic Commission

CERTIFIED CORRECT:



R. Harding, Director

2010-MAR-19
G:\Admin\NanaimoAthleticCommission\2010\NAC100224M.doc

**MINUTES OF THE REGULAR NANAIMO ATHLETIC COMMISSION MEETING
HELD IN THE BOWEN CONFERENCE ROOM
ON WEDNESDAY, 2010-MAR-03, COMMENCING AT 12:00 NOON**

PRESENT: Commissioner M. Unger, Chair

Members: Commissioner E. Garner
Commissioner B. Meunier
Commissioner B. Avis
Commissioner L. McNabb
Mr. W. Taylor (Advisory Member)

Staff D. Osborne H. Richardson, Recording

ABSENT: Members: Commissioner B. Bestwick

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting of the Nanaimo Athletic Commission was called to order at 12:00 noon.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

- (a) Approval of Minutes of the Regular Nanaimo Athletic Commission (NAC) Meeting held Wednesday, 2010-FEB-24, at 12:00 noon, in Room 8 of the Beban Park Recreation Centre, were deferred to the next meeting.

4. DELEGATIONS:

- (a) Mr. John Cooper, 601 Milton Street, Nanaimo, BC, V9R 2L4, South Western BC Affiliate, King of the Cage Canada, reviewing the Mixed Martial (MMA) King of the Cage event being held 2010-MAR-12, at the Frank Crane Arena.

There are 12 to 13 bouts planned for the card, which will include a few amateur fights. Dr. Ericsson will be the ring physician, with paramedics volunteering for the evening. Mr. Cooper is encouraging athletes to have their medicals done ahead of time. The Commission can assist in finding fight officials if necessary.

Weigh-in will be at 6:00 at the Bowen Park Clubhouse. Bruce Avis will supervise the weigh-in. Mr. Cooper will provide a digital scale. As fighters are required to keep undergarments on for weigh-in, there is a one pound margin for error for all fighters.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010 JUN-07

A suspension check is not run on fighters, as a condition of their contract is that they cannot fight within 30 days of another event. A MMA event will be held at Bear Mountain on 2010-MAR-06.

Mr. Cooper will draft a seating plan for approval by NAC prior to the event. Six ringside seats will be provided for the Commission. Two tickets will be provided to each Commission member. Brent Meunier and Ed Garner will be Event Supervisors. Cheques will be given to officials at the weigh-in, and they will be required to sign a checklist acknowledging the amount they are being paid.

Security is being done by VI Raiders football team. The minimum number of security persons required is 30.

Ticket sales are slow. Mr. Cooper feels attendance would pick up if alcohol were permitted at events.

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

5. STAFF REPORTS:

Suzanne Samborski, Senior Manager Recreation and Culture Services, has written a letter to Don and Louise Arnott regarding payment of security deposits and the procedures for paying officials at combative sports events. In future, a security deposit will be collected from all promoters prior to events and any outstanding fees or payments to officials/fighters will be taken from the security deposit if not paid at the event.

A letter has also been written to Mr. and Mrs. Arnott from the NAC stating that any questions or communication with regard to Athletic Commission business be directed through the Chair, and be of a courteous and professional nature.

6. CONSIDERATION OF OTHER BUSINESS:

(a) Alcohol Sales at Combative Sports Events.

Ticket sales at combative sports events has been declining. Nanaimo is one of the only communities to not allow alcohol sales at these events. Wally Taylor will arrange a meeting with Jeff Lott of the R.C.M.P., staff and himself to explore the ramifications of allowing alcohol. Perhaps alcohol could be permitted on a one-time trial basis. If agreed to, allowing alcohol in specific facilities would be at the discretion of the management of that facility.

7. ADJOURNMENT.

It was moved and seconded at 1:13 p.m. that the meeting adjourn, with the next Meeting of the Nanaimo Athletic Commission to be at the discretion of the chair.

The motion carried unanimously.

CERTIFIED CORRECT:



M. Unger, Chair
Athletic Commission

CERTIFIED CORRECT:



R. Harding, Director

2010-APR-12
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MINUTES OF THE REGULAR NANAIMO ECONOMIC DEVELOPMENT COMMISSION MEETING
HELD IN THE BOARD ROOM, CITY HALL,
ON THURSDAY, 2010-APR-15 COMMENCING AT 3:00 P.M.

PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor D. K. Johnstone
Councillor M. W. Unger
Chief Douglas White
B. Bennie
J. Green
R. Grey
A.J. Hustins
M. Jenkins
T. Knight
R. Nilson (via telephone)
J. Pink
G. Scobie
D. Slowski

Staff: A. C. Kenning, City Manager
I. Howat, Director of Legislative Services
M. Hutchinson, Economic Development Officer
K. Ferland, Economic Development Coordinator

1. CALL THE OPEN MEETING TO ORDER:

The Regular Nanaimo Economic Development Commission Meeting was called to order at 3:00 p.m.

2. ADOPTION OF AGENDA:

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

3. CHAIR'S REPORT:

(a) Roundtable Introduction of Commission Members

The Commission members introduced themselves and the following items were discussed as being possible areas of focus of the Nanaimo Economic Development Commission:

- Commuter train
- Passenger ferry between downtown Nanaimo and downtown Vancouver
- Hotel attraction
- Identifying available incentives for SMEs in different sectors
- Business retention and expansion
- Market Nanaimo's competitive advantages
- Improve broadband connectivity

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

- Ensure suitable building space for technology companies
- Partner with Snuneymuxw First Nation on future opportunities
- Expand aboriginal tourism opportunities on Newcastle Island
- Create a more cooperative approach to tourism in Nanaimo, and reduce silos
- Help Nanaimo/Vancouver Island become more self-sufficient
- Build on Nanaimo as a gateway to Vancouver Island
- Help seek out capital and investors for SMEs
- Better market Nanaimo to international markets
- Properly manage coastal resources
- Maintain support for the housing/construction industry

(b) Determine Future Meeting Dates/Times

It was moved and seconded that the Commission meet on the 2nd Thursday of every month from 3:00 – 5:00 pm. The motion carried unanimously.

(Note that the meeting date has now been changed to the 3rd Thursday of each month).

(c) Determine Alternate Name for Economic Development Commission

It was moved and seconded that the Commission retain the name 'Nanaimo Economic Development Commission'. The motion carried unanimously.

(d) Chair's Introduction of Economic Development Strategy

The Chair asked Staff to provide the Commission with a verbal overview of the Economic Development Strategy review project.

4. STAFF REPORTS:

(a) Update on 2010 Activities of Economic Development Office

It was moved and seconded that the Commission receive the report on the 2010 activities of the Economic Development department. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 4:26 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

DIRECTOR,
LEGISLATIVE SERVICES

**MINUTES OF THE REGULAR MEETING OF THE
PARKS, RECREATION AND CULTURE COMMISSION
HELD IN ACTIVITY ROOM #1 (UPPER LEVEL)
BOWEN PARK COMPLEX
ON WEDNESDAY, 2010-APR-28, COMMENCING AT 7:00 P.M.**

PRESENT: Commissioner L. McNabb, Chair

Members: Commissioner D. Johnstone
Commissioner F. Pattje
Commissioner L. Avis
Commissioner S. Lance
Commissioner D. Burnett
Commissioner M. Young
Commissioner J. Cowling
Commissioner B. Sparkes
Commissioner B. Dempsey
Commissioner B. Meunier

Regrets: Commissioner G. Rudischer

Staff: R. Harding J. Ritchie
S. Samborski R. Tweed, recording

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- Amend Item 6.(a) – Delegation – Mr. Cole Renner will be attending in the place of Mr. Ken Wagner, and has provided a letter and photos for review;
- Amend Item 6.() – Delegation - Mr. Sheng will provide a PowerPoint presentation;
- Add Item 6.(f) – Late Delegation – Mr. Fred Taylor; and,
- Add Item 6.(g) – Late Delegation – Ms. Ros Davies and Ms. Kate Lowe.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

- (a) Minutes of the Regular Parks, Recreation and Culture Commission Meeting held Wednesday, 2010-MAR-24, at 7:00 p.m., in the Hemlock Room, at the Oliver Woods Community Centre.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

It was moved and seconded that the Minutes be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS: (None.)

6. DELEGATIONS:

It was moved and seconded that the Delegations be permitted to address the Commission. The motion carried unanimously.

- (a) Mr. Cole Renner, Nanaimo Clippers, 33 – 1925 Bowen Road, Nanaimo, BC V9S 1H1, presentation regarding backlit lighting at Frank Crane Area and speaking in support of same to the Parks, Recreation and Culture Commission.

Mr. Renner advised that he is new in the position; however, any information that the Commission may wish with regard to backlit lighting will be provided as required.

- (b) Mr. Mel Sheng, 4166 Departure Bay Road, Nanaimo, BC V9S 5W8, representing the Millstone River Community, providing the Parks, Recreation and Culture Commission with an update on fisheries projects in Nanaimo.

Mr. Sheng requested that the Parks, Recreation and Culture Commission:

- (i) approve a study to determine the feasibility of developing a pink sport fishery at Neck Point Park;
- (ii) support development of a Coho sport fishery at the mouth of Millstone River (Coho smelt will be sea pen reared at the New Castle Ferry Dock for two to four weeks sometime between September and December);
- (iii) support promoting the pink fishery in 2010 (to include circulation of educational pamphlets, media events and develop of a guardianship program with DFO staff to ensure fisherman abide by posted regulations);
- (iv) support DFO in applying for a water license to release water continuously into Darough Creek (i.e. approximately 5-10 liters/second between November and July – which will have negligible impacts on lake level during these months, and will create unique habitat for cutthroat trout); and,
- (v) support the Millstone Committee in developing a public relations program this fall to promote the return of Coho in Bowen Park.

Mr. Sheng advised that DFO will provide the Parks, Recreation and Culture Commission with an impact assessment report in the spring of 2011.

It was moved and seconded that the Parks, Recreation and Culture Commission support Mr. Sheng and his group in all of their endeavours, specifically, to:

- (i) approve a study to determine the feasibility of developing a pink sport fishery at Neck Point Park;
- (ii) support development of a Coho sport fishery at the mouth of Millstone River (Coho smelt will be sea pen reared at the New Castle Ferry Dock for two to four weeks sometime between September and December);
- (iii) support promoting the pink fishery in 2010 (to include circulation of educational pamphlets, media events and develop of a guardianship program with DFO staff to ensure fisherman abide by posted regulations);
- (iv) support DFO in applying for a water license to release water continuously into Darough Creek (i.e. approximately 5-10 litres/second between November and July – which will have negligible impacts on lake level during these months, and will create unique habitat for cutthroat trout); and,
- (v) support the Millstone Committee in developing a public relations program this fall to promote the return of Coho in Bowen Park.

The motion carried unanimously.

- (c) Ms. Barbara Densmore, and Ms. Sydney Robertson, 152 Irwin Street, Nanaimo, BC V9R 4X2, representing the South End Community Association, providing the Parks, Recreation and Culture Commission with an update on their efforts to beautify the neighbourhood, build their community, and advising of their future plans.

Ms. Densmore and Ms. Robertson provided a handout to Commission and jointly reviewed the document.

Commission members commended the presenters in their efforts and for coming to Commission with a collaborative approach.

Ms. Densmore and Ms. Robertson expressed their appreciation for all the support they have received from the Parks, Recreation and Culture Commission.

- (d) Mr. Wayne Robinson, President, Vancouver Island Exhibition (VIE), #4 - 2300 Bowen Road, Nanaimo, BC V9T 3K7 requesting that the Parks, Recreation and Culture Commission provide funding assistance to offset the Vancouver Island Exhibition operating expenses.

Mr. Robinson provided history on the VIE which began in 1894 and in 1953 moved to Beban Park. This multi-day event now requires 250-300 volunteers for the three days. The event was free to public for almost 90 years; however, since the 1980's admissions have been required to offset the costs of the expenses. The gate admission has been increased in 2010 - for the first time in six years. Two of the four objectives mandated for the VIE are to promote and educate about agriculture. Due to the current economic climate it is becoming more difficult to obtain sponsorship, volunteers, grants and alternate sources of funding to offset their expenses. The VIE was proud to be

honoured with the 2009 Award for Excellence as top evaluated fair in BC with more than 20,000 in attendance. In order to continue on as a viable operation they need paid staff - an office administrator/bookkeeper, and a grounds keeper. They request that the Parks, Recreation and Culture Commission include the 2010 rentals fees of almost \$12,000 as part of their license agreement. For long term sustainability the VIEx requests that the Parks, Recreation and Culture Commission consider granting a minimum of \$10,000 for operating funds on an annual basis. Last year over 25,000 people attended the VIEx; however, in 2007 they were approximately \$50K in the red and have only been able to put approximately \$2-\$3K towards the buildings for upkeep.

- (e) Mr. Patrick Sullivan, Gyro Club of Nanaimo, c/o 450 Wentworth Street, Nanaimo, BC V9R 3E1 asking that the Parks, Recreation and Culture Commission give consideration for an improved rate for long term rental of the Rotary Activity Centre by Gyro Club of Nanaimo on Thursday evenings from 5-10 p.m. throughout the year, except July and August.

He advised that he would be speaking specifically in regard to having a permanent location for the Gyro Nanaimo Club. The Gyro Nanaimo Club formed in 1922 as a friendship club for youth in the community. Each week, for about 40 weeks out of the year, they have a dinner meeting. Gyro, since 1922, has contributed to a number of parks and recreation facilities throughout the City and have contributed, over time, a fairly sizeable amount of money. They ask now that they are treated in kind with a reduction in their rental fees for utilizing the Rotary Field House.

LATE DELEGATIONS:

- (f) Mr. Fred Taylor, 204 Emery Way, Nanaimo, BC V9R 5Z8, requesting the opportunity to address the Commission in regards to Item 8.(b)(ii) City of Nanaimo – Parks, Recreation and Culture Fees and Rental Policy.

Mr. Taylor raised concerns regarding the use of Brechin boat ramp by non-recreational users. He feels that vehicles are being parked and stored by non-recreational users at a rate not enjoyed by other members of the City. There is no longer a 24 hour limit and Mr. Taylor requests that this be reinstated. Staff advised that they are working with Bylaws at this time regarding parking matters and they will return to Commission with further information.

- (g) Ms. Ros Davies, and, Ms. Kate Lowe, 1951 Richardson Road, Nanaimo, BC V9X 1C1 requesting that the Parks, Recreation and Culture Commission designate the 100 acre parcel overlooking Cinnabar Valley as parkland.

Ms. Davies and Ms. Lowe addressed the issue of the land owned by the City of Nanaimo within the boundary of the RDN. It can be accessed through South Wellington at the end of Pleacas Road. Any development would likely comprise the wet lands due to steep slope and run off. The proposed Sandstone development abuts this area and poses concerns to the local residents. They want to take steps to formalize this property as a park to protect it from development and save it for future generations. They advised as to the amount of environmental damage being caused by dirt bikes using the property.

Staff advised that there are two options:

1. forward a request to Council to review; or,
2. refer to the Parks Committee for review by Staff and reporting back to the Commission and then forward a recommendation on to Council.

Ultimately, the decision on this matter would rest with Council.

It was moved and seconded that this matter be referred to the Parks Committee for review and reporting back to Commission. The motion carried unanimously.

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

7. CHAIRMAN'S REPORT:

- (a) Two separate dates, 2010-MAY-12 and 2010-MAY-31, are being planned for the PRCC tours. With two scheduled tours there is the opportunity for Commission members to visit many locations of interest. If you have any specific areas that you wish to tour, please contact the Commission Secretary by 2010-MAY-01.

The tour times will be either 10:00 a.m. to 2:00 p.m., or from 9:00 a.m. to 1:00 p.m., depending on the availability of the bus. As the 2010-MAY-12 date was already committed on many members calendars, another date will be chosen in addition to the 2010-MAY-31 date. Lunch will be provided.

It was moved and seconded that the Chairman's Report be received. The motion carried unanimously.

8. REPORTS OF ADVISORY BODIES:

- (a) Parks Committee. No meeting held.
- (b) Recreation Committee. Commissioner Johnstone reported on the meeting held 2010-APR-15.
 - (i) Grade 5 Get Active! Program.

Recreation Committee's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council endorse the Grade 5 Get Active! program, giving Grade 5 students from the City of Nanaimo, and contributing areas, free admission to drop-in swimming, skating and gymnasium-based activities for the 2011 school year.

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

- (ii) City of Nanaimo -- Parks, Recreation and Culture Fees and Rental Policy.

Recreation Committee's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council:

- (i) approve the fees and rental adjustments which average a 3% increase annually for the period from 2010-SEP-01 to 2013-AUG-31, and further;*
- (ii) give the first three readings to the amendment of SCHEDULE "B" of the PARKS, RECREATION AND CULTURE REGULATION BYLAW 2008 No. 7073.*

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

Discussion was held with regard to the "dinner meeting" rate charge at Rotary Activity Centre. The Commission was presented with a number of options. Rotary Activity Centre does not have a fully complemented kitchen; therefore, any dinner functions at the Centre must be catered.

It was moved and seconded that a friendly amendment be made to 8.(b)(ii) to amend Schedule B to remove the "dinner meeting" function rate from Rotary Field House. The motion carried unanimously.

- (c) Cultural Committee. Commission Fred Pattje reported on the meeting held 2010-APR-07 on behalf of the Chair, Eveline O'Rourke.

- (i) City of Nanaimo Community Plan for Public Art.

Cultural Committee's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council approve the City of Nanaimo Community Plan for Public Art.

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

- (d) Grants Advisory Committee. Commissioner Burnett reported that a meeting was held 2010-MAR-31; however, minutes are not yet available. There were two motions, one was to waive fees for the volunteer society's luncheon in kind, and the other was to deny the in-kind rental for Beban Park for the school dry grad.
- (e) Plan Nanaimo Advisory Committee. Commissioner Lance reported that there had been one meeting held since 2010-MAR-24 – it was a very short meeting with only one rezoning. Mr. Pete Sabo is now sitting on the Committee.

- (f) Social Planning Advisory Committee. Commissioner Cowling reported that she was absent from the meeting that was held in the past month, and, as she had not yet received the minutes, advised that she would report on this meeting and any subsequent meetings at the 2010-MAY-26 Commission meeting.
- (g) Port Theatre. Monthly report for March, 2010.
- (h) Nanaimo Art Gallery. Monthly report for March, 2010.
- (i) Nanaimo Museum. Monthly report for March/April, 2010.

It was moved and seconded that the Advisory Body reports be received. The motion carried unanimously.

9. STAFF REPORTS:

(a) Class E Funded Projects at Frank Crane Arena.

Staff's Recommendation: That the Parks, Recreation and Culture Commission support the following projects being funded from the Class E Liquor Reserve at Frank Crane Arena to be completed in conjunction with the Recreation Infrastructure grant improvements:

1. Completion of spectator seating;
2. Accessibility upgrades to lobby washrooms; and,
3. Completion of warm room flooring replacement.

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

(b) Travel Assistance Application –
Nanaimo Diamonds Synchronized Swim Club.

Staff's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council approve the application for a Travel Assistance Grant for the Nanaimo Diamonds Synchronized Swim Club in the amount of \$500.00.

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

(c) Urban Forest Management Strategy.

Staff's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council receive the Urban Forest Management Strategy as a guide for the ongoing management of Nanaimo's urban forest.

It was moved and seconded that the recommendation be adopted.

Discussion ensued regarding private property, tree protection, the Tree Protection Bylaw, and protected species of trees.

It was moved and seconded that the Urban Forest Management Strategy, Module 5, be amended to remove any reference to "private property". The motion carried unanimously.

It was moved and seconded that the Parks, Recreation and Culture Commission recommend that Council receive the Urban Forest Management Strategy, as amended, as a guide for the ongoing management of Nanaimo's urban forest. The motion carried unanimously.

(d) **Civic Merit Awards for Sports / Arts and Culture Achievement.**

Staff's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council approve the attached, new:

1. City of Nanaimo "Civic Sport Merit Awards and Arts / Culture Merit Awards" policy; and,
2. "Selection Criteria – Civic Merit Awards for Sports / Arts and Culture".

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

(e) **Nanaimo Sports Field Strategy.**

Staff's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council receive the Nanaimo Sports Field Strategy as a guide for improvements to the field system for the next fifteen years.

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

(f) **Capital Improvement Project for Frank Crane Arena.**

Staff's Recommendation: That the Parks, Recreation and Culture Commission approve:

1. The installation of the improved advertising program (backlit and updated sliders), with capital costs of \$100,000 to be funded 100% by the Nanaimo Clippers; and,
2. The forgiving of advertising revenue from the Nanaimo Clippers for seven (7) years (valued at an average of approximately \$11,500/year based on historical performance).

Discussion ensued. Staff clarified that at the end of the seven years the City owns the signage.

It was moved and seconded that the recommendations be adopted. The motion carried. **Opposed:** *Commissioner Pattje, Commissioner Meunier, Commissioner Burnett, and Commissioner Cowling.*

10. INFORMATION ONLY ITEMS (staff reports):

(a) Monthly Report – Senior Manager of Parks.

- Trial dog off-leash parks open 2010-MAY-01.
- Bowen outdoor park opening soon.
- Floral emblem open house 2010-MAY-08
- Altrusa Park – fall protection to wood fibre rather than pea gravel.

(b) Monthly Report – Senior Manager of Recreation and Culture Services.

It was moved and seconded that the Information Only Items be received. The motion carried unanimously.

11. CORRESPONDENCE: (Action Required.) (None.)

CORRESPONDENCE: (Information)

(a) Minutes of the Nanaimo Harbour City Seniors, Board of Directors Meeting held 2010-APR-09.

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

12. NOTICE OF MOTION:

13. CONSIDERATION OF OTHER BUSINESS:

(a) Costs Incurred for Dog Pickup Bags – Commissioner Lance.

Commissioner Lance advised that as it is costing approximately \$40,000 / year for bags and pickup of dog deposits, could we ask Council to consider adding \$5.00 to dog licensing for 2011, and have this money go into an account to offset the dog bags and pick up. Commissioner Lance provided some comparisons from other municipalities.

Discussion ensued, with some options such as advertising on dog bags (ex. dog stores, veterinary offices, suppliers) proposed.

It was moved and seconded that this matter be referred to the Parks Committee for review and report back to Commission. The motion carried unanimously.

14. BUSINESS ARISING FROM DELEGATIONS:

(a) Mr. Cole Renner - Nanaimo Clippers.

[This matter was dealt with under Item 9.(f).]

- (b) Mr. Mel Sheng - Millstone River Community.

[This matter was dealt with under Item 6.(b)]

- (c) Ms. Barbara Densmore & Sydney Robertson
- South End Community Association.

[The delegation was received.]

- (d) Mr. Wayne Robinson - Vancouver Island Exhibition (VIE).

Additional discussion ensued, and it was proposed that, as an option, the City remove the cost charged for the facilities at the VIE fair, and that, in turn, the VIE put these funds into an account for future facilities.

It was moved and seconded that the matter of offset funding for the VIE be referred to the Recreation Committee for review and reporting back to Commission. The motion carried unanimously.

- (e) Mr. Patrick Sullivan – Gyro Club of Nanaimo.

[This matter was dealt with under Item 8.(b)(ii).]

- (f) Mr. Fred Taylor – City of Nanaimo – Fees and Rental Policy.

[The delegation was received.]

- (g) Ms. Ros Davies & Ms. Kate Lowe – Parkland in Cinnabar Valley.

[This matter was dealt with under Item 6.(g)]

15. UNFINISHED BUSINESS:

16. QUESTION PERIOD:

- (a) Mr. Fred Taylor spoke regarding Item 13.(a) with specific reference to the suggestion that dog licensing fees be increased by \$5.00/year. He advised that there are many people who, while they may license their dogs, do not take their dogs off their property and as such do not use the bags or park facilities. As this can be the case, it is unfair to expect everyone to pay increased license fees.

17. ADJOURNMENT:

It was moved and seconded at 8:47 p.m. that the meeting adjourn, with the next regular meetings as follows:

COMMISSION	Wednesday, 2010-MAY-26; 7:00 p.m. Activity Room #1, Bowen Park Complex
Cultural Committee	Wednesday, 2010-MAY-05; 4:15 p.m., if required Bowen Park Complex Conference Room
Recreation Committee	Wednesday, 2010-MAY-12; 3:00 p.m., if required Bowen Park Complex Conference Room
Parks Committee	Thursday, 2010-MAY-13; 5:00 p.m., if required Bowen Park Complex Conference Room

The motion carried unanimously.

CERTIFIED CORRECT:



L. McNabb, Chair
Parks, Recreation and Culture Commission



R. Harding, Director
Parks, Recreation and Culture

REPORT TO: MAYOR AND COUNCIL

FROM: LARRY McNABB, CHAIR, PARKS, RECREATION AND CULTURE COMMISSION

RE: CITY FLORAL EMBLEM

RECOMMENDATION:

That Council accept the *Lotus pinnatus* as the City of Nanaimo emblem.

EXECUTIVE SUMMARY:

A request from Mr. Charles Thirkhill was made to members of staff and Council to consider the City of Nanaimo adopting *Lotus pinnatus*, a flower endangered in Canada, as its floral emblem (see Schedule A). Subsequent to this request, the Parks Recreation and Culture Commission hosted an open house at the Nanaimo Aquatic Centre 2010-MAY-08, to determine public interest for a floral emblem. In addition to the open house, a survey was opened up for feedback on the issue.

At their meeting of 2010-MAY-26, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation that Council accept the *Lotus pinnatus* as the City of Nanaimo emblem.

BACKGROUND:

Lotus pinnatus (bog bird's-foot trefoil) is a yellow and cream pea-like flowering perennial herb that grows from a thick taproot and short rhizome (underground stem). It is quite rare in the Nanaimo area and grows on the Harewood Plains (as well as on Gabriola Island). Although it is rare in BC, it is not rare worldwide.

Other Municipal Floral Emblems:

The City of Nanaimo currently has a flag and coat of arms, but does not have a floral emblem; however, several municipalities around British Columbia and Alberta do. In 2001, the City of Kelowna adopted the Okanagan Sunflower as their floral emblem. Local Garden enthusiasts and the Parks Department recommended this plant. The City of Port Coquitlam uses the Azalea as their floral emblem and it also appears in their City crest. The 'Crimson Star' Columbine was adopted as a floral emblem for Red Deer, Alberta, in 1992.

Open House And Survey Feedback:

The open house was held on Saturday, 2010-MAY-08, in the lobby of the Nanaimo Aquatic Centre with hopes that the venue would capture a lot of people. About 50 people read the open house boards; however, very few of them intentionally came to the open house. Most were already using the facility and participated because it was convenient.

Despite a number of newspaper articles and ads, and the use of Facebook and the open house to promote the survey, only 47 surveys were filled out over a three week time period. 85% of respondents thought Nanaimo should have a floral emblem; however, many people also voiced

concerns about it. Concerns included the flower not reinforcing “the Harbour City,” not being visible throughout Nanaimo, and concerns about the cost of the City adopting a floral emblem.

69% of respondents felt that *Lotus pinnatus* was a suitable floral emblem for Nanaimo; however, 31% suggested a number of other flowers that can be seen throughout Nanaimo (see attached survey summary – Schedule B).

In addition to the survey and open house, a petition in support of recognition of the *Lotus pinnatus* as the official flower emblem of the City of Nanaimo was received with over 400 signatures and 9 letters of support from various agencies. This petition was collected by the *Friends of the Harewood Plains*.

Harewood Plains:

The area known as the Harewood Plains straddles the South Nanaimo border and the Regional District of Nanaimo. The land is owned by private individuals and Island Timberlands. The property does not meet Nanaimo’s highest priorities for land acquisition as identified in the 2005 Parks Recreation and Culture Master Plan. If developed, the City would acquire a portion of this land as park through the development application process.

Recommending *Lotus pinnatus* as Nanaimo’s floral emblem would be in no way protecting this land from development or vandalism by other means; however, it will raise public expectations that the land would be protected or acquired.

At their meeting of 2010-MAY-26, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation that Council accept the *Lotus pinnatus* as the City of Nanaimo emblem.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry McNabb". The signature is fluid and cursive, with the first name "Larry" and last name "McNabb" clearly distinguishable.

Larry McNabb, Chair
Parks, Recreation and Culture Commission

File: A4-1-2 / C5-26
2010-MAY-31
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SCHEDULE A



Lotus pinnatus

SCHEDULE B



NANAIMO FLORAL EMBLEM

Open house and Survey Summary

26 completed online and 21 completed at the Open House

1. **Do you believe that Nanaimo should have a floral emblem?**
 - 43 Yes
 - 4 No
2. **If you do believe Nanaimo should have a flower emblem, do you agree it should be the Lotus pinnatus? Or, would you suggest another plant and which one?**
 - 32 Yes, I think it should be Lotus pinnatus
 - 10 Other (please specify):
 - Coastal Strawberry
 - Fawn Lily
 - Camas
 - Trillium
 - Pacific Bleeding Heart
 - Cherry tree
 - Arbutus tree
3. **If you do not believe Nanaimo should have a flower emblem, why not?**
 - Don't see the value.
 - Too much money to implement.
 - Why bother? Why spend more money?
 - It's not worth the cost. Nanaimo is the Harbour City. The emblem our City has suits it extremely well. We have no need for an official floral emblem. There are far more pressing things the city should be focussing on.
4. **Other Comments:**
 - Choose one that goes with "The Harbour City" – easiest to reproduce this is a cost factor.
 - Why not have a floral emblem? It's a good association particularly for visitors to the City.
 - I love the wild flowers in Nanaimo. Neck Point is my favourite.
 - Please protect the lands where L. Pinnatus occurs.

- I think the Lotus pinnatus, because it's rare and nowhere else, it's unique! But if I were to choose another it would be the Chocolate Lily or Camas!
- Lovely flower, with an exceptional locale (sp?) Nanaimo. Would like to have had some knowledge as to the future plans for the floral emblem.
- I appreciate the Lotus pinnatus due to the vast majority located in Nanaimo.
- The flower should be one that is actually found in Nanaimo! Seen everywhere.
- The Lotus Pinnatus shows a beautiful display of its flowers. It would make a nice emblem. It is also nice to have it local to Nanaimo area only.
- I encourage the City and Regional District of Nanaimo to pursue preservation of the Harewood Plains.
- Would prefer to have floral emblem that is more likely to be seen throughout Nanaimo parks as opposed to just one area.
- Now that you have published the few number of pinnatus and where they are located (Harewood Plains) people will want to find them, dig them up for their own gardens. After all, it's rare isn't it? Couldn't have done a more stupid thing than publish its whereabouts if one was interested in protecting it. DO NOT make this the floral emblem — or it will be completely destroyed from the area. Certainly there are tons of other flower you could choose.

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, PLANNING, COMMUNITY SAFETY & DEVELOPMENT

RE: DVP154 - 2290 LABIEUX ROAD

STAFF'S RECOMMENDATION:

That Council issue Development Variance Permit No. DVP154 at 2290 Labieux Road.

EXECUTIVE SUMMARY:

A development variance permit application has been received from Gina Prescott, on behalf of Vancouver Island Haven Society, to permit an over height fence along Bowen Road. The request for a development variance permit was initiated by a complaint to the City Bylaw Services Department, which was received following the recent replacement of a long standing fence with a new fence at the subject site.

Council, at its regular meeting of 2009-MAY-10, directed Staff to proceed with the statutory notification process for DVP154 at 2290 Labieux Road. The notification process is now complete and, as such, this application is returning for Council's consideration.

BACKGROUND:

Applicant's Comment

The subject property has a total site area of 1 acre and is zoned Public Institution P-2. The property is occupied by two buildings; a residential treatment building and a newly completed administration building. This site has historically had a 2.4 m (8 ft) fence in the front yard and around the site perimeter to provide privacy and security. The applicant recently replaced the old fence with a new fence in conjunction with the development of the Haven Society administration offices.

Proposed Development

The applicant wishes to retain the height of the recently constructed decorative fence detail which runs around the perimeter of the site. The existing fence height is 2.4 m (8 ft) and includes a number of decorative features, such as arbours. The fence is also articulated in a number of places to improve the visual signature of the fence. The fence was recently installed as part of the new development (administration building) on the site and was designed by a landscape architect who also completed the onsite landscape plan for the new building.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

The applicant notes that the fence height is essential for onsite programming and accommodation for mothers and children who require refuge from family conflict. The fence height provides both privacy and security. The new fence replaces a longstanding vertical boarded fence of similar height, but without the new decorative landscape features.

Proposed Variance

The Zoning Bylaw requires that the height of a fence in a front yard (Bowen Road) shall not exceed 1.2 m (3.9 ft). The height of the existing fence is, on average, 2.4 m (8ft), a proposed variance of 1.2 m (4 ft).

Staff Comment

Staff supports the proposed variance and recommends that Council issue the development variance permit.

Respectfully submitted,



J. Holm
Manager, Current Planning
Community Safety & Development

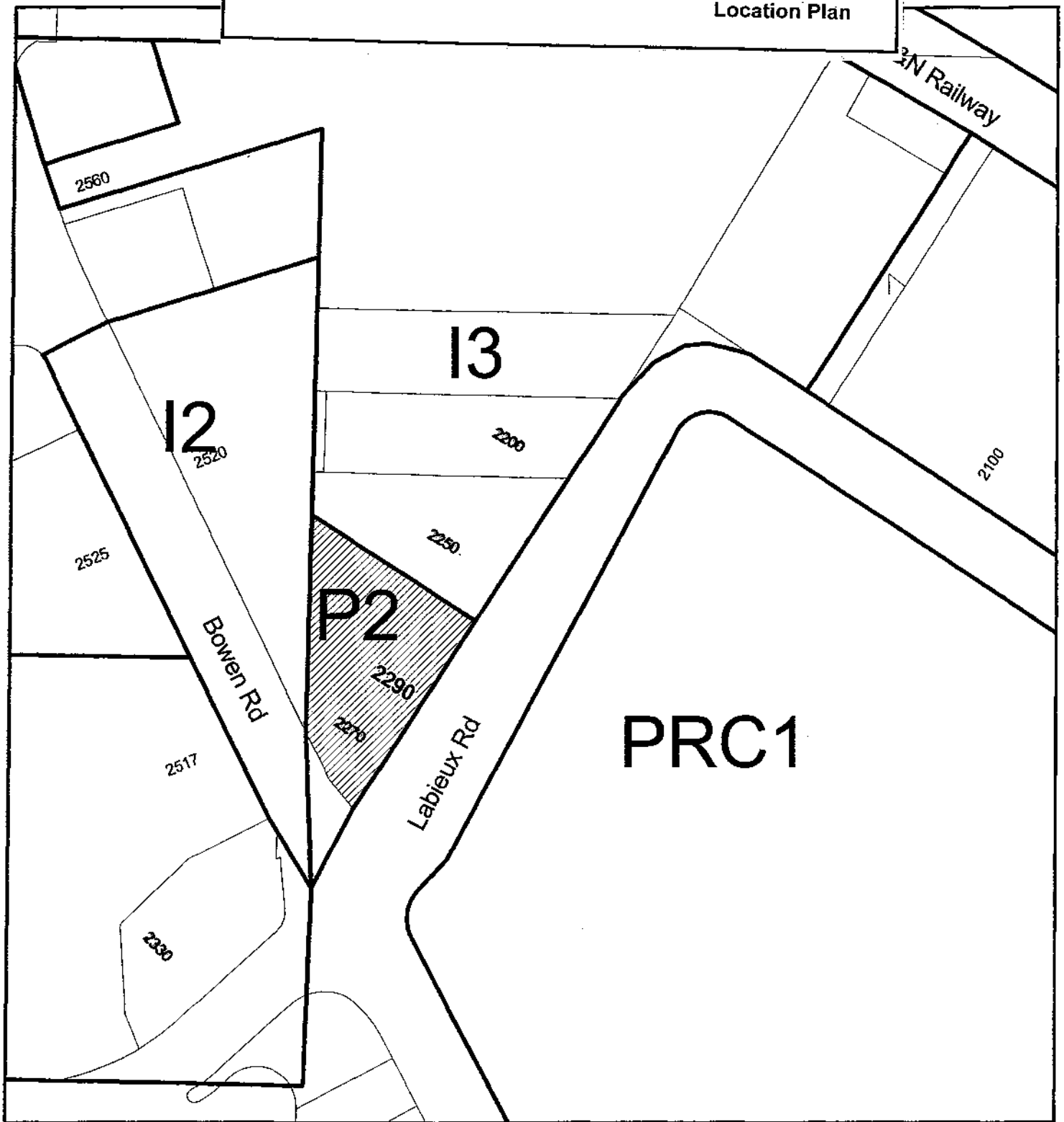


A. Tucker
Director of Planning
Community Safety & Development

GN/hd
Council: 2010-JUN-07
Prospero attachment: DVP00154



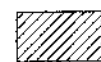
for Ted Swabey, General Manager
Development Services Department



DEVELOPMENT VARIANCE PERMIT NO. DVP00154

LOCATION PLAN

Civic: 2290 Labieux Road

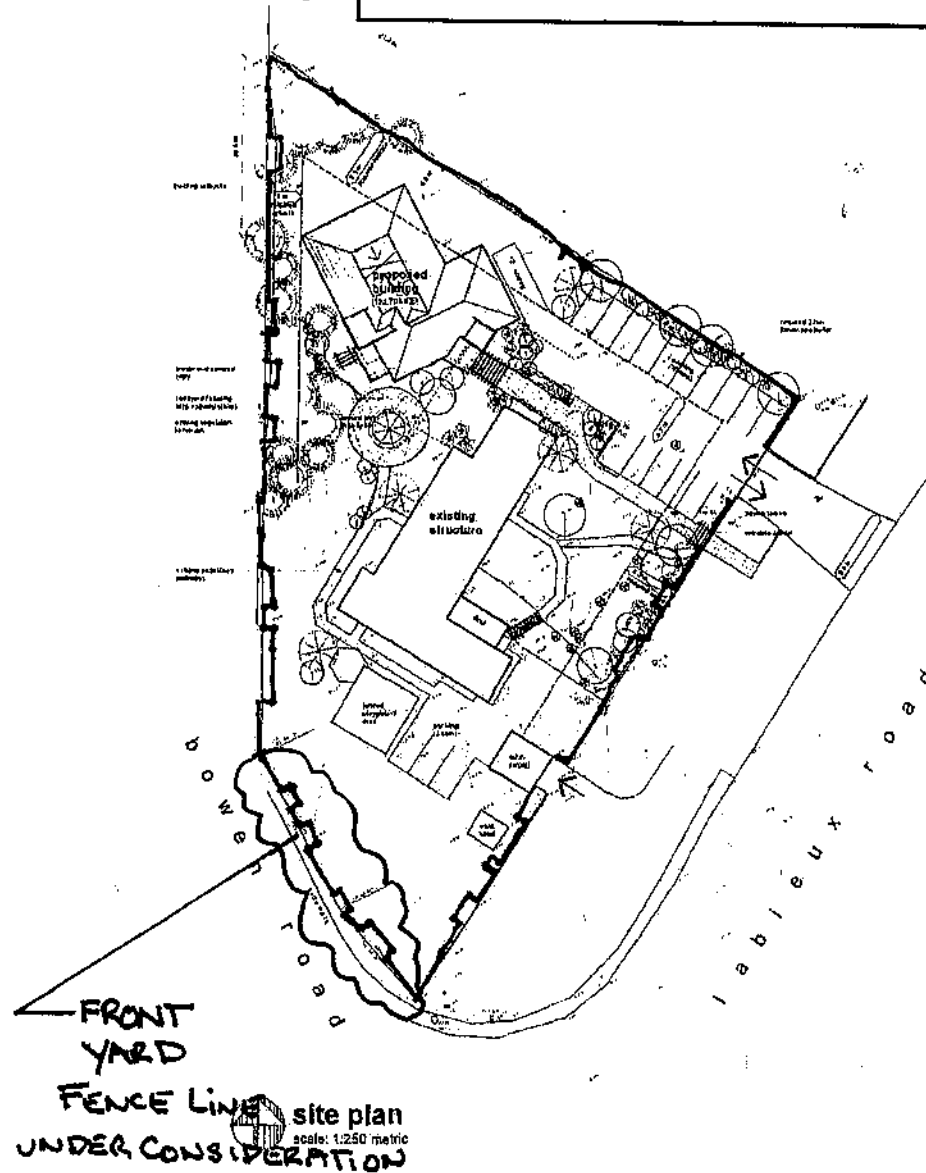


**Subject
Property**

Development Variance Permit No. DVP00154
2290 Labieux Road

Schedule B

Site Plan-Fence Line Under Consideration



Drawing Index:

A1:	Site Plan	1:250 metric
A2:	Foundation Plan	1/8" = 1'-0"
A3:	Main Floor Plan	1/8" = 1'-0"
A4:	Upper Floor Plan	1/8" = 1'-0"
A5:	Exterior Elevations	1/8" = 1'-0"
A6:	Reflected Ceiling Plan / Roof plan	1/8" = 1'-0"
A7:	Wall Sections / Assembly Details / Stair Details	1/8" = 1'-0" / 1/16" = 1'-0"
A8:	Wall Sections / Details	1/8" = 1'-0" / 1/16" = 1'-0"

Project data:

legal description:
part lot 6, plan 2282, lease plan 4020, except 4315 bys. control,
situated 2806 Brown Road
zoning: R-2 public by-law zone
lot area: 47,048 sq.m.
land use: agricultural office
existing and proposed building

lot coverage:
17% - approx.
parking:
on site parking:
total

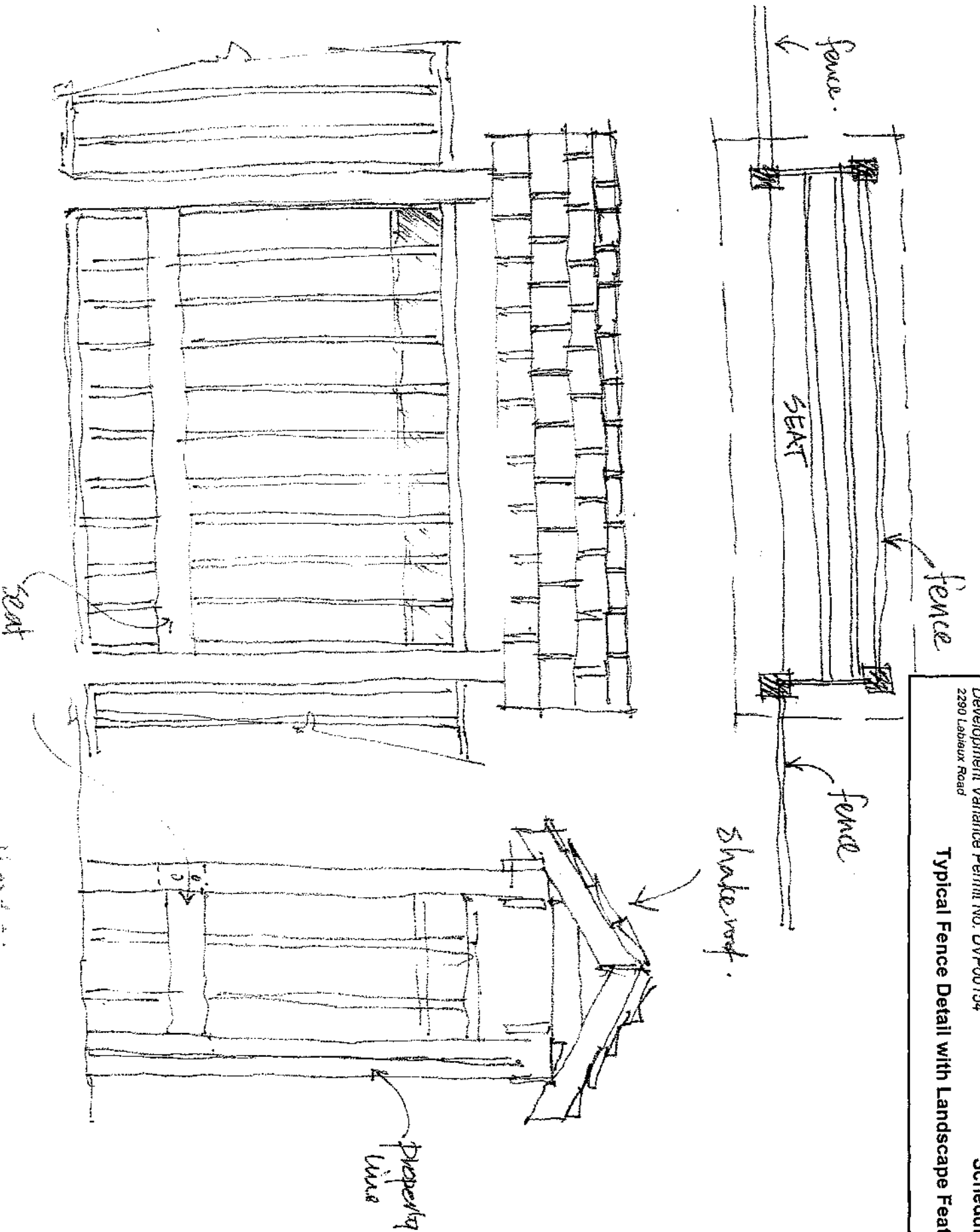
basement
main floor
upper floor
total

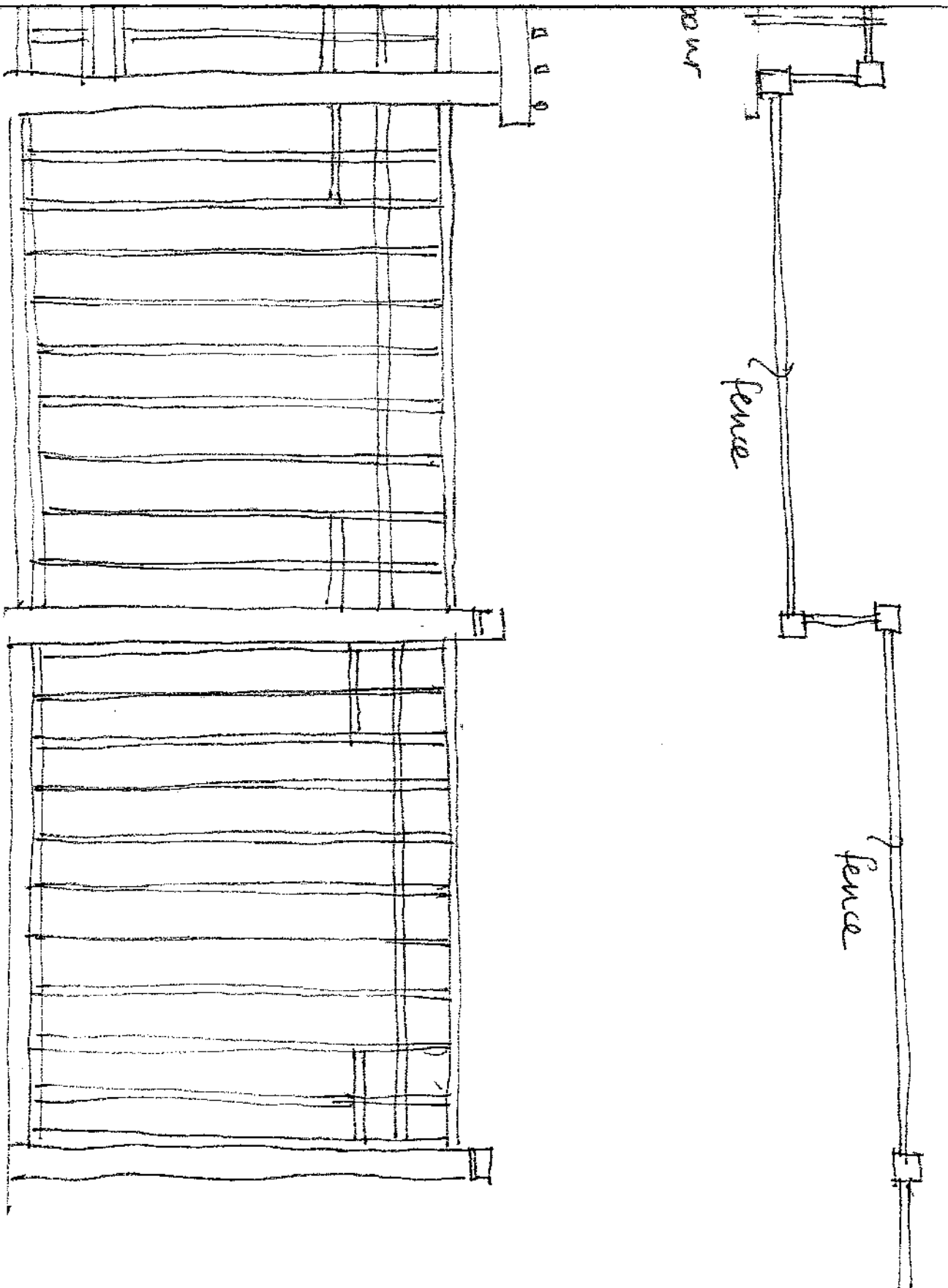
17 cars
17 cars

delinea
ARCHITECTURAL FIRM
1000 BROWN ROAD, SUITE 100, NEW WICK
NEW BRUNSWICK, N.J. 07040
TEL: (908) 255-1111
FAX: (908) 255-1112
www.delinea.com

PROJECT
Proposed Building for
Haven Society
Hudson, N.C.
JOB NUMBER
1059.58.07
SCALE
as noted
DESIGNED BY
A.V.
DRAWN BY
A.V.
SITE PLAN
DATE

A1





Development Variance Permit No. DVP00154
2290 Labieux Road

Schedule D
Fence Detail

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY AND DEVELOPMENT DIVISION

FROM: J. HOLM, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY AND DEVELOPMENT DIVISION

RE: APPLICATIONS FOR A TEMPORARY CHANGE TO A
LIQUOR OR FOOD PRIMARY LICENSE

STAFF'S RECOMMENDATION:

That Council:

1. endorse the proposed liquor license application process for a temporary change to a liquor or food primary license, described in the 2010-MAY-10 Staff report (Schedule B), and as outlined in the proposed temporary license alteration checklist (Schedule A); and
2. receive the report pertaining to "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02", which is presented under the Bylaws section of the agenda.

EXECUTIVE SUMMARY:

Council, at its meeting of 2010-MAY-10, received a Staff report regarding the development of a policy for the processing of applications for temporary changes to liquor and food primary licenses. As part of this report, Staff recommended Council authorize the General Manager of the Community Safety and Development Division to sign off in support of these applications and that a \$100 application fee be charged. Council believes the \$100 fee may not be sufficient for this application type and directed Staff to research application fees other municipalities charge for temporary changes to a liquor license. Staff has since researched temporary change application fees in six other British Columbia municipalities and believes the \$100 application fee proposed is appropriate.

BACKGROUND:

Council, at its meeting of 2009-DEC-07, received an application from Mr. Bill Belland requesting local government support of an application from Level 2, located at 170 Skinner Street, to temporarily extend its hours of liquor service from 1:30am to 2am from 2009-DEC-18 to 2009-DEC-19. Council supported the temporary extension of hours for Level 2 and directed Staff to prepare a report to Council regarding a policy for the processing of applications for temporary changes to liquor and food primary licenses. During this same meeting, Council also directed Staff to prepare an amendment to the "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 2005 NO. 7016" in order to establish a fee for temporary changes to liquor or food primary licenses and to not accept any additional applications for temporary changes to hours of liquor service until such time as the Staff report is received.

In addition to approving the extension of hours for Level 2 for 2009-DEC-18 and 2009-DEC-19, Council has previously approved a temporary extension of Level 2's hours of liquor service for 2009-OCT-30 and 2009-OCT-31 and supported a temporary patron participation (dancing) entertainment endorsement for the Cactus Club restaurant on 2008-DEC-31.

Temporary License Alteration Delegation And Process

None of the existing Council endorsed liquor license application processes specifically address temporary alterations to existing liquor or food primary licenses. As such, Staff is seeking Council direction with regard to applications for a temporary change to a liquor license. As these events are temporary in nature and only permitted for a special event (similar to a Special Occasion License application), Staff recommends that Council authorize the General Manager of the Community Safety and Development Division to provide the Provincial Liquor Control and Licensing Branch (LCLB) with the City's comments regarding these applications. The review process for these applications is proposed to be the same as the one currently used by the City for Special Occasion Licenses on City properties, which includes a referral to the RCMP. The proposed temporary license alteration checklist is attached (Schedule A).

Council Review

While temporary changes to a liquor license are generally granted for special events for approximately one to three days, the LCLB has not set criteria for limiting the scale or length of a temporary license extension. As such, while Staff believes it is generally appropriate for the General Manager of the Community Safety and Development Division to provide municipal comment regarding temporary change applications, Council review is recommended for requests to change a liquor or food primary license for a period of more than three days or where the establishment has already been granted five or more temporary license changes within a calendar year.

In regards to temporary extensions to late night hours of liquor service, it should be noted that Council's Hours of Service Policy does not support the extension of liquor service hours past 1:30am. It is Staff's opinion that this policy does not apply to temporary hours extension requests. Currently, no liquor licensed establishment in Nanaimo is permitted to serve past 2am. Any temporary extension of liquor service past 2am would, therefore, result in a significant change to the current liquor service climate in Nanaimo. Therefore, Staff recommends any temporary change which seeks to extend the hours of late night liquor service past 2am should be reviewed by Council.

Application Fee

Council, at its meeting of 2010-MAY-10, received a Staff report (Schedule B) regarding developing a policy for the processing of applications for temporary changes to liquor and food primary licenses. As part of this report, Staff recommended Council authorize the General Manager of the Community Safety and Development Division to sign off in support of these applications and that a \$100 application fee be charged. Council believed the \$100 fee may not be sufficient for this application type and directed Staff to research the application fees other municipalities charge for temporary changes to a liquor license. Staff has since researched the application fee charged for a temporary change to a liquor license in the following six BC municipalities:

Municipality	Temporary Change to a Liquor License Application Fee
Resort Municipality of Whistler	\$240
Victoria	\$25
Kamloops	\$50
Kelowna	\$50 (\$500 if Council approval is required)
Prince George	\$50
Maple Ridge	No fee


With the exception of Whistler, the proposed \$100 application fee would be higher than the application fee currently charged by the BC municipalities Staff contacted. As a resort municipality with an extremely high concentration of high-end night clubs and restaurants, and given the number of special events held within Whistler within a given year, their above average application fee may be appropriate. In Nanaimo the scale and number of temporary license amendment applications received is more comparable to the other BC municipalities surveyed.

If Council chooses to accept Staff's recommendation and authorize the General Manager of the Community Safety and Development Division to approve or deny temporary changes to liquor or food primary license applications, Staff is of the opinion the proposed \$100 application fee would be appropriate, given the level of Staff and RCMP review required for these application types.

Respectfully submitted,


 J. Holm
 Manager, Planning Section
**Community Service and
 Development Division**


 A. Tucker
 Director, Planning Department
**Community Service and
 Development Division**


 Ted Swabey, General Manager
 Development Services Department

DS/pm

Council: 2010-JUN-07

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SCHEDULE A



PLANNING SECTION

TEMPORARY CHANGE TO A LIQUOR LICENSE APPLICATION PROCESS AND CHECKLIST

Local government is asked to comment where an existing liquor license holder applies to the Liquor Control and Licensing Branch (LCLB) for a temporary change to the existing liquor license.

THE PROCESS:

1. Application

- (a) Applicant provides the City with a copy of the temporary change application and a letter detailing the nature of the event and the reason for the temporary change.
- (b) Applicant provides Staff with a non-refundable \$100 processing fee.

2. City's Decision

Once a complete application has been received, Staff will forward the application to the RCMP and local liquor inspector for comment. If the application is for a period of 3 days or less; and the applicant has not yet been approved for more than 5 temporary changes within the calendar year; and does not involve a temporary hours extension past 2am, the General Manager of Community Safety and Development will review and provide comment on behalf of the City to the LCLB. Should the General Manager choose not to support the application, the applicant may apply to Council for reconsideration.

Where the application is for a period of greater than 3 days or the licensed establishment has previously been approved for five or more temporary changes to the establishment's liquor licenses or the requested temporary extension of hours is past 2am, the application must be reviewed by Council.

SCHEDULE B

2010-MAY-04

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: APPLICATIONS FOR A TEMPORARY CHANGE TO A
LIQUOR OR FOOD PRIMARY LICENSE

STAFF'S RECOMMENDATION:

That Council:

1. endorse the proposed liquor license application process for a temporary change to a liquor or food-primary license, described in this report and as outlined on attached Schedule A; and
2. receive the report pertaining to "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02", which is presented under the Bylaws section of the agenda.

EXECUTIVE SUMMARY:

Council, at its meeting of 2009-DEC-07, directed Staff to prepare a report regarding a policy for the processing of applications for temporary changes to liquor and food-primary licenses. Council also directed Staff to prepare an amendment to the "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 2005 NO. 7016" in order to establish a fee for temporary changes to a liquor or food-primary license. In order to simplify the process for both the City and the applicant, Staff recommends that Council authorize the General Manager of the Development Services Department to sign off in support of these applications and that a \$100 application fee be charged.

BACKGROUND:

Council, at its meeting of 2009-DEC-07, received an application from Mr. Bill Belland requesting local government support of an application from Level 2, located at 170 Skinner Street, to temporarily extend its hours of liquor service from 1:30am to 2am for 2009-DEC-18 to 2009-DEC-19. Council supported the temporary extension of hours for Level 2 and directed Staff to prepare a report to Council regarding a policy for the processing of applications for temporary changes to liquor and food-primary licenses. During this same meeting Council also directed Staff to prepare an amendment to the "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 2005 NO. 7016" in order to establish a fee for temporary changes to a liquor or food-primary license and to not accept any additional applications for temporary changes to hours of liquor service until such time as the Staff report is received.

In addition to approving the extension of hours for Level 2 on 2009-DEC-18 and 2009-DEC-19, Council has previously approved a temporary extension of Level 2's hours of liquor service on 2009-OCT-30 and 2009-OCT-31 and supported a temporary patron participation (dancing) entertainment endorsement for the Cactus Club restaurant on 2008-DEC-31.

The LCLB permits liquor license owners to apply for a temporary change to their liquor license for a specified special event. While the LCLB requests local government comment when a liquor or food-primary licensee applies to temporarily amend a liquor license, the LCLB does not require Council endorsement for this type of application.

Council, at its meeting of 2007-JUN-25, endorsed four processes for the handling of the different types of liquor license applications:

1. new liquor-primary applications;
2. a permanent change to an existing liquor-primary license (extension of hours, increase in person capacity or the addition of a patio);
3. a permanent change to an existing food-primary license (to include live or patron participation entertainment or extend hours of service past midnight); and
4. a Special Occasion License for events held on public property.

Council, at its meeting of 2008-APR-28, endorsed an amendment to the Special Occasion License (SOL) application process. The amendment allowed for Staff, rather than Council, to provide City approval of the SOL's in order to streamline the approval process.

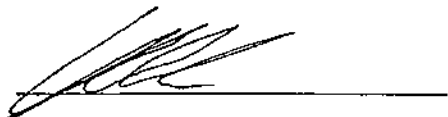
While a temporary change to a liquor license application is similar to an SOL application in that both are for a specific and temporary event, SOL's are issued for non-profit events held outside of an area with an existing liquor license. A SOL cannot be issued within an area where an existing liquor license exists. Unlike an SOL, special events held within a liquor licensed area can be for profit. Although there is no charge for the processing of SOL applications, Staff feel a \$100 application fee is appropriate for applications to temporarily amend an existing liquor license as these applications are to allow for profit events and Staff and RCMP to review the application.

Temporary License Alteration Delegation And Process


None of the existing Council endorsed liquor license application processes specifically address temporary alterations to existing liquor or food-primary licenses. As such, Staff is seeking Council direction with regard to applications for a temporary change to a liquor license. As these events are temporary in nature and only permitted for a special event (similar to an SOL application), Staff recommend that Council authorize the General Manager of the Development Services Department to sign off in support of these applications. The review process for these applications is proposed to be the same as the one currently used by the City for SOL applications which includes referral to the RCMP. The proposed temporary license alteration checklist is attached as Schedule A.

Where the temporary change application is for a period of more than three days, or where the establishment has already been granted five or more temporary license changes within a calendar year, Staff recommends that the application should then go to Council for comment.

Respectfully submitted,



J. Holm
Manager, Planning Division
Development Services Department



A. Tucker
Director of Planning
Development Services Department

DS/pm/hd

Council: 2010-MAY-10

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Ted Swabey, General Manager
Development Services Department

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, PLANNING, COMMUNITY SAFETY & DEVELOPMENT

RE: RA243 – PART OF 953 PARK AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.478", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure the community contribution and to register a covenant to secure general building design.

EXECUTIVE SUMMARY:

The City has received a rezoning application from Mr. Jeff Tomlinson of JE Anderson and Associates, on behalf of 0766010 BC Ltd., to rezone a portion of the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to facilitate the inclusion of two duplexes within an approved subdivision development. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The parent property is approximately 20,203 m² (5 acres) in area and is located on the west side of Park Avenue, 200 m north of the Ninth Street intersection (Schedule A). The proposed subject areas to be rezoned within the parent property are 1,508.8 m² (0.37 acres) in area. Generally, the surrounding properties are made up of larger lots of a few acres in size zoned RS-1.

Official Community Plan

The subject property is designated as "Neighbourhood" according to Map 1 of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development in neighbourhoods will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses.
- The development or redevelopment of lands within existing neighbourhood designated areas shall consider the surrounding context, including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the livability of the area.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

- The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character including the ground oriented nature of existing housing.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The subject property is under approved Preliminary Layout Acceptance (PLA) for an 18-lot single family subdivision (Schedule B). The proposed rezoning application would rezone two portions of the subject property in order to create two duplex lots within the accepted subdivision. Lots 7 and 15 are proposed as duplex lots.

General Building Design

Staff recommends that a covenant to secure general building designs be required as a condition of rezoning. Staff recommends the following design features be covenanted:

- *Proposed Duplex Lot 15* – this lot is located on a corner; the building will be required to have a street presence on both street frontages with each unit to face a different street.
- *Proposed Duplex Lot 7* – only a single car garage can be incorporated in the design for each unit and the garages cannot exceed 50% of the front facade. In addition, the garages cannot extend more than 3 m from the front face of the principal building.

Community Contribution

Pursuant to Section 7.3 of the OCP, in exchange for value conferred on land through rezoning, the applicant should provide a community contribution. The applicant has proposed a monetary contribution of \$2000 towards the City of Nanaimo's Affordable Housing Legacy Fund.


Staff supports the community contribution proposal and recommends that this item be secured as a condition of rezoning.

Respectfully submitted,

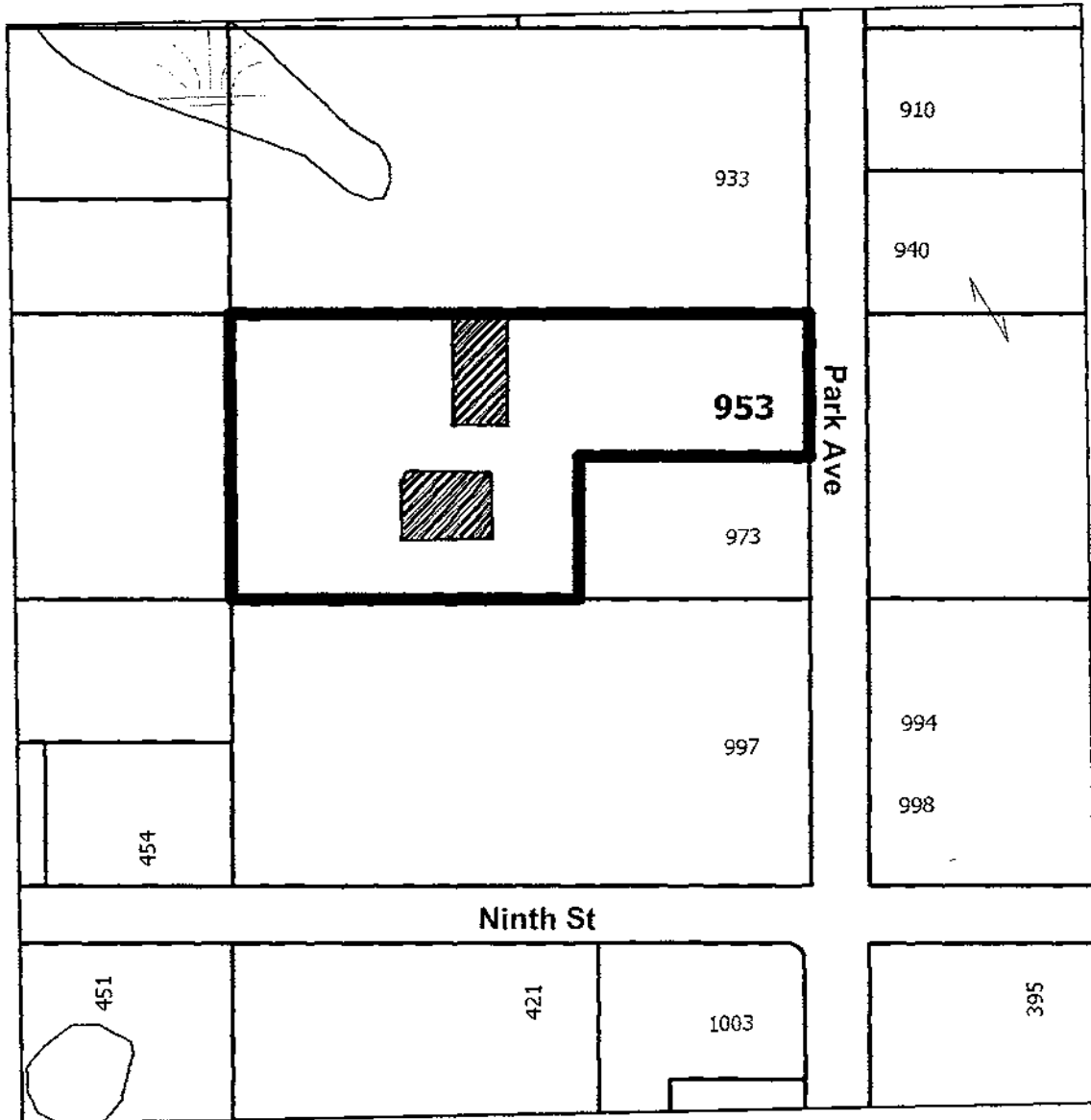

J. Holm
Manager, Planning Section
Community Safety & Development


A. Tucker
Director of Planning
Community Safety & Development

SH/pm/hd
Council: 2010-JUN-07
Prospero: RA243




for Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000243
953 Park Avenue

LOCATION PLAN

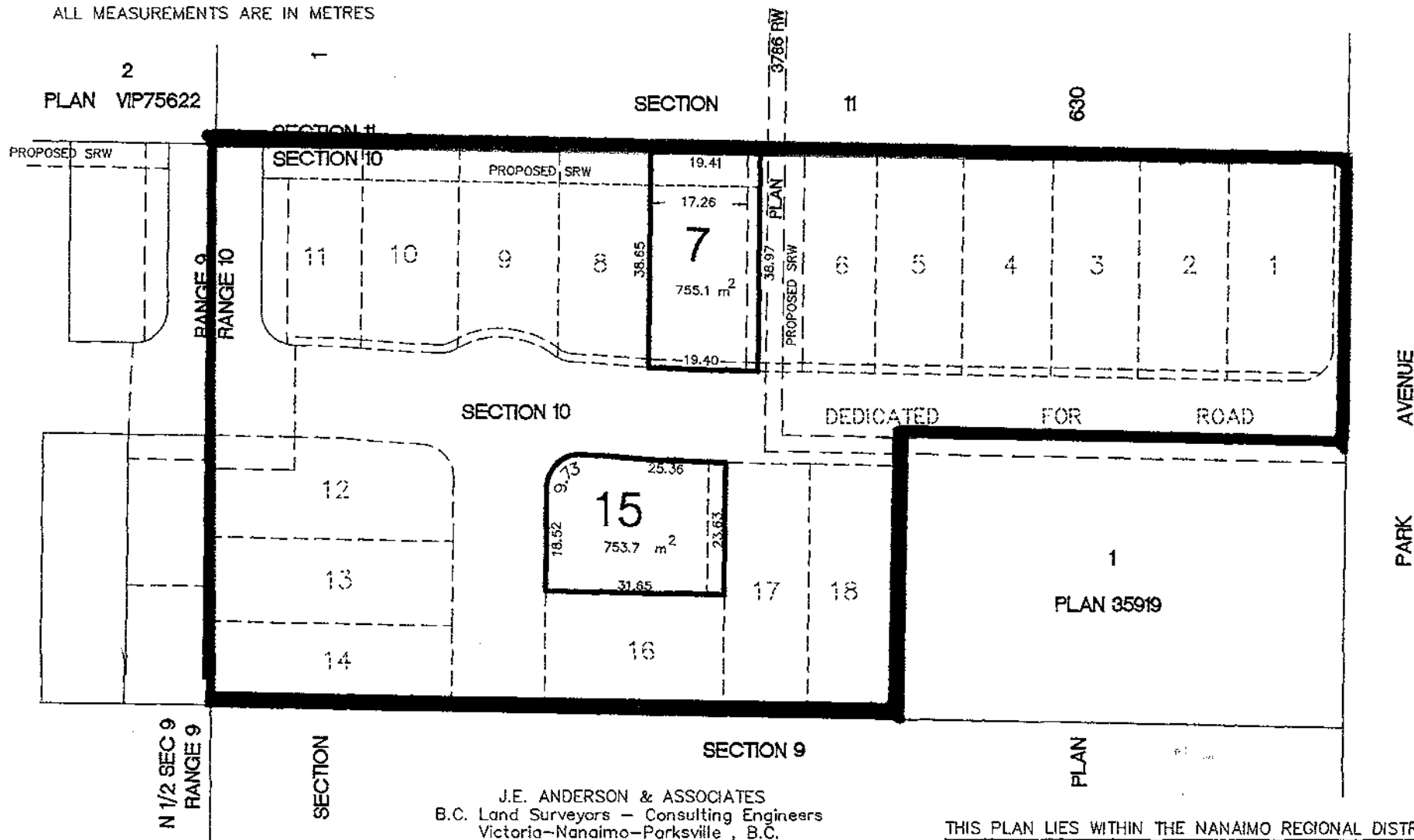
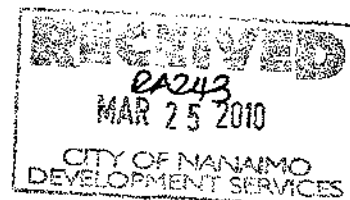
-  **Subject Property**
-  **Portion to be rezoned**

SKETCH PLAN FOR REZONING OF LOTS 7 AND 15
OF THE TENTATIVE PLAN OF SUBDIVISION OF
SECTION 10 RANGE 10 SECTION 1 NANAIMO
DISTRICT PLAN 630

Scale 1:1000



ALL MEASUREMENTS ARE IN METRES



SCHEDULE B

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria-Nanaimo-Parksville, B.C.
File : 86116 - MARCH 24 2010

THIS PLAN LIES WITHIN THE NANAIMO REGIONAL DISTRICT

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, PLANNING, COMMUNITY SAFETY & DEVELOPMENT

RE: RA244 – 368 HILLCREST AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.479", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure the community contribution and to register a covenant to restrict the development to six units and secure rain water pre-development flows.

planNANAIMO ADVISORY COMMITTEE (PNAC) RECOMMENDATION:

At its meeting of 2010-FEB-16, PNAC recommended that Council approve the application.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Gur Minhas of Satgur Development Inc., on behalf of Ajit and Balwinder Minhas, to rezone the subject property from Single Family Residential Zone (RS-1a) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate the construction of a multi-family development. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject site is located on the east side of Hillcrest Avenue, 12 meters south of the Foster Street intersection (Schedule A). The site is approximately 1,583 m² (0.39 acres) in area and a single family dwelling currently occupies the property. A long and narrow RS-1 zoned lot abuts the subject property to the east, which fronts on Fourth Street, and contains a single family dwelling. The lots abutting the site to the north and south, as well as across the street to the west, also contain single family dwellings. North of the subject property is a large 2.8-acre site zoned RM-3 that contains multi-family dwellings.

Official Community Plan (OCP)

According to Map '1' of the OCP, the subject property is located within a neighbourhood designation. The relevant policies of the OCP are as follows:

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

- Development in neighbourhoods will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four storey building forms, will be supported in neighbourhoods.
- The development or redevelopment of lands within existing neighbourhood designated areas shall consider the surrounding context, including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the liveability of the area.
- The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character including the ground oriented nature of existing housing.

The proposed development equates to a residential density of 38 units per hectare. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1a) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate the construction of a multi-family development. The proposed development consists of four principal buildings, which include two single dwellings and two duplex buildings, for a total of six residential units. The proposed density meets the proposed RM-3 maximum density of 0.45 Floor Area Ratio (FAR).

The applicant proposes to accommodate two on-site parking spaces for each dwelling, one parking space in the garage and one parking space on the driveway apron. The proposed twelve onsite spaces exceeds the requirement for nine onsite parking spaces.

The proposed site plan (Schedule B) and conceptual elevations (Schedule C) are attached.

Original Proposal

The applicant's initial proposal was to rezone the land to RM-2 (Residential Triplex and Quadruplex Zone) and to subdivide the land into two lots. There is an active subdivision application to divide the subject property into two RS-1 lots, which has been ongoing for approximately 5 years and remains incomplete. The intention of the applicant was to complete the subdivision and rezone to RM-2 in order to construct a triplex on each lot, with a common vehicle access to service the two lots.

Staff was not supportive of the original proposal to subdivide the property and construct three units on each of the two lots. Subdivision of the subject property would result in two narrow lots, which makes it challenging to design a self-contained triplex infill development on each lot. For this reason the applicant suggested that a common access driveway service the two lots. However, the proposed layout will appear and function as a six-unit multi-family development, and therefore needs to be assessed as a six-unit multi-family development and not as two triplex developments. Containing the development on a single lot as currently proposed will provide greater flexibility to address possible siting and design concerns at the development permit stage. In addition, Staff can foresee potential strata management issues with the development being constructed over two separate lots and want to avoid 'building-in' future problems for the strata.

Proposed RM-3 Zone

By rezoning to RM-3 the applicant had to reduce the density, Floor Area Ratio (FAR), of the proposed development in order to conform to the maximum FAR of 0.45. Therefore, the overall

density of the proposal is now slightly reduced from the originally proposed. However, the RM-3 Zone requires greater setbacks than the originally proposed RM-2 Zone. A 3 metre side yard and a 7.5 metre rear yard are required in the RM-3 Zone. The development proposes a side yard of 1.5 metres and a rear yard of 6 metres, which are consistent with the triplex and quadruplex zone (RM-2). Nonetheless, a variance of 1.5 metres is required for both the side and rear yards under the RM-3 Zone. Staff is supportive of the variances, which will be formally addressed at the development permit stage.

Subdivision

As Staff does not support the proposed development being constructed over two separate lots, Staff recommends, as a condition of rezoning, that the applicant cancel the active subdivision application, prior to consideration of final adoption of the bylaw.

Unit Restriction

Staff recommends, as a condition of rezoning, that a covenant be registered to restrict the maximum number of units on the subject property to 6 residential units.

Rain Water Management

Staff recommends that a covenant be required as a condition of rezoning to restrict post-development flows from the site to the pre-development levels and patterns. In addition, a rain water management plan, using acceptable rain water management methods and practices, will be required to be issued Design Stage Acceptance (DSA).

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a \$6000 monetary contribution towards the City of Nanaimo's Affordable Housing Legacy Fund.


Staff supports this proposal and recommends that Council direct Staff to secure the community contribution.

Respectfully submitted,


J. Holm
Manager, Planning Section
Community Safety & Development


A. Tucker
Director of Planning
Community Safety & Development

SH/pm/hnd
Council: 2010-JUN-07
Prospero: RA244

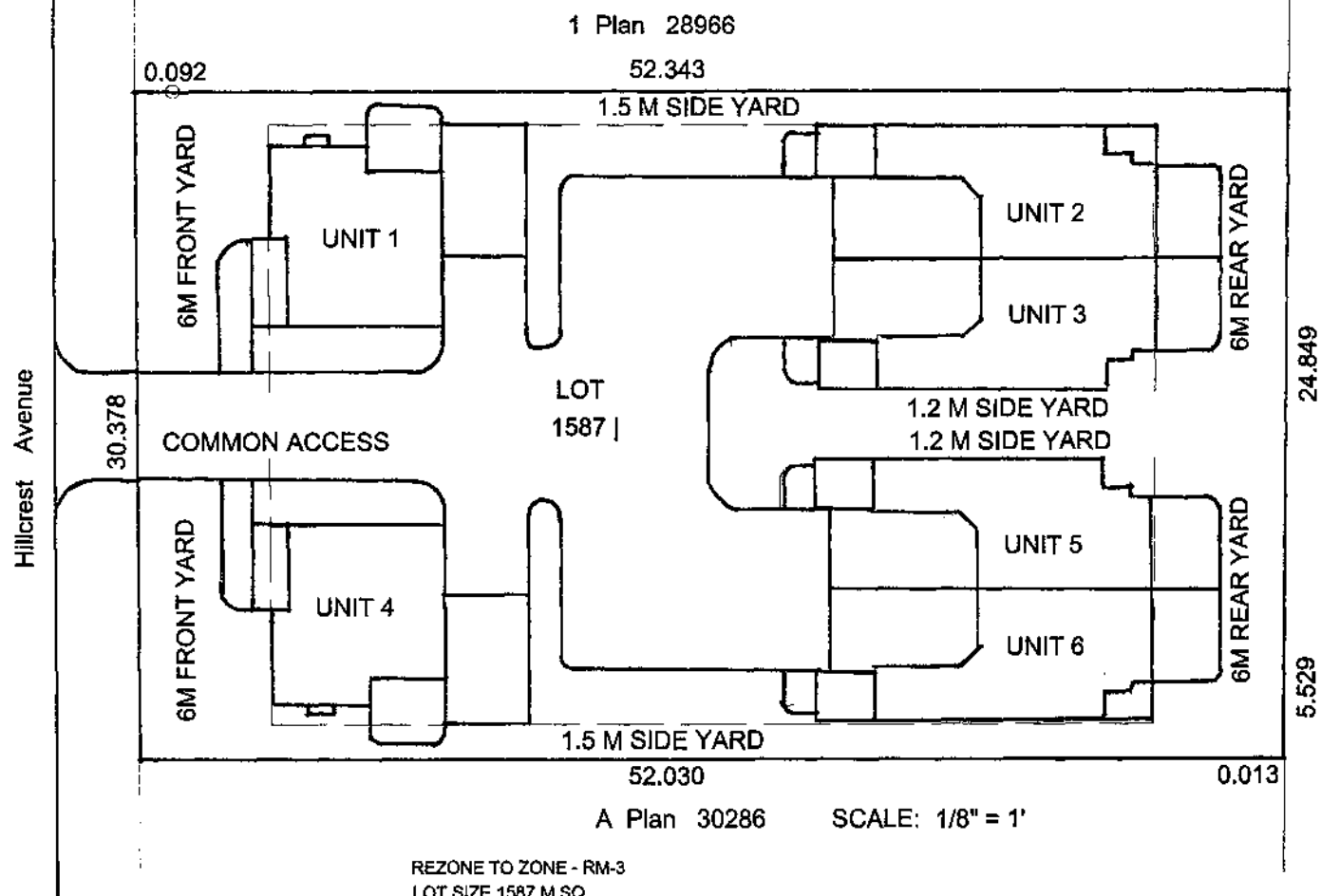

Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000244
Civic: 368 Hillcrest Avenue

LOCATION PLAN



REZONE TO ZONE - RM-3
LOT SIZE 1587 M SQ.

2 SINGLE AND 2 DUPLEX FOR 6 UNITS
TOTAL LOT COVERAGE 532.9 M SQ. OR 33.24 %
LOT COVERAGE ALLOWABLE 40% (3,423 SQ')
PARKING 6 X 1.66 = 9.96 OR 9 SPACES
TOTAL DENSITY 714.0 M SQ. OR .45
PARKING PROVIDED 10 LARGE CAR
& 2 SMALL CAR FOR 12 SPACES

1 Plan 28966

52,343

1.5 M SIDE YARD

UNIT 1

UNIT 2

UNIT 3

1.2 M SIDE YARD
1.2 M SIDE YARD

UNIT 4

UNIT 5

UNIT 6

1.5 M SIDE YARD

52,030

A Plan 30286

SCALE: 1/8" = 1'

**HILLCREST AVENUE
SUBDIVISION**

Address: 308 HILLCREST
AVENUE, NANAIMO, BC

Folio: 18260.000

Plan: 481R

Size: 100.00 170.00

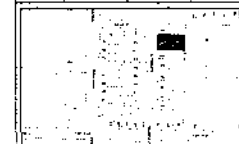
Width/Depth

Legal Description: THAT PART
OF SECTION 30, RANGE 5,
SECTION 1, NANAIMO
DISTRICT, PLAN 630
OUTLINED IN RED ON PLAN
481R EXCEPT PART IN PLANS
17699, 23894, 28966
AND 30288

Zoning RS-1A
SINGLE FAMILY RESIDENTIAL
ZONE

REZONE TO ZONE - RM-3

NO.	DATE	PAGE NO.	REMARKS



Mark Garrett

PROJECT DESIGNER

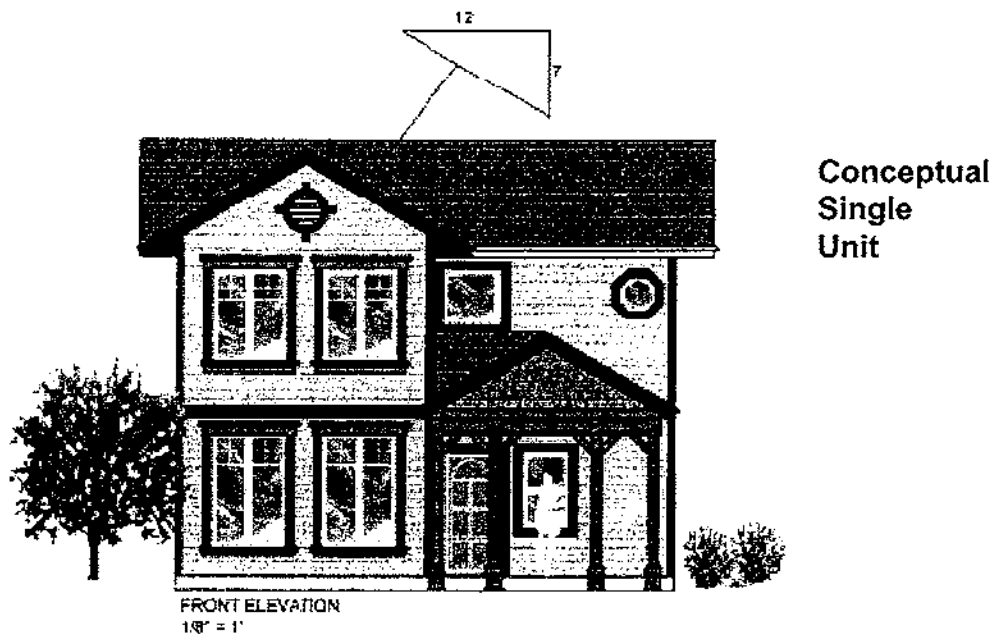
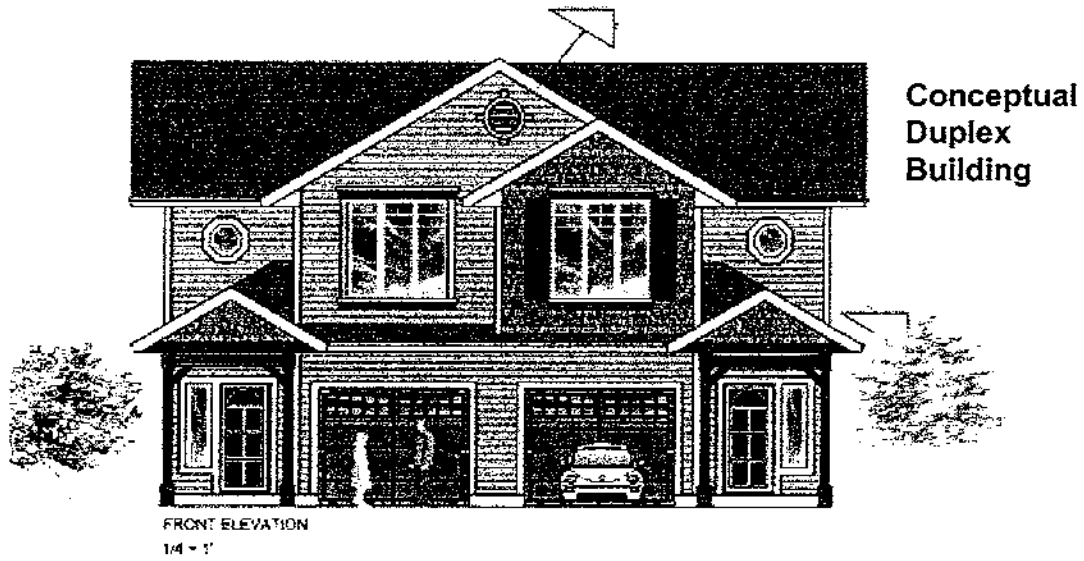
PROJECT DESIGNER
4970 Fillingim Cress. Manassas, B.C., V8V 1J1
(250) 790-1027 Bus. (250) 804-1027 Cell
email: garrattthydesign@yahoo.com

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DESIGNER:	NAME: GARDIN
DATE:	DATE: 2007
SCALE:	1/8" = 1'
PROJECT NO.	DRAWING NO.

SITE PLAN

SCHEDULE C



STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071"

STAFF'S RECOMMENDATION:

That Council receive the report pertaining to "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071" which is presented under the Bylaws section of the agenda.

EXECUTIVE SUMMARY:

Staff is in receipt of a request to rename a portion of McGirr Road to Thyme Place. See Schedule A attached hereto for a site plan of the impacted property.

BACKGROUND:

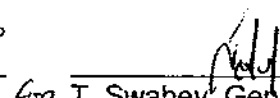
Section 39 (a) of the *Community Charter* empowers Council to name or change the name of highways within the municipality and to assign numbers to buildings and other structures. The primary consideration of the Road Naming Guidelines is to ensure a logical system of highway names and building numbers in order that emergency services will be able to respond to calls without confusion as to the location of the emergency. Occasionally, highway names or building addresses require changes, as a result of new developments within a neighbourhood, primarily subdivisions which require highway networks as part of the development.

In this instance, Staff recommends a change to the portion of the road name McGirr Road to Thyme Place. There are no lots addressed off this part of McGirr Road however, there is a current application to develop the land addressed 6090 Hammond Bay Road (see Schedule A). This development will be using this part of McGirr Road as access to the properties. Staff, therefore, recommends the road name change for the portion of McGirr Road to Thyme Place to ensure a logical road and addressing system. Staff has contacted the owner of 6090 Hammond Bay Road who is in agreement with the proposed road name and address change for the lot.

Respectfully submitted,


B. Corsan, Manager,
Real Estate


A. Tucker, Director,
Planning

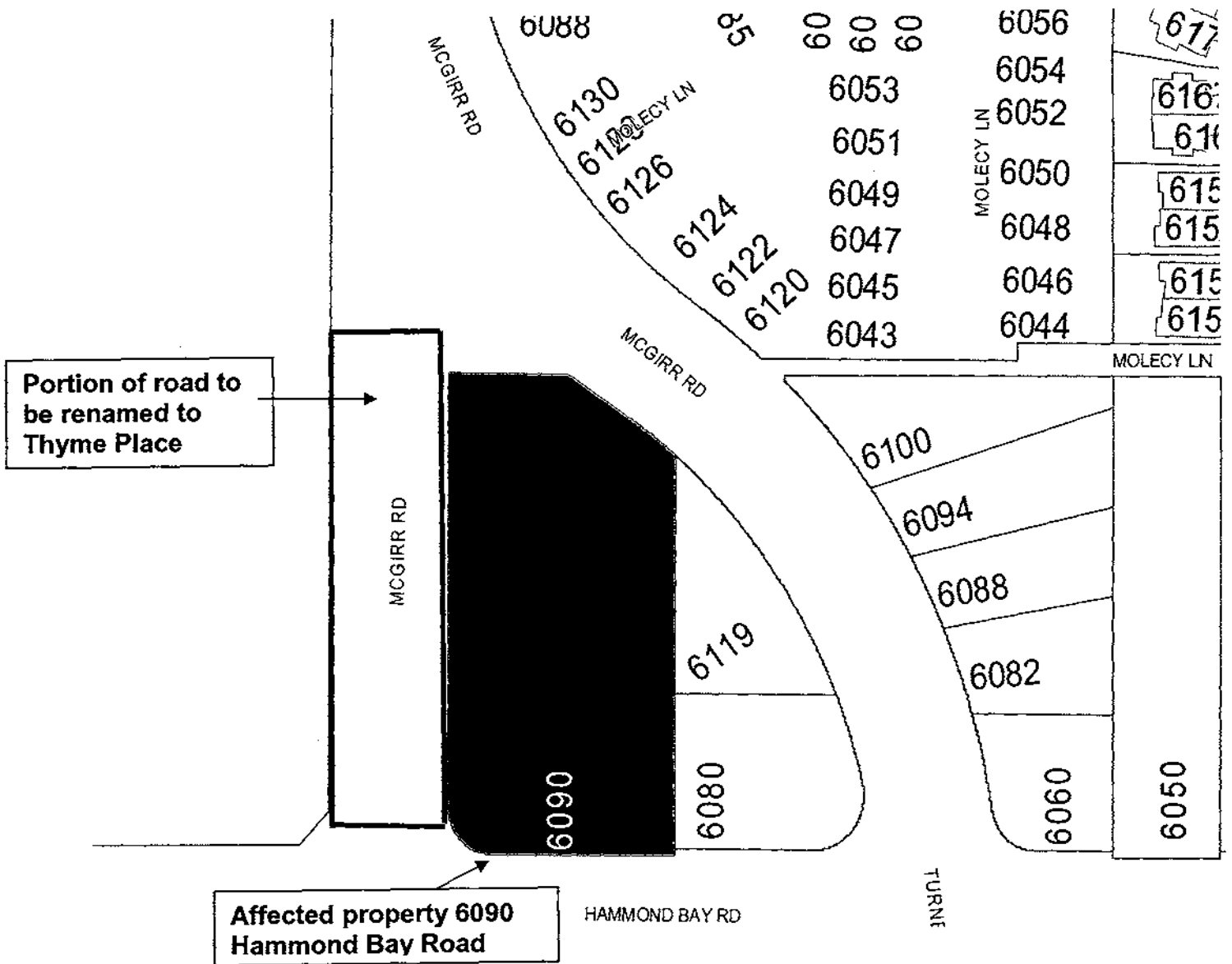

for T. Swabey, General Manager,
Community Safety and Development

Attachment: CIL00338

Council Date: June 7, 2010

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2010-JUN-07

SCHEDULE A



STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF PARTS 1602 BOWEN ROAD, 211 BUTTERTUBS DRIVE AND
1097 BOWEN ROAD

STAFF'S RECOMMENDATION:

That Council:

1. adopt the attached resolution as described in Schedule 1, approving the expropriation of part 1602 Bowen Road;
2. adopt the attached resolution as described in Schedule 2, authorizing and approving the expropriation of a right of way across 211 Buttertubs Drive; and
3. adopt the attached resolution as described in Schedule 3, approving the expropriation of part 1097 Bowen Road.

EXECUTIVE SUMMARY:

The subject properties are required for the reconstruction of Bowen Road. Expropriation is required in order to obtain ownership of the lands prior to advertising tenders in July 2010 and November 2010. The first official step in this process was to seek Council's authorization of the proposed expropriation, which occurred at Council's meeting of May 10, 2010. Staff is now reporting to Council seeking its approval of the expropriation. This is required due to the provincial legislation which accommodates other jurisdictions where the authorizing authority and approving authority may be different entities.

BACKGROUND:

On May 10, 2010, Council, acting as the expropriating authority, adopted four resolutions authorizing the expropriation of parts of 1602 Bowen Road, 211 Buttertubs Drive, 1 Buttertubs Drive and 1097 Bowen Road (see Schedule A). Staff has subsequently secured agreement from the owner of 1 Buttertubs Drive for its part purchase and, therefore, it is not necessary to proceed with expropriation of that property. Council, acting as an approving authority, must approve the expropriation of portions of the remaining properties.

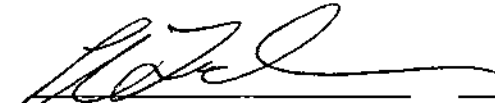
☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

Negotiations with the remaining property owners are ongoing. Staff may be able to secure other agreements thus avoiding completion of the expropriation process for all properties.

Respectfully submitted,



B. Corsan, Manager
Real Estate



A. Tucker, Director
Planning



for T. Swabey, General Manager
Community Safety & Development

Prospero: LD002144
Council: June 7, 2010

SCHEDULE 1 – Pertaining to 1602 Bowen Road

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 1602 Bowen Road, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

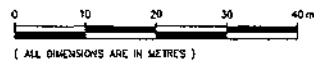
Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of that part of the lands located at 1602 Bowen Road shown on the attached Schedule "1-A" is hereby approved.
2. The General Manager of the Community, Safety & Development Department, and the Manager of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

PLAN EPP7322

BCGS 92G.011

THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm IN WIDTH
BY 432 mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE
OF 1:500

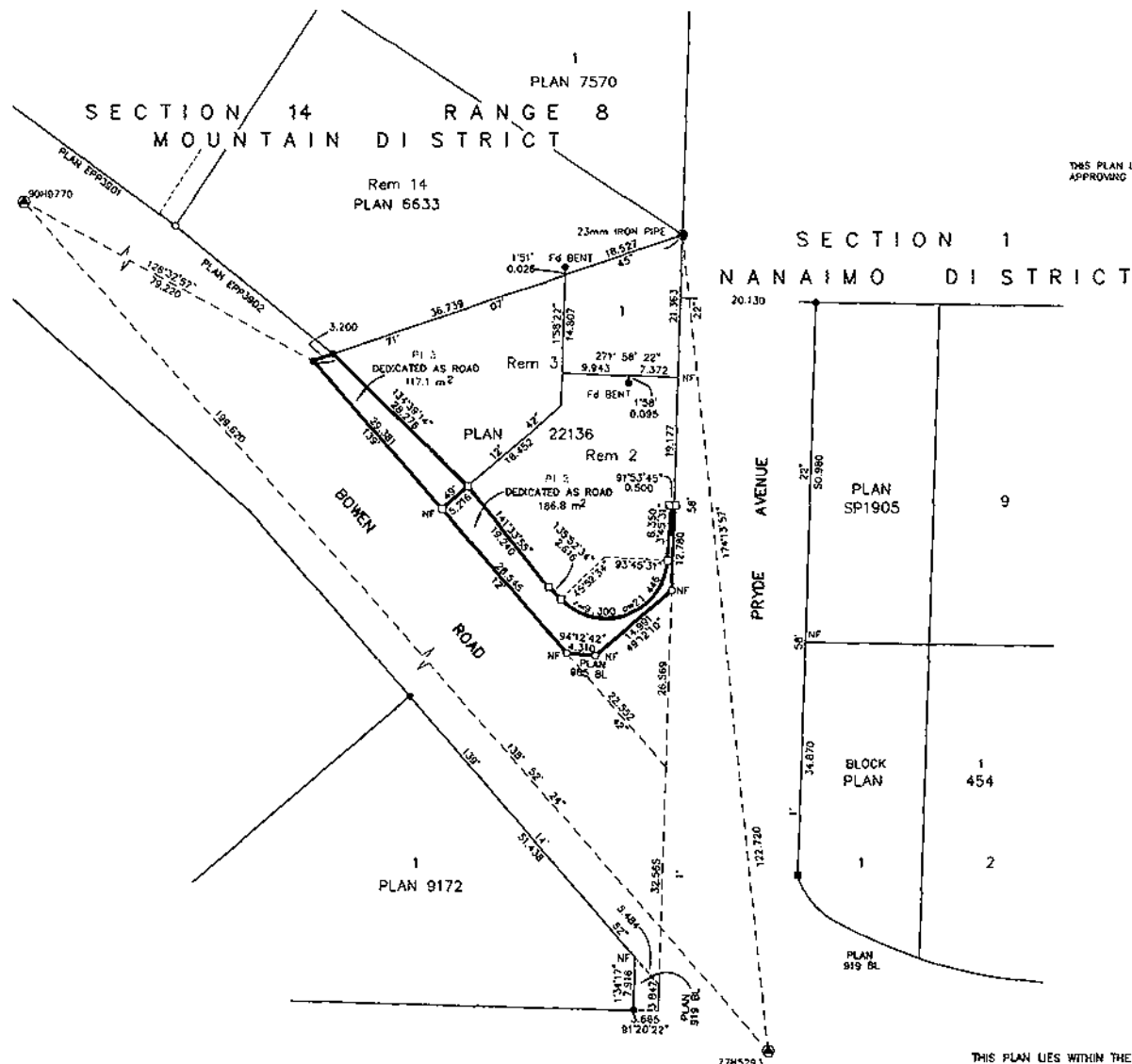


LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS 77H5293 AND 90H9770.
INTEGRATED SURVEY AREA NO. 20, HANAIMO, MAD 83 (CSRS).
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY
COMBINED FACTOR OF 0.999854.

- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- DENOTES STANDARD LEAD PLUG FOUND.
- DENOTES STANDARD LEAD PLUG FOUND.
- ⊗ DENOTES STANDARD NON-STANDARD IRON POST FOUND.
- ⊙ DENOTES CONTROL MONUMENT.
- PI DENOTES PART.

BOOK OF REFERENCE		
LEGAL DESCRIPTION	Pd	AREA
LOT 2, SECTION 14, RANGE 6, MOUNTAIN DISTRICT, PLAN 22136 EXCEPT PART IN PLAN 985 BL	000-141-003	188.8 m ²
LOT 3, SECTION 14, RANGE 6, MOUNTAIN DISTRICT, PLAN 22136	000-141-011	117.1 m ²



THIS PLAN LIES WITHIN THE JURISDICTION OF THE
APPROVING OFFICER FOR THE CITY OF NANAIMO

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED BY BRIAN D. WARDROP, BCLS ON THE 14th DAY OF
MAY, 2010.

SCHEDULE 2 – Pertaining to 211 Buttertubs Drive

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project, a right of way for sewer purposes across part of the lands located at 211 Buttertubs Drive, which right of way the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of a limited estate in the land in the nature of a perpetual right of way located at 211 Buttertubs Drive as described and shown on the attached Schedule "2-A" is hereby authorized and approved.
2. The General Manager of the Community, Safety & Development, and the Manager of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

TERMS OF INSTRUMENT--PART 2**WHEREAS:**

A. The Transferor is the registered owner, or is entitled to become the registered owner, of the lands and premises more particularly described in Form C (page 1) hereto (the "Lands of Transferor");

B. To facilitate the installation of a system of sewerage works, and/or drainage works, including all pipes, valves, fittings and facilities in connection therewith, (herein called the "Works"), the Transferor has agreed to permit the construction by the Transferee of the Works on a portion of the Lands of the Transferor and to Grant for these purposes the Rights-of-way hereafter described.

C. The Transferor has agreed to grant to the Transferee a Right-of-way through, under and across the Lands of the Transferor on the terms and conditions set out below; and

D. It is necessary for the operation and maintenance of Transferee's undertaking to obtain a Statutory Right-of-way;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada, now paid by the Transferee to the Transferor (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants and conditions hereinafter contained to be observed and performed by the Transferee and for other valuable consideration:

PARAGRAPH 1 – GRANT OF RIGHT OF WAY TO ACCOMMODATE THE WORKS**1.1 THE PARTIES HERETO EACH HEREBY COVENANT TO AND AGREE WITH THE OTHER, as follows:**

- (a) The Transferor does hereby grant, convey, confirm and transfer, in perpetuity, unto the Transferee the full, free and uninterrupted right, license, liberty, privilege, permission and Right-of-way to lay down, install, construct, entrench, operate, maintain, inspect, alter, remove, replace, bury, cleanse, and otherwise establish one or more systems of Works upon, over, under and across that part of the Lands of the Transferor shown as "Pt. SRW 29.8m²" and that part of the Lands of the Transferor shown as "Pt. SRW 30.0m²" on the plan of statutory right of way certified by Brian D. Wardrop, B.C.L.S., a reduced copy of which is attached hereto as Schedule "A", together comprising 59.8 square metres, more or less, (the "Right of Way").
- (b) The Transferor does hereby covenant and agree to and with the Transferee that for the purposes aforesaid and upon, over, under and across the Right of Way, the Transferee shall for itself and its servants, agents, workers, contractors and all other licensees of the Transferee together with machinery, vehicles, equipment, and materials be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil

or other surface or subsurface materials, clear of all trees, growth, buildings or obstructions now or hereafter in existence, as may be necessary, useful, or convenient in connection with the operations of the Transferee in relation to the Works.

- (c) The Transferor does hereby transfer, assign and convey to the Transferee all right, title and interest in and to any Works that the Transferee, or the Transferor have prior to this Agreement established or constructed or maintained or operated within the Right of Way or in relation to any similar Works previously constructed by any party whatsoever within the Right of Way.
- (d) The said Works referred to above, together with all pipes, valves, conduits, wires, casings, fittings, meters, appliances, facilities, attachments or devices used in connection therewith shall constitute the Works
- (e) Notwithstanding any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Right of Way by the Transferee shall at all times remain the property of the Transferee notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Transferee
- (f) In the event that the Transferee abandons the Works or any part thereof the Transferee may, if it so elects, leave the whole or any part thereof in place

1.2 THE TRANSFEROR HEREBY COVENANTS TO AND AGREES WITH THE TRANSFEE, as follows:

- (a) That the Transferor will not, nor permit any other person to erect, place, install or maintain any buildings, structure, mobile home, concrete driveway or patio, pipe, wire or other conduit on, over or under any portion of the Right of Way so that it in any way interferes with or damages or prevents access to, or is likely to cause harm to Works authorized hereby to be installed in or upon the Right of Way.
- (b) That the Transferor will not do nor knowingly permit to be done any act or thing which will interfere with or injure the said Works and in particular will not carry out any blasting on or adjacent to the Right of Way without the consent in writing of the Transferee, provided that such consent shall not be unreasonably withheld.
- (c) That the Transferor will not substantially add to or diminish the soil cover over any of the Works installed in the Right of Way and in particular, without limiting the generality of the foregoing, will not construct open drains or ditches along or across any of the Works installed in the Right of Way without the consent of the Transferee which will not be unreasonably withheld.

1.3 THE TRANSFEE HEREBY COVENANTS TO AND AGREES WITH THE TRANSFEROR, as follows:

- (a) That the Transferee will not bury any debris or rubbish of any kind in the excavations or backfill, and will remove shoring and like temporary structures as backfilling proceeds.

- (b) That the Transferee will thoroughly clean the Right of Way of all rubbish and construction debris created or placed thereon by the Transferee and will leave the Right of Way in a neat and clean condition.
- (c) That the Transferee will, as soon as weather and soil conditions permit, and so often as it may exercise its rights hereunder to the Right of Way, replace the surface soil as nearly as may be reasonably possible to the same condition as it was prior to such entry, in order to restore the natural drainage to such lands.
- (d) That the Transferee will, as far as reasonably possible, carry out all work in a proper and workmanlike manner so as to do as little injury to the Right of Way as possible.
- (e) That the Transferee will make good at its own expense all damage or disturbance which may be caused to the surface soil of the Right of Way in the exercise of its rights hereunder.
- (f) The Transferee will, as far as reasonably possible, restore any fences, lawns, and flower beds, at its cost as nearly as may be reasonably possible to the same condition that they were in prior to any entry by the Transferee upon the Right of Way.

PARAGRAPH 2 GRANT OF RIGHT OF WAY OVER THE LANDS OF THE TRANSFEROR

2.1 THE TRANSFEROR HEREBY COVENANTS TO AND AGREES WITH THE TRANSFEE, as follows:

- (a) The Transferor does hereby grant, convey, confirm and transfer unto the Transferee for itself, and its servants, agents, workmen, contractors and all other licensees of the Transferee together with machinery, vehicles, equipment and materials, the right at all times to enter upon and to pass and repass over such of the Lands of the Transferor as may reasonably be required for the purpose of ingress to and egress from the Right of Way.
- (b) The Transferor does hereby grant, convey, confirm and transfer unto the Transferee for itself, and its servants, agents, workmen, contractors and all other licensees of the Transferee together with machinery, vehicles, equipment and materials, the right at all reasonable times to use such of the Lands of the Transferor as may reasonably be required for the purpose of installing, constructing, maintaining, inspecting, altering, removing replacing or repairing the Works.

2.2 THE TRANSFEE HEREBY COVENANTS TO AND AGREES WITH THE TRANSFEROR, as follows:

- (a) That the Transferee will not bury any debris or rubbish of any kind on the Lands of the Transferor, and will remove shoring and like temporary structures as backfilling proceeds.

- (b) That the Transferee will thoroughly clean all lands to which it has access hereunder of all rubbish and construction debris created or placed thereon by the Transferee and will leave such lands in a neat and clean condition.
- (c) That the Transferee will, as soon as weather and soil conditions permit, and so often as it may exercise its rights of entry hereunder to any of the Lands of the Transferor, replace the surface soil as nearly as may be reasonably possible to the same condition as it was prior to such entry, in order to restore the natural drainage to such lands.
- (d) That the Transferee will, as far as reasonably possible, carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands of the Transferor as possible.
- (e) That the Transferee will make good at its own expense all damage or disturbance which may be caused to the surface soil of the Lands of the Transferor in the exercise of its rights hereunder.
- (f) The Transferee will, as far as reasonably possible, restore any fences, lawns, flower beds at its cost as nearly as may be reasonably possible to the same condition that they were in prior to any entry by the Transferee upon the Lands of the Transferor.

PARAGRAPH 3 GENERAL TERMS

3.1 THE PARTIES HERETO EACH HEREBY COVENANT TO AND AGREE WITH THE OTHER, as follows:

- (a) That the Transferor will from time to time and at all times upon every reasonable request and at the cost of the Transferee do and execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, conveyances and assurances in law whatsoever for the better assuring unto the Transferee of the rights hereby granted.
- (b) That no part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use and enjoy the Lands of the Transferor subject only to the rights and restrictions herein contained.
- (c) That the covenants herein contained shall be covenants running with the land and that none of the covenants herein contained shall be personal or binding upon the Transferor, save and except during the Transferor's ownership of any interest in the Lands of the Transferor, and with respect only to that portion of the Lands of the Transferor of which the Transferor shall be seised or in which he shall have an interest, but that the Lands of the Transferor, shall nevertheless, be and remain at all times charged therewith.
- (d) If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he shall acquire a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests.

- (e) Where the expression "Transferor" includes more than one person, all covenants herein on the part of the Transferor shall be construed as being several as well as joint.
- (f) This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns as the case may be and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or neuter, as the case may be, had been used, where the parties or the context hereto so require and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

END OF SET

PLAN OF STATUTORY RIGHT OF WAY OVER
PART OF COMMON PROPERTY STRATA PLAN 1041,
SECTION 1, NANAIMO DISTRICT.

PLAN EPP7325

(PURSUANT TO SECTION 6 OF EXPROPRIATION ACT
AND SECTION 113 OF THE LAND TITLE ACT)

BCGS 92G.011

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm BY
300 mm BY HEIGHT (8-920) WHEN PLOTTED
AT A SCALE OF 1:250

0 5 10 15 20m

(ALL DIMENSIONS ARE IN METRES)

LEGEND

GRID BLANKING ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS 7745293 AND 7745296.
INTEGRATED SURVEY AREA IS: 20. NANAIMO, NAD 83 (CSRS).
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY
COMBINED FACTOR OF 0.999955.

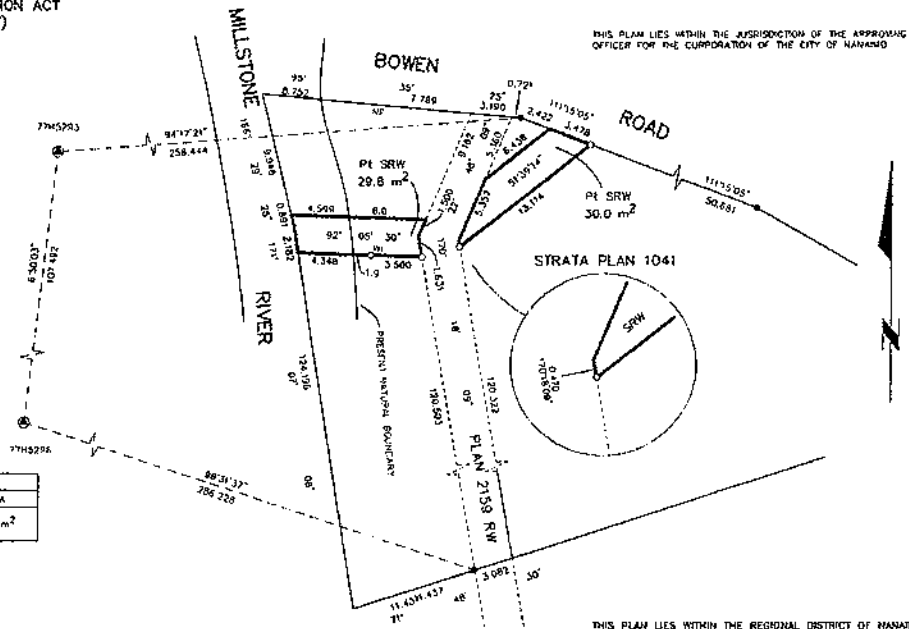
- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- ⊙ DENOTES CONTROL MONUMENT.
- PI DENOTES PARTY.

NOTE:
THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE
SET ALONG THE PRODUCTION OF PRODUCTION OF THE
PROPERTY LINE, UNLESS OTHERWISE NOTED.

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
PART OF COMMON PROPERTY STRATA PLAN 1041, SECTION 1, NANAIMO DISTRICT	59.8 m ²

McELHANEY ASSOCIATES LAND SURVEYING LTD.
PROFESSIONAL LAND SURVEYORS
SUITE 1, 1351 ESTEVAN ROAD
NANAIMO, B.C. V9S 3Y3
TEL: 250-716-3336
FAX: 250-716-2339

OUR DRAWING NO. 71620-07 SRW-211 BUTTERDING



THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING
OFFICER FOR THE CORPORATION OF THE CITY OF NANAIMO

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED BY BRIAN D. WARDROP, BOLS ON THE 13th DAY OF
MAY, 2010.

SCHEDULE 3 – Pertaining to 1097 Bowen Road

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 1097 Bowen Road, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

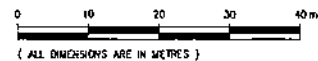
1. The expropriation of that part of the lands located at 1097 Bowen Road shown on the attached Schedule "3-A" is hereby approved.
2. The General Manager of the Community, Safety & Development, and the Manager of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

REFERENCE PLAN OF PART OF COMMON PROPERTY STRATA PLAN 1852, SECTION 1, NANAIMO DISTRICT.

(PURSUANT TO SECTION 6 OF EXPROPRIATION ACT
AND SECTION 107 OF THE LAND TITLE ACT)

BCGS 92G.011

THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm IN WIDTH
BY 432 mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE
OF 1:500



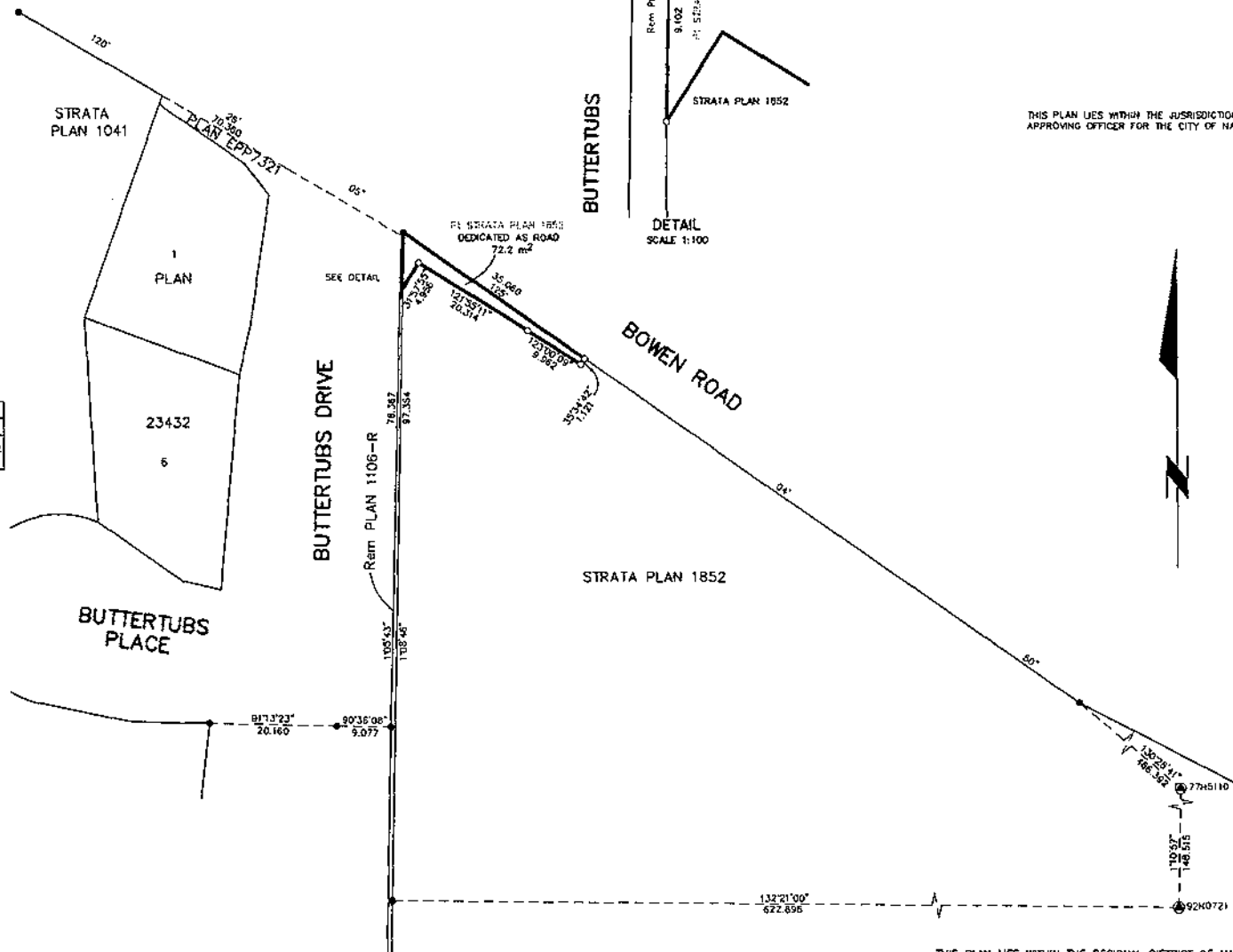
LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODETIC CONTROL MONUMENTS 77H5110 AND 92K0721.
INTEGRATED SURVEY AREA NO. 20, NANAIMO, HAD 83 (CSRS).
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY
COMBINED FACTOR OF 0.999652.

- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- ⊙ DENOTES CONTROL MONUMENT.
- PL DENOTES PART

SOME LINES EXAGGERATED FOR CLARITY

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
PART OF COMMON PROPERTY STRATA PLAN 1852, SECTION 1, NANAIMO DISTRICT	72.2 m ²



PLAN EPP7323

THIS PLAN LIES WITHIN THE JURISDICTION OF THE
APPROVING OFFICER FOR THE CITY OF NANAIMO

McELHANEY ASSOCIATES LAND SURVEYING LTD.
PROFESSIONAL LAND SURVEYORS
SUITE 1, 1351 ESTEVAN ROAD
NANAIMO, B.C. V9S 3Y3
TEL: 250-716-3335
FAX: 250-716-3339

OUR DRAWING NO. 71620-1 REFS-1097 BOWEN.DWG

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED BY BRIAN D. WARDROP, BOLS ON THE ____ IN DAY
OF ____ 2010.

2010-MAY-04

STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF PART PROPERTIES REQUIRED FOR BOWEN ROAD REALIGNMENT

STAFF'S RECOMMENDATION:

That Council:

1. adopt the attached resolution as described in Schedule 1, authorizing the expropriation of part 1602 Bowen Road; and
2. adopt the attached resolution as described in Schedule 2, authorizing the expropriation of part 211 Buttertubs Drive; and
3. adopt the attached resolution as described in Schedule 3, authorizing the expropriation of part 1 Buttertubs Drive; and
4. adopt the attached resolution as described in Schedule 4, authorizing the expropriation of part 1097 Bowen Road.

EXECUTIVE SUMMARY:

The subject properties are required for the reconstruction of Bowen Road. Expropriation is required in order to obtain ownership of the lands prior to advertising tenders in July 2010 and November 2010. The first official step will be to seek Council's authorization of the proposed expropriation. Staff will subsequently report to Council at a different meeting seeking its approval of the expropriation. This is required due to the provincial legislation which accommodates other jurisdictions where the authorizing authority and approving authority may be different entities.

BACKGROUND:

The overall Quaterway Bridge/Bowen Road upgrade "project encompasses approximately 0.8km of Bowen Road from Caspers Way to approximately 250 metres southeast of Buttertubs Drive." It will involve:

- "Re-aligning Bowen Road from Caspers Way to approximately 250m south of Buttertubs Drive to enhance road safety.
- Include left turn lanes at intersections and at commercial accesses to reduce collisions.
- Build raised sidewalks on both sides of Bowen Road to enhance pedestrian safety.
- Provide bike facilities that meet current City standards.

- Build bus lay-bys to enhance transit service.
- Install a traffic signal at Buttertubs Drive to provide pedestrians and cyclists with a controlled crossing for the Trans Canada Trail.
- Upgrade water and sanitary sewer lines and storm drainage.
- Build a new bridge to accommodate a wider cross section that will pass a 1 in 200 year flood without causing up stream flooding." (Engineering and Public Works Department, 2009)

There are a total of 20 properties which are affected by the Quarterway Bridge/Bowen Road Realignment Project. (see attached Schedule A):

- Twelve City owned residential properties located along the north side of Bowen Road between the Quarterway Bridge and Pryde Avenue – required for the realignment of Bowen Road.
- Six partial property acquisitions – four located west of Pryde Avenue and two located on each side of Buttertubs Drive – required for the realignment of Bowen Road.
- Two right of way acquisitions on either side of the Millstone River – required for the relocation of a sewer main.

1991 to 2009 – The City acquired all of the residences along the North side of Bowen Road between the bridge and Pryde Avenue, required for the future Quarterway Bridge and associated Bowen Road realignment at a cost of \$1.5 million.

February 2009 – Council approved the acquisition of the 12th residential property located at 1520 Bowen Road.

Spring 2009, – The Engineering & Public Works Department identified portions of a further eight properties which required acquisitions for the Bowen Road Realignment Project.

June 2009 – Staff initiated negotiations with various owners for the acquisition of portions of the remaining properties existing North and South of the bridge, required for the realignment of Bowen Road.

August 2009 – Council approved Staff's recommendation to purchase a portion of the property located at 1610 Bowen Road.


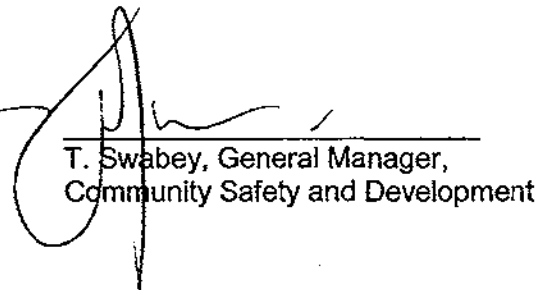
October 2009 – Council approved Staff's recommendation to acquire a portion of the property located at 1608 Bowen Road.

A sewer main exists in the location of the proposed bridge. Construction of the new north span of the bridge requires that the City first re-route a sewer main to cross the river south of the existing bridge. This requires the acquisition of a right of way across strata property at 211 Buttertubs Place. It is uncertain whether the strata council will be able to secure a three quarter majority approval from the strata owners to authorize such a conveyance.

Negotiations are continuing in an attempt to gain possession of the required land. In order to meet the deadline for a July 2010 tender, the City must immediately begin the expropriation process. The balance of the land is required in time for a November 2010 tender for major bridge components. The expropriation process must begin immediately in order to achieve that time line for that phase of the project. Schedule B provides an overview of the main steps in the expropriation process.

Funding for this acquisition program is available from project number P - 5126.

Respectfully submitted,


B. Corsan, Manager,
Real Estate
A. Tucker, Director,
Planning
T. Swabey, General Manager,
Community Safety and Development

Prospero: LD002144
Council: May 10, 2010

SCHEDULE 1 – Pertaining to 1602 Bowen Road

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 1602 Bowen Road, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of that part of the lands located at 1602 Bowen Road described in the Expropriation Notice attached as Schedule "A" is hereby authorized.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

SCHEDULE 2 – Pertaining to 211 Buttertubs Drive

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 211 Buttertubs Drive, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of that part of the lands located at 211 Buttertubs Drive described in the Expropriation Notice attached as Schedule "A" is hereby authorized.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

SCHEDULE 3 – Pertaining to 1 Buttertubs Drive

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 1 Buttertubs Drive, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of that part of the lands located at 1 Buttertubs Drive described in the Expropriation Notice attached as Schedule "A" is hereby authorized.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

SCHEDULE 4 – Pertaining to 1097 Bowen Road

Whereas the City of Nanaimo is carrying out a project to expand and improve the public highway known as Bowen Road;

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 1097 Bowen Road, which part the City of Nanaimo has been unable to obtain through negotiation;

And Whereas the City of Nanaimo has authority under Section 31 of the *Community Charter* to expropriate real property;

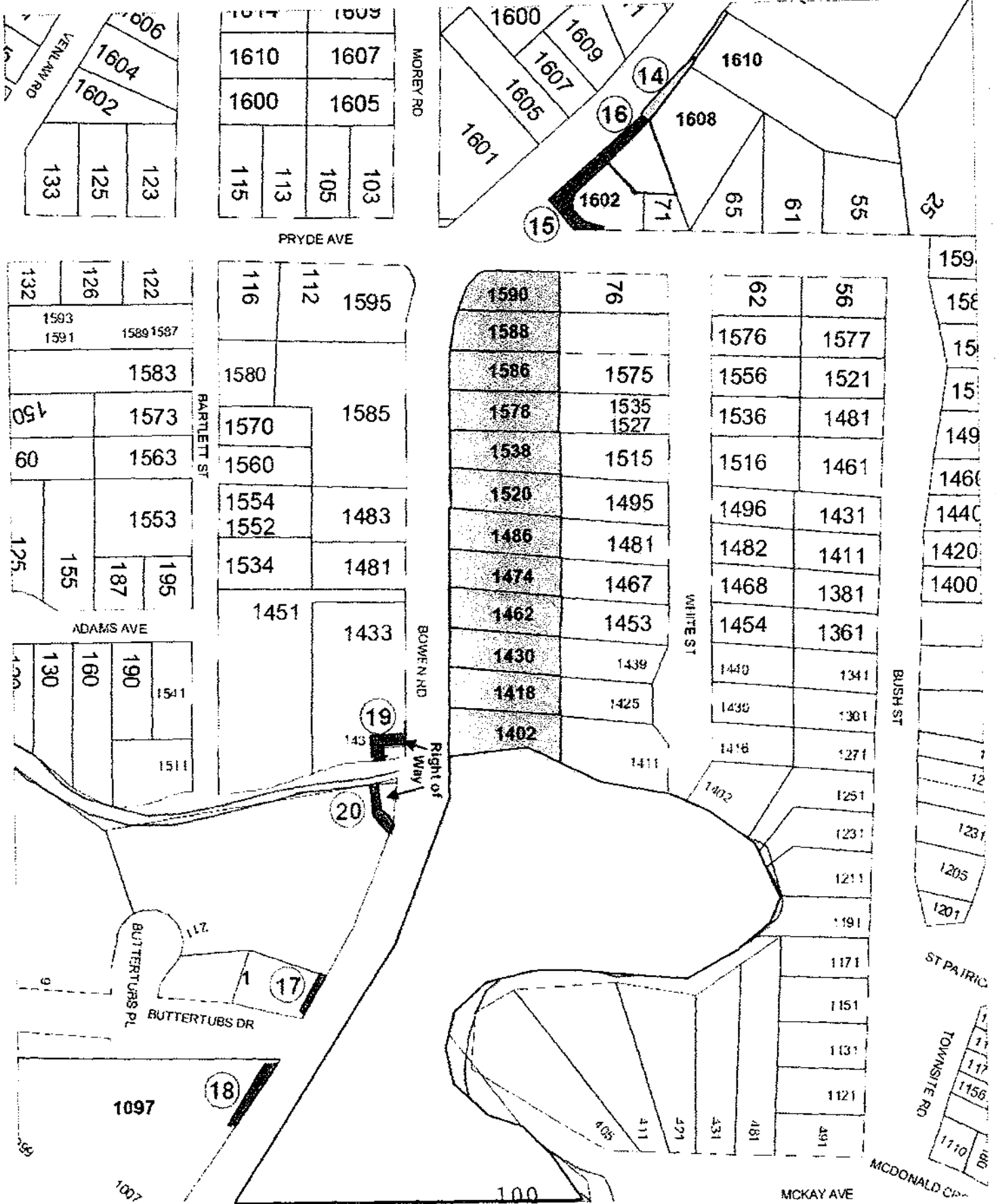
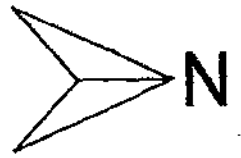
Now Therefore Council of the City of Nanaimo in open meeting assembled resolves as follows:

1. The expropriation of that part of the lands located at 1097 Bowen Road described in the Expropriation Notice attached as Schedule "A" is hereby authorized.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

Legend

- Purchased Property
- Active Negotiations

SCHEDULE A

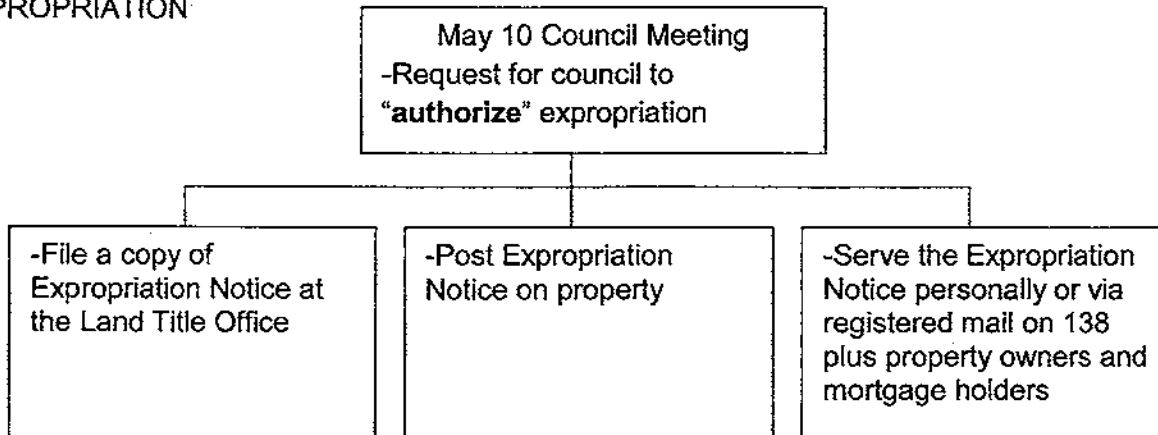


SCHEDULE B

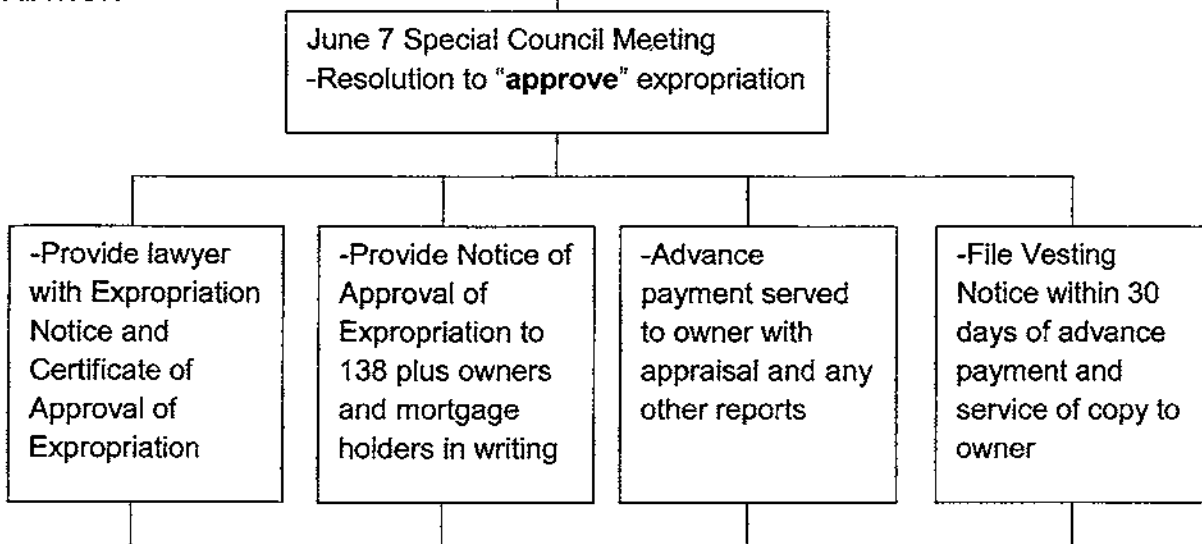
BOWEN ROAD LAND ACQUISITION

KEY STEPS IN THE EXPROPRIATION PROCESS

PRE EXPROPRIATION

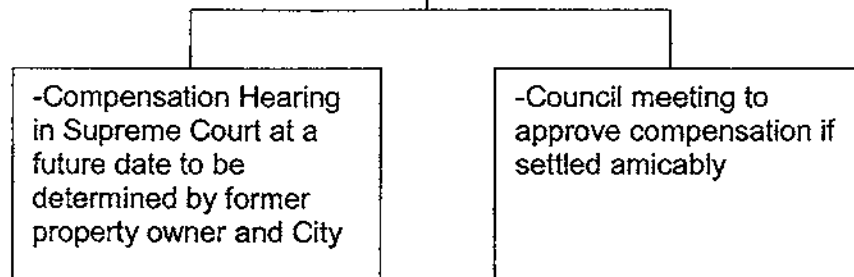


EXPROPRIATION



Best Case Scenario – end of July, 2010 (if no unforeseen circumstances)

COMPENSATION



STAFF REPORT

TO ANDREW TUCKER, DIRECTOR OF PLANNING

FROM RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY

RE: PROPERTY MAINTENANCE BYLAW 1990 NO. 3704

PROPERTY: 2845 Glenayr Drive
LEGAL: Lot D, Section 1, Wellington District, Plan 13990
OWNER: Patrick Jay Ralph
2845 Glenayr Drive
Nanaimo, BC V9R 6B9

STAFF'S RECOMMENDATION:

That Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704", direct the owner of 2845 Glenayr Drive to remove discarded garden clippings and branches, construction waste, newspapers, wood, overgrown invasive ivy and miscellaneous debris from the premises within fourteen (14) days or the work will be done by the City or its agents at the owner's cost.

EXECUTIVE SUMMARY:

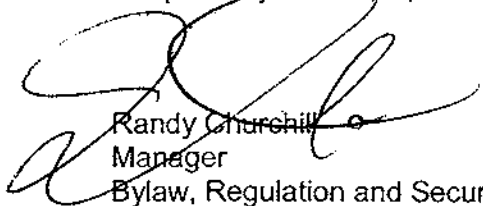
A complaint was received about this property on 2010-May-11. A bylaw enforcement officer inspected the property and found discarded garden clippings and branches, construction waste, newspapers, wood, overgrown invasive ivy and miscellaneous debris. Photographs were taken and are available for viewing.

BACKGROUND:

This is the first property maintenance complaint about this address. The owner was advised by registered mail that Council, at its meeting of 2010-Jun-07, will give consideration to ordering the property cleaned up pursuant to City of Nanaimo "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704".

To date, the property has not been cleaned up.

Respectfully submitted,


Randy Churchill
Manager
Bylaw, Regulation and Security

Council: 2010-Jun-07


Andrew Tucker
Director of Planning

for 
Ted Swabey, General Manager
Development Services Department

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-Jun-07

STAFF REPORT

REPORT TO: TED SWABEY, GENERAL MANAGER,
COMMUNITY SAFETY & DEVELOPMENT

FROM: TOBY SEWARD, DIRECTOR OF DEVELOPMENT,
COMMUNITY SAFETY & DEVELOPMENT

RE: EXPRESSION OF INTEREST FOR CITY HALL ANNEX REPLACEMENT

STAFF'S RECOMMENDATION:

That Council direct Staff to advertise the attached Expression of Interest for the City Hall Annex Replacement.

EXECUTIVE SUMMARY

At the Council "In Camera" meeting held 2010-May-10, Council directed Staff to draft an Expression of Interest (EOI), which seeks proposals from the development community to provide office space for Staff currently housed in the City Hall Annex.

Staff has prepared the draft EOI (attached), for Council's consideration, and has provided the boundary of the downtown study area, attached to the EOI as Appendix 1. It is proposed that the EOI will be advertised in mid-June 2010 with responses required by the end of July 2010. Staff will report back to Council in August 2010 with a summary of the responses received from the development community.

BACKGROUND

Council has previously received Staff's "In Camera" reports outlining various options to accommodate Staff currently housed in the City Hall Annex. These options include:

- a. seismically upgrade the City Hall Annex;
- b. build a new office building on City-owned land adjacent to City Hall;
- c. purchase an existing office building in the downtown; or
- d. lease office space in the downtown.

At the meeting held 2010-May-10, Council directed Staff to draft an EOI which would seek proposals from the development community to provide office space for Staff currently housed in the City Hall Annex.

Staff has prepared a draft EOI which is attached to this report.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2010-JUN-07

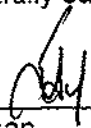
The EOI requests proposals from building owners or developers who can assist the City with the identification of a replacement option for the City Hall Annex.

The EOI indicates that the City is interested in either acquiring space in an existing building in the downtown core or working with a developer on a design/build project. The design/build project would be either on City-owned land in the downtown (attached to the EOI as Appendix 2) or on privately held land.

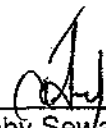
The EOI will be advertised in the local newspaper, the City's website, on the Province of BC's BC Bid website and on the Union of BC Municipalities Civicinfo website. The EOI will be issued 2010-Jun-15 with a six-week period for proponents to prepare their responses. All responses will be required by 2010-JUL-26.

Staff will evaluate the proposals and prepare a summary report for Council's consideration at a Council meeting in August.

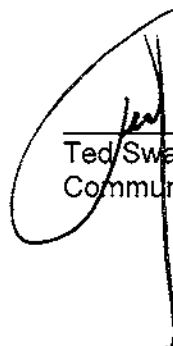
Respectfully submitted,



Bill Corsan
Manager, Real Estate



Toby Seward
Director of Development



Ted Swabey, General Manager,
Community Safety & Development

BC/TS/hp
Prospero: CLL00055
Council: 2010-Jun-07



**REQUEST FOR EXPRESSION OF INTEREST
(NON-BINDING PROCESS)**

**DESIGN BUILD OR ACQUISITION OF EXISTING OFFICE BUILDING
FOR REPLACEMENT OF CITY HALL ANNEX**

Request for Expression of Interest No. 1051

Issue Date: 2010-JUNE-15

Response Receipt Location: City of Nanaimo
2020 Labieux Road
Nanaimo, B.C. V9T 6J9

Response Location Email: purchasinginfo@nanaimo.ca
Response Location Facsimile: 250-756-5327

The City requests that responses be submitted by:
2:00 p.m. Pacific Time on Monday, 2010-JULY-26

City Contact Person:
Kurtis Felker, Manager, Purchasing & Stores
Phone: 250-756-5317
Fax: 250-756-5327
kurtis.felker@nanaimo.ca

BACKGROUND

The City Hall Annex is a 3,350 sq m (36,000 sq ft), 3 storey building, situated in the heart of downtown Nanaimo. Originally built in 1937 the building has been updated over the years with additions in 1954 and 1978. The building houses City of Nanaimo staff from the Information Technology Department, Human Resources Department, City Manager's Office, Community Safety & Development Division, and Engineering Department. In total approximately 150 staff are based in the building.

The current seismic design of the City Hall Annex is deficient, therefore as an alternative to undertaking a major seismic upgrade of the Annex, the City wishes to explore options to relocate staff to an existing building within the downtown core (as defined in Appendix 1) or to work with a developer/builder to construct a new building on City-owned land near City Hall or on privately-owned land in the downtown core.

The City is interested in securing 3,700 to 4,200 sq m (40,000 to 45,000 sq ft) of office space for the replacement building. More detail on the space requirements and technical standards is identified in the *General Specifications* section of the Expression of Interest (EOI).

OVERVIEW OF THE REQUIREMENT

The purpose of this EOI is to solicit solutions from builders/developers/property owners to identify existing office buildings or opportunities for design build in the downtown core of Nanaimo as identified in Appendix 1. The City of Nanaimo would like the development community to provide the City with options for the replacement of the City Hall Annex that include purchase, lease or lease to own existing office buildings on privately-owned land. The City is also interested in proposals for the design/build of a new office building on City or privately-owned land that also could involve purchase, lease or lease to own. Potential City of Nanaimo owned sites in the downtown core are identified in Appendix 2.

The City of Nanaimo, at its sole discretion may, or, may not proceed further based on the responses received. The City of Nanaimo may enter direct negotiations with any or all of the respondents. No party will have any formal contractual obligations to the other and either party can withdraw from the process at anytime for any reason whatsoever. Contract A obligations do not apply and the process is not binding on either side.

ENQUIRIES

All enquiries related to this EOI are to be directed, in writing, to the contact person at the email address on the front cover of this EOI. Enquiries should not be directed to City Council Members or the remainder of staff. Information obtained from any other source is not official and should not be relied upon.

QUALIFICATIONS REVIEW COMMITTEE

Review of responses will be by a committee formed by the City at its sole discretion.

RESPONDENT EXPENSES

Respondents are solely responsible for their own expenses in preparing a response and for subsequent negotiations with the City, if any. The City will not be liable to any respondent for any claims, whether for costs or damages incurred by the respondent in preparing the response, loss of anticipated profit in connection with any final contract, or any other matter whatsoever.

ACCEPTANCE OF RESPONSES

This EOI is not an agreement to purchase goods or services. The City is not bound to enter into a contract with any respondent. The City will be under no obligation to receive further information, whether written or oral, from any respondent.

MODIFICATION OF TERMS

The City reserves the right to modify the terms of this EOI at any time in its sole discretion. This includes the right to cancel this EOI at any time for any reason whatsoever without entering into a contract.

OWNERSHIP OF RESPONSES

All documents, including responses, submitted to the City become the property of the City. They will be received and held in confidence by the City, subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

CONFIDENTIALITY OF INFORMATION

Information pertaining to the City obtained by the respondent as a result of participation in this EOI is confidential and must not be disclosed without written authorization from the City.

PROJECT SCOPE

The City of Nanaimo is interested in receiving expressions of interest from building owners or developers who can assist the City with the identification of a replacement option for the City Hall Annex.

To this extent, the City is interested in either acquiring space in an existing building in the downtown core or working with a developer on a design/build project. The design/build project would be either on City-owned land in the downtown or on privately-held land.

The objective is to identify a suitable replacement option for the City Hall Annex. Through the EOI process, the City will use the information provided to identify suitable alternatives which staff can further explore as replacement opportunities.

Responders are encouraged to provide as much detailed information as possible.

GENERAL TECHNICAL SPECIFICATIONS

The general technical specifications related to either an existing building or for a new building include:

- The building should be situated in the downtown core as defined in Appendix 1. Please clearly identify the location of the building on a map;
- The building should have the potential to provide the City with 3,700 to 4,200 sq m (40,000 to 45,000 sq ft) of gross office space;
- The building should meet current seismic design standards for a new building and 60-80% of current seismic design standards for an existing building;
- The building should have a street level presence with at least 465 sq m (5,000 sq ft) available for a future customer service centre; and an elevator to upper floors;
- The building should be able to meet LEED Commercial Interior Gold or LEED New Construction Gold certification; and
- A description of the purchase, lease or lease to own financing options.

Specific Requirements

Additional Information Required for Existing Building Options

- Age of the building;
- Floor plans;
- Photos of the existing building, both exterior and interior;
- Existing tenant mix and lease commitments;
- Earliest possession date for possession by the City;
- Building accessibility;
- Existing on-site parking;
- Description of the age and condition of existing building components, including but not limited to: structural design, HVAC, electrical (supply, distribution, lighting, fire alarm, emergency lighting, data cabling, other), elevators, plumbing/sprinkler systems and building envelope (building exterior, windows, roofing, other);

- Current grade of office finishes;
- Current operating and maintenance costs;
- Current survey (if available);
- Confirmation of existing site contamination (Phase 1 Review if available); and
- Hazardous building materials assessment.

Additional Information Required for New Building Options

- The location of the proposed new build, either on a City-owned property, as identified in Appendix 2, or on a privately-owned parcel in the downtown core, as defined in Appendix 1.
- Proposed method of construction (wood frame, steel frame, reinforced concrete etc);
- Proposed construction timeframe with an indication of the possession date for the City;
- Proposed floor plans;
- Proposed onsite parking (underground or surface);
- Estimated maintenance and operational costs; and
- Level of finishing.

Respondent's Submission

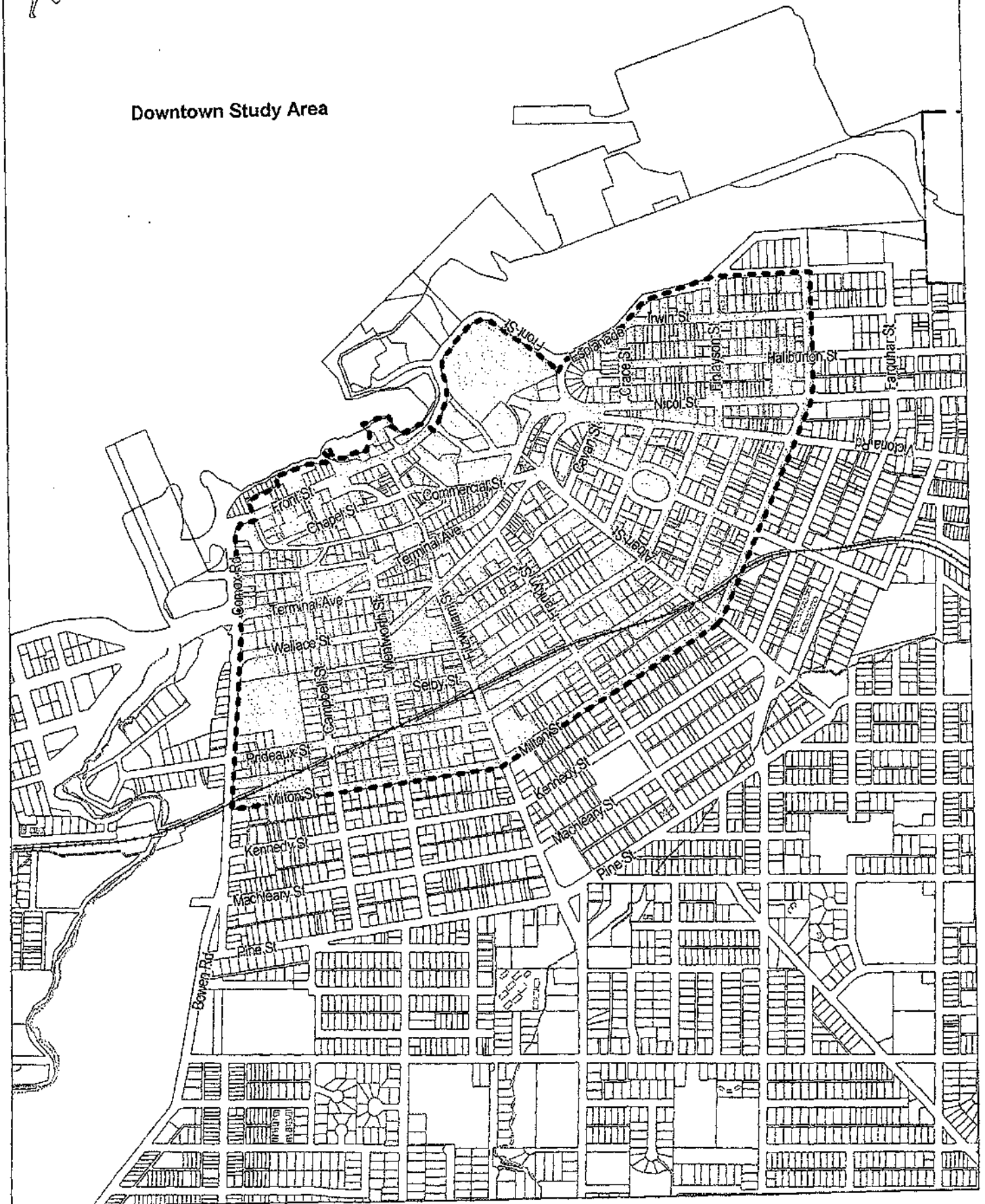
If possible, please limit the body of your response to a maximum 20 pages, not including any cover pages or appendices.

Interviews and Additional Information

The City of Nanaimo may request that companies participate in a telephone or in-person interview to discuss the information submitted and to ask any additional questions. Additional information may be requested by the City via mail or email as well.

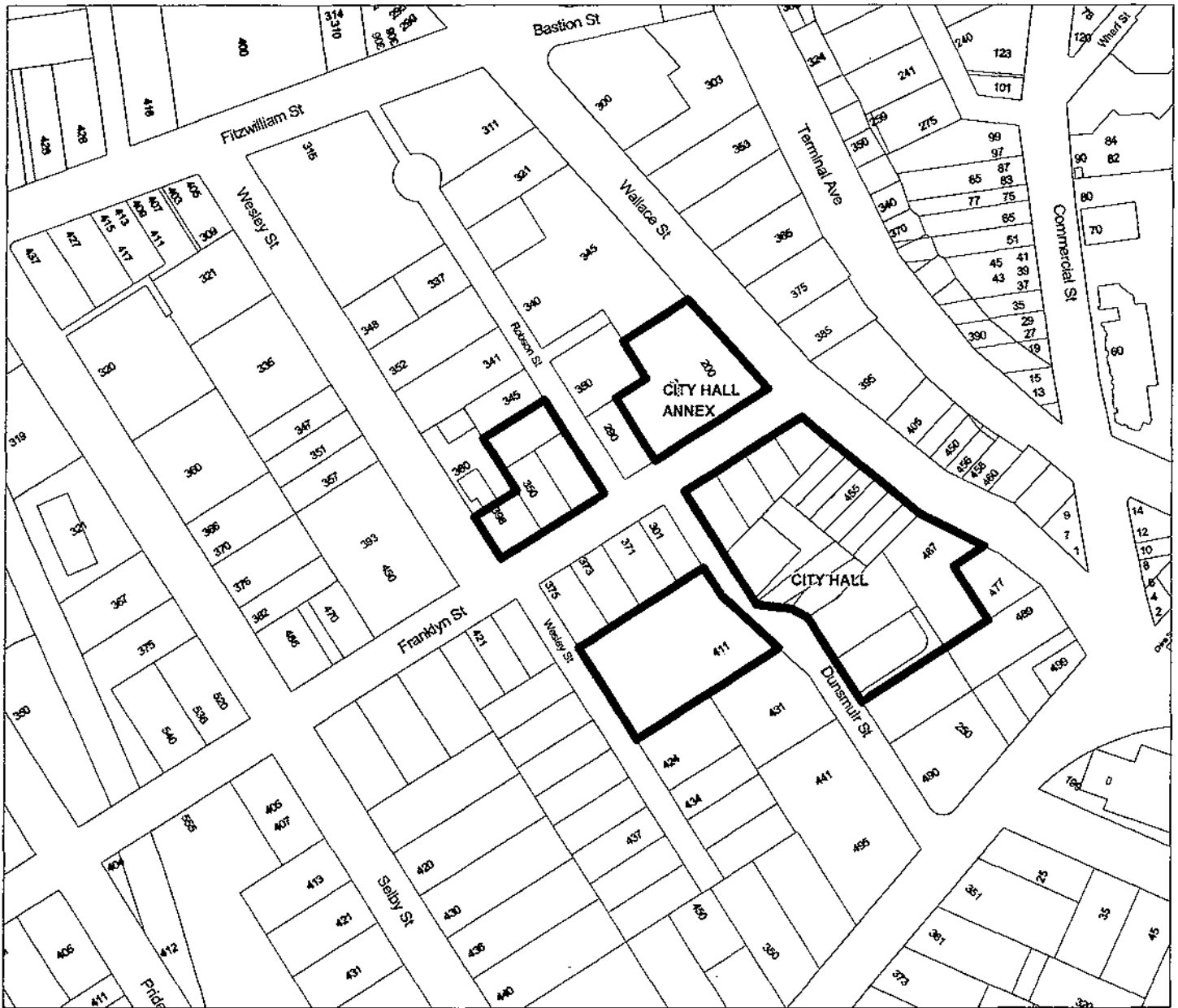
APPENDIX 1

Downtown Study Area



APPENDIX 2

CITY-OWNED PROPERTY ADJACENT TO CITY HALL



STAFF REPORT

REPORT TO: T. P. SEWARD, DIRECTOR OF DEVELOPMENT

FROM: J. D. KINCH, MANAGER, BUILDING INSPECTION DEPARTMENT

RE: UNRESOLVED BUILDING DEFICIENCIES / BYLAW CONTRAVENTION NOTICES

STAFF'S RECOMMENDATION:

That Council, by resolution, instruct the Manager of Legislative Services to file a Bylaw Contravention Notice respecting the properties listed below at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*:

- (1) 818 Howard Avenue – Illegal Construction / Finish Basements to include additional Dwelling Units
- (2) 373 Trinity Drive – Illegal Construction / Alter Basement to include a Secondary Suite and construct a new Roof at the side of the House and over the Suite Entrance
- (3) 376 Trinity Drive – Illegal Construction / Finish Basement to include a Secondary Suite
- (4) 250 Lady Rose Place – Illegal Construction / Finish Basement
- (5) 132 Bird Sanctuary Drive-- Illegal Construction / Alter Basement to include a Secondary Suite
- (6) 2880 Haliday Crescent-- Illegal Construction / Alter Basement to include a Secondary Suite

EXECUTIVE SUMMARY:

Construction has been undertaken at the following property(ies) that is not in compliance with "BUILDING BYLAW 2003 NO. 5693", "ZONING BYLAW 1993 NO. 4000" or the applicable edition of the *BC Building Code* (BCBC).

BACKGROUND:

- (1) 818 Howard Avenue – Illegal Construction / Finish Basements to include additional Dwelling Units

Owner(s): Gurdial S. Parmar
Nirmal K. Parmar
561 Eighth Street
Nanaimo BC V9R 1B5

Legal: Lot 10, Section 1, Nanaimo District, Plan 26501
P. I. D.: 000-988-472

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

The Duplex located at 818 Howard Avenue was inspected on 2010-MAR-16 as the result of a complaint. It was found that construction had taken place to finish the basements within each side of the Duplex to include an additional dwelling unit creating an illegal Fourplex in contravention of "ZONING BYLAW 1993 NO. 4000". No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693".

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the unpermitted work. The property owners were advised by telephone on 2010-MAR-24 of the illegal use and were granted until the end of the school year to remove the suite components as the occupants would be vacating after that time. If the property owners do not comply with the removal, the file will be referred to a future Council Meeting for additional enforcement action.

File summary:

Complaint received	2010-FEB-02
Inspection completed	2010-MAR-16
Telephone discussion	2010-MAR-24
Letter advising of Council date for Section 57 Notice	2010-APR-15

(2) 373 Trinity Drive – Illegal Construction / Alter Basement to include a Secondary Suite and construct a new Roof at the side of the House and over the Suite Entrance

Owner(s): David J. Brown
Margaret A. Brown
373 Trinity Drive
Nanaimo BC V9R 5X3

Legal: Lot 68, Section 9, Range 8, Mountain District, Plan 29452
P. I. D.: 000-666-793

The Single Family Dwelling located at 373 Trinity Drive was inspected on 2010-APR-06 as the result of a complaint. It was found that construction had been undertaken to alter the basement to incorporate a secondary suite and attach a roof along the side of the house and over the suite entrance. No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". The construction of the illegal suite occurred prior to Council's adoption of "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.366", permitting secondary suites in residential and rural agricultural zones.

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the illegal construction. As per Council's *Secondary Suite Policy* (Policy), the owners may retain the suite in the basement if a building permit is completed to undertake the required safety upgrades.

File summary:

Received complaint	2010-MAR-22
Inspection completed	2010-APR-06
Building Permit application	2010-APR-09
Letter advising of Council date for Section 57 Notice	2010-MAY-06

(3) 376 Trinity Drive – Illegal Construction / Finish Basement to include a Secondary Suite

Owner(s): Elija Kekich
Kata Kekich
376 Trinity Drive
Nanaimo BC V9R 5X3

Legal: Lot 75, Section 9, Range 8, Mountain District, Plan 29452
P. I. D.: 001-380-249

The Single Family Dwelling located at 376 Trinity Drive was inspected on 2010-APR-09 as the result of a complaint. It was found that construction had been undertaken to complete the basement and incorporate a secondary suite. No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". The construction of the illegal suite occurred prior to Council's adoption of "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.366", permitting secondary suites in residential and rural agricultural zones.

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the illegal construction. As per Council's *Secondary Suite Policy (Policy)*, the owners may retain the suite in the basement if a building permit is completed to undertake the required safety upgrades.

File summary:

Received complaint	2010-MAR-22
Inspection completed	2010-APR-09
Building Permit application	2010-APR-28
Building Permit issued	2010-MAY-10
Letter advising of Council date for Section 57 Notice	2010-MAY-21

(4) 250 Lady Rose Place – Illegal Construction / Finish Basement

Owner(s): Brian Jacobs
250 Lady Rose Place
Nanaimo BC V9S 5N5

Legal: Lot 7, Section 17, Range 7, Mountain District, Plan 33759
P. I. D.: 000-257-389

The Single Family Dwelling located at 250 Lady Rose Place was inspected on 2010-JAN-21 as the result of a complaint. It was found that construction had been undertaken to complete the basement and add an additional bathroom. No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693".

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the illegal construction.

File summary:

Received complaint	2009-APR-16
Inspection completed	2010-JAN-21
Additional inspection	2010-APR-19
Email correspondence regarding requirements	2010-APR-21
Letter advising of Council date for Section 57 Notice	2010-MAY-21

(5) 132 Bird Sanctuary Drive– Illegal Construction / Alter Basement to include a Secondary Suite

Owner(s): Kashmir S. Bains
Rashpal K. Bains
132 Bird Sanctuary Drive
Nanaimo BC V9R 6G9

Legal: Lot 95, Section 1, Nanaimo District, Plan 29761
P. I. D.: 001-347-900

The Single Family Dwelling located at 132 Bird Sanctuary Drive was inspected on 2010-APR-07 as the result of a complaint. It was found that construction had been undertaken to alter the basement and incorporate a secondary suite. No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". The construction of the illegal suite occurred prior to Council's adoption of "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.366", permitting secondary suites in residential and rural agricultural zones.

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the illegal construction. As per Council's *Secondary Suite Policy* (Policy), the owners may retain the suite in the basement if a building permit is completed to undertake the required safety upgrades.

File summary:

Received complaint	2010-MAR-12
Inspection completed	2010-APR-07
Building Permit application	2010-MAY-07
Building Permit issued	2010-MAY-12
Letter advising of Council date for Section 57 Notice	2010-MAY-21

(6) 2880 Haliday Crescent– Illegal Construction / Alter Basement to include a Secondary Suite

Owner(s): Ian S. McRae
2880 Haliday Crescent
Nanaimo BC V9S 3M9

Legal: Lot 9, Section 1, Wellington District, Plan 14768
P. I. D.: 000-171-972

The Single Family Dwelling located at 2880 Haliday Crescent was inspected on 2010-MAR-24 as the result of a complaint. It was found that construction had been undertaken to alter the basement and incorporate a secondary suite. No building permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". The construction of the illegal suite occurred prior to Council's adoption of "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.366", permitting secondary suites in residential and rural agricultural zones.

A Bylaw Contravention Notice is recommended to be registered on the property title to advise individuals with interest in the property of the regulations contravened. The Notice provides disclosure to future owners to protect taxpayers of potential claims against the illegal construction. As per Council's *Secondary Suite Policy* (Policy), the owners may retain the suite in the basement if a building permit is completed to undertake the required safety upgrades.

File summary:

Received complaint	2009-JUL-31
Inspection completed	2010-MAR-24
Letter requesting Building Permit application	2010-MAY-12
Letter advising of Council date for Section 57 Notice	2010-MAY-21

Respectfully submitted,


for 

J. D. Kinch, Manager
BUILDING INSPECTION DEPARTMENT
COMMUNITY SAFETY & DEVELOPMENT



T. P. Seward, Director
DEVELOPMENT
COMMUNITY SAFETY & DEVELOPMENT

Council: 2010-JUN-07
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for 

Ted Swabey, General Manager
Development Services Department

FOR CITY MANAGER'S REPORT

REPORT TO: BRIAN CLEMENS, DIRECTOR OF FINANCE

FROM: KURTIS FELKER, MANAGER, PURCHASING AND STORES

RE: Tender #1018 - 2010 ASPHALT PAVING AND GRAVEL SUPPLY

RECOMMENDATION:

That Tender #1018 for 2010 Asphalt Paving and Gravel Supply be awarded to Hub City Paving Ltd. in an estimated annual amount of \$3,401,317.00 for Schedules "A" to "F" inclusive.

BACKGROUND:

Tenders were called for the City's 2010 Asphalt Paving and Gravel Supply. The tender was advertised on the City of Nanaimo website and the BC Bid website. The following bid totals were submitted:

	<u>Hub City Paving</u>	<u>Haylock Bros. Paving</u>	<u>Windley Contracting</u>
Schedule "A"	\$140,195.50		
Schedule "B"	\$2,274,204.55	\$2,773,956.00	
Schedule "C"	\$366,875.00	\$445,135.00	
Schedule "D"	\$313,600.00		
Schedule "E"	\$261,875.00		
Schedule "F"	\$44,567.10		\$58,179.00

The amounts in all of the schedules submitted are estimates of annual amounts based on the anticipated quantities of work and materials that will be used and the funds available.

DISCUSSION:

The term of this contract is for five years with an option at the discretion of the City to extend for up to three, one-year terms.

Schedule "A" Supply of Gravel and Asphalt Products both, FOB Plant or Pit

Schedule "B" Supply and place Asphalt Products and Gravel Products for Road Rehabilitation

Schedule "C" Supply and place Asphalt Products Minor and Major Patching, Utility and Maintenance

Schedule "D" Supply of Asphalt Products for 2010 Asphalt Recycling Program

Schedule "E" Supply and place Asphalt Products, Curbing and Other Works Required for Raised Sidewalk Construction

Schedule "F" Supply of Cold Milling Services

A bid was received for items on Schedule "A" only, but, was rejected as the tender form was not signed and it did not include a bid bond as specified in the tender documents.

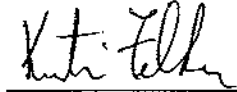
Council
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☐ Open Meeting
☒ In-Camera Meeting
Meeting Date: 2010-JUN-07

A bid was received for items on Schedule "E" only, but, was rejected as the bidder failed to list their sub contractor on the tender form as specified in the tender documents.

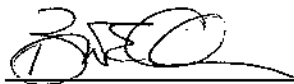
The Engineering and Public Works Department have reviewed the tenders and it is the recommendation of staff that Schedule "A" to "F" be awarded to Hub City Paving Ltd., the low bidder.

Council approval is required for contracts exceeding \$250,000.

Respectfully submitted,



Kurtis Felker, Manager
Purchasing & Stores



Brian Clemens, Director of Finance
Finance Department
Respectfully submitted,



Douglas Holmes, General Manager,
Corporate Services

STAFF REPORT

REPORT TO: TOM HICKEY, DIRECTOR ENGINEERING & PUBLIC WORKS

FROM: BILL SIMS, MANAGER WATER RESOURCES

RE: NANAIMO RIVER ROAD 30" WATER SUPPLY MAIN

STAFF'S RECOMMENDATION:

That Council reallocate \$100,000 funding in the 2010 Water Supply budget to replace a section of the 30" water supply main in concert with the Ministry of Transportation and Infrastructure's culvert replacement.

EXECUTIVE SUMMARY:

In May of this year, the Ministry of Transportation and Infrastructure (MoTI) notified the City that they were planning to replace a wooden box culvert crossing Nanaimo River Road at Berkley Creek. The box culvert is failing and lies about 10 metres below the City's 30" water supply main. The project will require the removal and replacement of approximately 60 to 75 metres of this steel main. Since the main is 60 years old and is lined with a brittle coating, it cannot tolerate settlement which would dislodge the coating and accelerate corrosion.

BACKGROUND:

MoTI staff have indicated a willingness to work jointly to achieve cost savings and simplicity of construction. MoTI would manage the contract and the City would be involved during construction of the watermain. The MoTI Permit that allows the pipe to be within the road right-of-way stipulates that relocation of this pipe would be at the City's cost.

MoTI is required to replace the culvert within the Fisheries window (typically July 15th to September 15th), and so are proceeding rapidly. City staff propose to pre-order the pipe and fittings in order to meet MoTI's timeline.

Funds are available in the Water Supply budget from cost savings on the College Park Pump Station project.

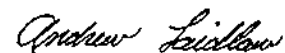
Respectfully submitted,



Bill Sims
Manager
Water Resources



Tom Hickey
Director
Engineering & Public Works



A.W. Laidlaw
General Manager
Community Services

STAFF REPORT

REPORT TO: ANDY LAIDLAW, GENERAL MANAGER OF COMMUNITY SERVICES

FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE

**RE: HAREWOOD CENTENNIAL PARK IMPROVEMENT PLAN – APPLICATION FOR
COMMUNITY CONNECTIONS GRANT**

STAFF'S RECOMMENDATIONS:

That Council:

1. approve this improvement planning process to develop a vision and improvement plan for Harewood Centennial Park; and,
2. support a joint application with School District 68 for a School Community Connections program grant to be used to assist in the development of an Improvement Plan for Harewood Centennial Park.

EXECUTIVE SUMMARY:

Harewood Centennial Park is a destination for many residents of the South End. The Park is situated adjacent to John Barsby High School and its facilities. The 15.7 acre (6.4 hectare) park includes recreational amenities such as a playground, spray park, four tennis courts (with lights), lacrosse box, change rooms and washroom, 2 lit sports fields (including 2 ball fields and 2 soccer fields) and parking areas.

In recent years, several groups have approached the City asking for improvements to this park including a covered area for lacrosse and youth skate park. In addition, residents have asked for aesthetic improvements to the Park Operations Harewood Yard. Recent development in the Harewood area has also given community contributions toward improvements in this park equating to about \$60,000.

At the Regular Meeting of the Parks, Recreation and Culture Commission of 2010-MAY-26 the Commission approved the public planning process to develop an improvement plan for the park.

Subsequent to the Commission meeting, SD68 staff advised City staff of an opportunity to apply for a Community Connections grant and were seeking ideas for possible projects. It was agreed that Harewood Centennial project, with it links to John Barsby High school, which is also a Community School, was a good candidate.

To meet the application criteria, the board of education and local government must apply together – one will act as the primary applicant and the other will act as the partnering agency and both must provide resolutions of support. For this project the City will be the primary applicant. Maximum funding of \$30,000 is available under this program.

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☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

BACKGROUND:

Embarking on a Harewood Centennial Park Planning process will allow all parties to explore what park improvements are desired by the greater neighbourhood and park users. This park serves as a community park and strategizing for short and long term facility upgrades to create a community gathering space for all ages will be a goal of any improvements. In addition, it is hoped that a community park improvement process will build relationships among the City, schools, neighbourhood association, youth groups, and sports teams.

The following process is being proposed for development of the improvement plan:

June 2010:

- Prepare a background study of the park, including survey information, baseline mapping, current site conditions and issues analysis.
- Meet one-on-one with stakeholder groups to discuss park issues and improvement opportunities and listen to their ideas and develop park vision. Examples of Stakeholders will include: School District 68 Board and facilities staff, SFN, John Barsby School staff, the Harewood Neighborhood Association, the Harewood Community Schools program, Lacrosse organizations, the skateboard community, and Youth Groups such as Lifeline Harewood.

July-August 2010:

- Develop draft concepts for park improvements that meet the vision.
- Share concept(s) with stakeholder groups.

September 2010:

- Host a public open house to get overall public input into the concept(s) and vision.

October 2010:

- Present preferred concept to the Parks, Recreation and Culture Commission.

November 2010:

- Bring final concept back to stakeholders and general public for input.
- Present final improvement plan with budget to the Parks Recreation and Culture Commission for review and consideration.

School Community Connections (SCC) Program

The 2010 SCC program, *Supporting Neighbourhood Learning Centres*, is intended to continue the original goals of the 2005 and 2008 programs while actively encouraging boards of education and local governments to work cooperatively and with community partners to create neighbourhood learning centres and expand the use of schools to provide Community services.

Program Goals & Objectives:

Grants of up to \$30,000 per school district are available to support neighbourhood learning centres by:


- ☐ Encouraging the co-location of services for students, their families and the Community at large within school facilities;
- ☐ Making greater utilization of available or new school facilities; and,
- ☐ Encouraging collaborative, long-term facilities planning that takes into account the needs of the community as a whole.

The City of Nanaimo will be the primary applicant for this grant working closely with the School District and other stakeholders. To apply for this grant, a resolution from Council and the School District Board is required.

Respectfully submitted,



Richard Harding, Director
Parks, Recreation and Culture



Andy Laidlaw, General Manager
Community Services

INFORMATION ONLY REPORT

REPORT TO B. E. CLEMENS, DIRECTOR OF FINANCE

FROM G. FERRERO, MANAGER REVENUE SERVICES & FINANCIAL SYSTEMS

RE: ASSESSMENT ROLL ADJUSTMENTS

May 14, 2010

STAFF'S RECOMMENDATION:

That Council receive the report.

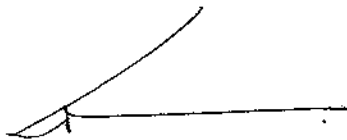
DISCUSSION:

We are now in receipt of an additional assessment roll adjustment from BC Assessment processed as "2010 Supplementary 1" which was received in 2010.

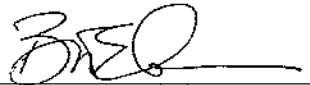
The attached schedule summarizes the assessment adjustments and the impact on property taxation levies.

The impact of this 2010 assessment adjustment received in 2010 is to increase gross taxation by \$11,955.28, which includes an increase in the municipal portion of \$6,823.16.

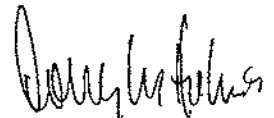
Respectfully submitted,



Guillermo Ferrero
Manager, Revenue Services
& Financial Systems



Brian E. Clemens
Director of Finance



Douglas W. Holmes
General Manager,
Corporate Services

GF/aml

Council: 2010-06-07
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☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

CITY OF NANAIMO

2010 ASSESSMENT ADJUSTMENT SCHEDULE

YEAR	SUPPLEMENTARY	GENERAL, DEBT, AND LIBRARY	OTHER AGENCIES	TOTAL ADJUSTMENTS
2010	1	6,823.16	5,132.12	\$11,955.28
Total Adjustments		<u>\$6,823.16</u>	<u>\$5,132.12</u>	<u>\$11,955.28</u>

INFORMATION ONLY

FROM: LARRY McNABB, CHAIR
WATER SUPPLY ADVISORY COMMITTEE

RE: SOUTH FORK WATER TREATMENT PLANT – FILTRATION PROCESS SELECTION

STAFF'S RECOMMENDATION:

That Council receive the report for information.

EXECUTIVE SUMMARY:

The City's permit to Operate its water supply system has been revised by VIHA to require advanced treatment (filtration) by 2015-MAR-21. In addition, the City has received approval for funding in the amount of \$17.8 million from the Canada-BC Building Canada Fund to build the treatment plant, also with a completion date of 2015-MAR-31. The total budget for the project is \$67 million.

One of the key milestones in the entire project is the selection of the filtration process. Associated Engineering, the City's consultant for this project, conducted extensive pilot testing of the City's raw water, from November 2009 through February 2010, using three potential filtration processes: dissolved air flotation followed by granular filtration, direct granular filtration, and submerged ultra-filtration membranes.

A detailed selection process, led by Associated Engineering, resulted in submerged membrane being the selected filtration process.

BACKGROUND:

An extensive process of ranking the three processes occurred over the spring, using a multiple bottom line approach. Several criteria under the broad headings of Financial, Environmental, Community (Social) and Risk were evaluated. The relative merits of each treatment process were then scored, and tested for sensitivity.

In all criteria, submerged membranes scored the highest. Some of the key criteria where membranes outperformed the other processes include:

- Financial: lower capital cost and lower life-cycle cost.
- Social: significantly lower chemical use.
- Environmental: significantly lower residual (waste) production.
- Risk: robustness during water quality events; lower vulnerability to chemical supply disruption.

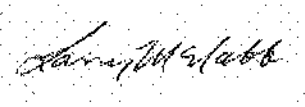
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☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-Jun-07

As part of the evaluation process, Council received a presentation and participated in a tour to review the three pilot test processes.

Staff evaluated several other plants; assessed performances of a variety of treatment technologies in use in other municipalities and have conducted interviews with several plant managers. Based on the evaluation and these reviews, staff support the selection of membranes as the filtration process for the South Fork Water Treatment Plant.

Preliminary design of the Water Treatment Plant, using submerged membranes, is now getting underway and is expected to be completed by the fall.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Larry McNabb", is positioned above the typed name and title.

Councillor Larry McNabb, Chair
Water Supply Advisory Committee

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2010-JUN-01

FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING

RE: WESLEY STREET AND TENTH STREET HOUSING PROJECTS

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

The following provides an update regarding the Wesley Street and Tenth Street supportive housing projects. Under the terms of the 2008 Memorandum of Understanding (MOU) between the City and the Province of BC, a capital allocation was made through BC Housing for the construction of two of the five proposed affordable/supportive housing units; one on Tenth Street (18 units), and the other on Wesley Street (40 units) in Nanaimo.

The housing at 477 Tenth Street for off-reserve Aboriginal youth and elders has commenced construction, with anticipated occupancy in the fall of 2010. The site is owned by Tillicum Lelum Aboriginal Friendship Society, who will be the operator, with Windley Construction as the builder, and DYS Architecture as the design team architect for the project.

For the housing project at 437 Wesley Street, an operator has been selected: the Canadian Mental Health Association (CMHA), Central Vancouver Island. Recently, a design/build team for the project has been selected: Jensen Group Architecture and Kinetic Construction Limited. Jensen Group were the architects for the City-sponsored affordable housing project at Bowen and Meredith Roads, and for the new emergency shelter in Duncan, BC.

The Wesley Street project team met with BC Housing and City staff for the first time last week to commence the design/build process. The team anticipates construction commencing early in 2011, with projected occupancy in late 2011.

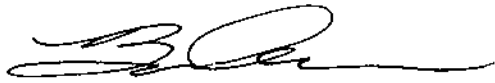
BACKGROUND:

The MOU commits the Province to providing capital for the construction of 160 units of supportive housing in Nanaimo on five sites; three of which are owned by the City. In June of 2009, the Minister of Housing, Rich Coleman announced a capital allocation for two of the sites: 437 Wesley Street and 477 Tenth Street. For 437 Wesley Street, between June of 2009 and June of 2010, BC Housing has been engaged in a process of issuing a Call for Expressions of Interest for the operator (CMHA), and a Request for Proposals for the design/build team (Jensen Group and Kinetic). In addition to the approximately \$2 million allocated to build the project on Tenth Street,

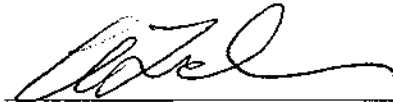
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☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010 JUN 07

and the approximately \$5 million for the Wesley Street project, BC Housing has also committed to provide operating funding for staff and supports at these two sites.

Respectfully submitted,




Bruce Anderson,
Manager of Community Planning
Community Safety & Development Division



Andrew Tucker,
Director of Planning
Community Safety & Development Division

JH/ch
g:\commplan\admin\Wesley Tenth Hsg Projects
Council Date: 2010-Jun-07


Ted Swabey, General Manager
Development Services Department

FOR INFORMATION ONLY

REPORT TO: TOM HICKEY, DIRECTOR, ENGINEERING AND PUBLIC WORKS

FROM: POUL ROSEN, DESIGN ENGINEER

RE: DESIGN FOR HOWARD AVE WATERMAIN PROJECT

STAFF'S RECOMMENDATION:

That Council receive the report for information.


EXECUTIVE SUMMARY:

The 2010 – 2014 Financial Plan includes replacement of a portion of watermain on Howard Ave in 2011. Design work must be completed in 2010 to ensure the project is ready for construction in 2011. Normally the design would be completed in house but due to staff shortages it is necessary to have an external contractor complete this work. Therefore design work for the Howard Avenue watermain project will be completed in 2010 by Herold Engineering at a cost of \$14,415. Budget will be transferred from within existing 2010 capital project budgets.

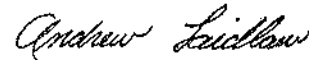
Respectfully submitted,



Poul Rosen
Design Engineer



Tom Hickey, Director
Engineering & Public Works



Andy Laidlaw
General Manager
Community Services

TH/fg

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☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

CITY OF NANAIMO

BYLAW NO. 4000.444

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2008 NO. 4000.444".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By adding the following to the Table of Contents after "9.30 Quennell Square Zone - (C- 30)":

9.31 Corridor Zone - (C-31)
 - (2) By adding the following to Subsection 3.1 after "Part 9 – Commercial Zones, Quennell Square Zone (C-30)":

Corridor Zone - (C-31)
 - (3) By adding the following after Section 9.30 Quennell Square Zone (C-30):

9.31 CORRIDOR ZONE - (C-31)

The intent of this zone is to provide for mixed use commercial and multi-family development within the Corridor designation.

9.31.1 Permitted Uses

Day Care Facility
Dry Cleaners
Financial Institutions
Laundromats
Multiple Family Dwellings
Offices
Restaurant
Retail Stores

9.31.2 Conditions of Use

- 9.31.2.1 No parking spaces shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a highway does not include a lane.

9.31.3 Yard Requirements

- 9.31.3.1 A front yard setback of not less than 3 metres (9.84 feet) shall be provided.

- 9.31.3.2 No side yard setback is required.

- (a) In the case of a corner lot, the side yard adjoining the flanking street shall be a minimum of 3 metres (9.84 feet).

- 9.31.3.3 A rear yard setback of not less than 3 metres (9.84 feet) shall be provided.

- 9.31.3.4 Notwithstanding Subsections 9.31.3.1. to 9.31.3.3., the regulations of Part 5 pertaining to the location and siting of buildings and structures to watercourses and major roads shall also apply.

9.31.4 Height of Buildings

- 9.31.4.1 The maximum *height* of a *building* shall not exceed 19.8 metres (65 feet) and shall not consist of more than 6 storeys.

- 9.31.4.2 The minimum height of a building must be at least 2 storeys.

9.31.5 Screening and Landscaping

- 9.31.5.1 All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by ornamental *structures*, *landscaping*, or other means.

- 9.31.5.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

- 9.31.5.3 Where a C-31 Zone abuts a highway screening and landscaping shall be provided in accordance with Part 14 of this Bylaw.

- 9.31.5.4 Where a C-31 Zone abuts, or is across a highway from any other Zone, except a Commercial Zone, screening shall be provided in accordance with Part 14 of this Bylaw.

- (4) By adding the following to Subsection 14.12 Minimum Landscape Treatment Levels after C-28, C-29, C-30:

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage/Landfill Refuse Receptacles
C-31	1	2	2	2

- (5) By rezoning land shown on the attached Schedule 'A' and legally described as LOT A, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 28820; and LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 23309 EXCEPT THAT PART IN PLAN 28820 from Transition Industrial Zone (I-1) to Corridor Zone (C-31).

PASSED FIRST READING 2008-SEP-29
PASSED SECOND READING 2008-SEP-29
PUBLIC HEARING HELD 2008-OCT-16
PASSED THIRD READING 2008-OCT-20
MOT APPROVAL 2010-MAY-31
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES

File: RA206
Address: 2124 & 2126 Northfield Road
Applicant: H & J Welding & Machine Ltd.

SCHEDULE A



File: RA000206
Civic: 2124 and 2126 Northfield Road

LOCATION PLAN



Bylaw 4000.444
Page 3

- (4) By adding the following to Subsection 14.12 Minimum Landscape Treatment Levels after C-28, C-29, C-30:

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage/Landfill Refuse Receptacles
C-31	1	2	2	2

- (5) By rezoning land shown on the attached Schedule 'A' and legally described as LOT A, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 28820; and LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 23309 EXCEPT THAT PART IN PLAN 28820 from Transition Industrial Zone (I-1) to Corridor Zone (C-31).

PASSED FIRST READING 2008-SEP-29.
PASSED SECOND READING 2008-SEP-29.
PUBLIC HEARING HELD 2008-OCT-16.
PASSED THIRD READING 2008-OCT-20.
MOT APPROVAL _____
ADOPTED _____

Approved under the Transportation Act
this 31st day of May 2010
D. O'Brien
Sr. District Development Technician
Ministry of Transportation and Infrastructure

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA208
Address: 2124 & 2126 Northfield Road
Applicant: H & J Welding & Machine Ltd.

CITY OF NANAIMO

BYLAW NO. 4000.460

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 6044 from Residential Duplex Zone (RM-1a) to Residential Triplex and Quadruplex Zone (RM-2) as shown on the attached Schedule "A".

PASSED FIRST READING 2009-OCT-05

PASSED SECOND READING 2009-OCT-05

PUBLIC HEARING HELD 2009-NOV-05

PASSED THIRD READING 2009-NOV-23

APPROVED BY THE MINISTRY OF TRANSPORTATION 2009-DEC-01

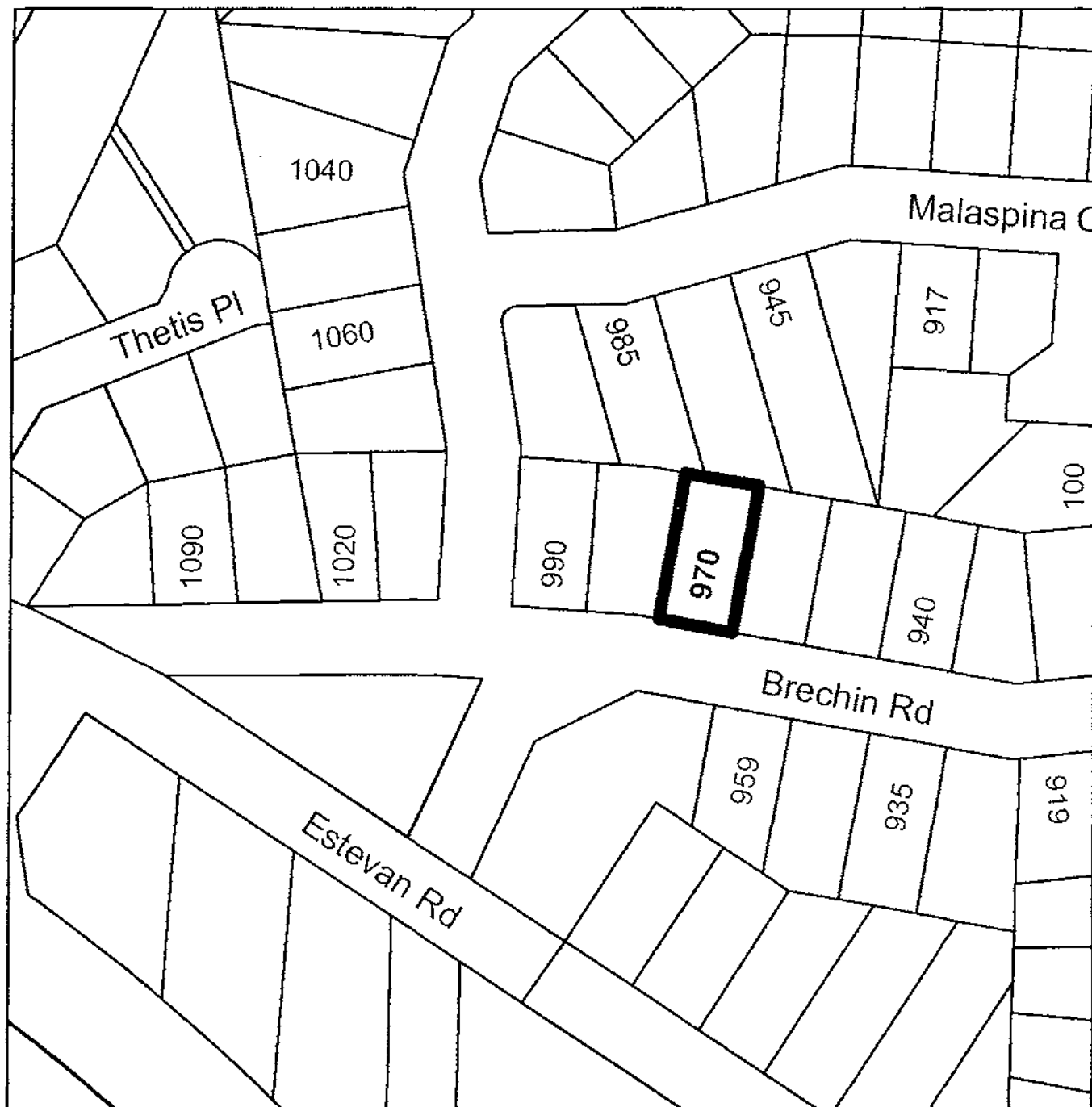
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES

File: RA000211
Address: 970 & 972 Brechin Road

SCHEDULE A



File: RA000211
Civic: 970 Brechin Road



LOCATION PLAN

CITY OF NANAIMO

BYLAW NO. 4000.460

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 6044 from Residential Duplex Zone (RM-1a) to Residential Triplex and Quadruplex Zone (RM-2) as shown on the attached Schedule "A".

PASSED FIRST READING 2009-OCT-05

PASSED SECOND READING 2009-OCT-05

PUBLIC HEARING HELD 2009-NOV-05

PASSED THIRD READING 2009-NOV-23

APPROVED BY THE MINISTRY OF TRANSPORTATION _____

ADOPTED _____

Approved under the Transportation Act

this 1st day of December 2009

D. O'Brien

Sr. District Development Technician
Ministry of Transportation and Infrastructure

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000211
Address: 970 & 972 Brechin Road

CITY OF NANAIMO

BYLAW NO. 7073.02

A BYLAW TO AMEND THE PARKS, RECREATION AND CULTURE REGULATION BYLAW

The Council of the City of Nanaimo in open meeting assembled, ENACTS
AS FOLLOWS:

1. Title

This Bylaw may be cited as "PARKS, RECREATION AND CULTURE REGULATION
AMENDMENT BYLAW 2010 NO. 7073.02".

2. Amendments

"PARKS, RECREATION AND CULTURE REGULATION BYLAW 2008 NO. 7073" is
hereby amended as follows:

- (1) Section 2. Interpretation "Activity Centre" is amended by deleting reference to
"Community Services Building located at 285 Prideaux Street".
- (2) Section 2. Interpretation "Cycle" is amended by adding the words "or electric
power" after the words "propelled by human power"
- (3) All references to "Park License Agreement" are deleted and replaced with "Park
Licence Use Agreement".
- (4) Section 3.15 is deleted in its entirety and replaced with:

"3.15 Set fire to or discharge any fireworks or other explosive material of
any kind except in accordance with the City of Nanaimo Fireworks
Bylaw."
- (5) Section 4.3 (b) is amended by deleting "\$7.00 per day" and replacing with
"\$10.00 per day".
- (6) Schedule A, Hours of Operation, is deleted in its entirety and replaced with the
attached Schedule A, Hours of Operation.

- (7) Schedule B, Fees and Rental Policy 2007-SEP-01 to 2010-AUG-31, is deleted in its entirety and replaced with the attached Schedule B, Fees and Rental Policy 2010-SEP-01 to 2013-AUG-31.

PASSED FIRST READING 2010-MAY-17
PASSED SECOND READING 2010-MAY-17
PASSED THIRD READING 2010-MAY-17
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES

SCHEDULE "A"**HOURS OF OPERATION**

Unless there is a declared Fire Hazard, the hours of operation shall be the following:

LOCATION	HOURS OF OPERATION
<u>PARKS</u> Maffeo Sutton Diana Krall Plaza McGregor Park Georgia Park Queen Elizabeth Park E&N Trail Parkway Trail	24 hours per day
<u>LOUDON PARK</u>	6:00 a.m. to 6:00 p.m. from October 01 to March 01; and, 6:00 a.m to 10:00 p.m. from March 01 to September 30.
<u>ALL OTHERS</u>	6:00 a.m. to 9:00 p.m. from November 01 to March 01 6:00 a.m to 11:00 p.m. from March 01 to October 31
RECREATION CENTRES (Beban Park, Bowen Park, Oliver Woods, Nanaimo Aquatic Centre, Nanaimo Ice Centre)	24 hours per day as needed
ACTIVITY CENTRES	6:00 a.m. to 2:00 a.m.
NIGHT LIGHTED PLAY AREAS	6:00 a.m. to 11:00 p.m.

SCHEDULE "B"

FEES AND RENTAL POLICY 2010-SEP-01 to 2013-AUG-31

SUMMARY

General Principles for Fees, Charges and Rentals

Facility Booking Cancellation Policy

Admission Fees – Arenas and Pools

Arena Rental Rates - Ice and Dry Floor

Aquatic Facilities Rental Rates

Community Centres / Halls - Categories of Use

Facilities – Community Meeting Spaces

Community Meeting Space Rental Discounts

Facility Rental Rates

Equipment Rentals

Oliver Woods Community Centre Gymnasium

Department Programs

Long-Term Storage Rental Space

Bowen Park Lawn Bowling Clubhouse

Brechin Boat Ramp Annual Parking Pass

Self-Contained Recreation Vehicle Camping in City Parks

Sports Field Rates

Sports Field / Lacrosse Box Lighting Charges

Picnic Shelters

Sand Volleyball Courts

Tennis Courts

Lacrosse Boxes

Discounts for Picnic Shelters / Sand Volleyball Courts /
Tennis Courts / Lacrosse Boxes

City Parks – Plazas - Grounds

GENERAL PRINCIPLES FOR FEES, CHARGES AND RENTALS

1. Fees, charges and rentals should supplement tax appropriations as a source of revenue for Parks, Recreation and Culture Department services and facilities and should not be the primary source of funds for their operation. The objective is to subsidize admission fees and rentals for children up to 50% of the adult rate for the equivalent service. Students and seniors are subsidized up to 25% of the adult rate.
2. Cost of administering and collecting revenues should not be disproportionate to the actual revenue gained.
3. The extension of Parks, Recreation and Culture services should be based on the need and not on the income value of the services.
4. Special services or exclusive privileges should entail a charge.

Examples:
 - a) expendable materials - arts & crafts supplies.
 - b) consumable materials - food, skate shop.
 - c) specialized instruction - pottery, dance, gymnastics.
 - d) high cost facility - arena, pool, complex, field.
 - e) use of equipment - chairs, tables, kitchen, sport.
 - f) protection of property - personal, parking, police.
 - g) exclusive occupancy - ice, floor, field parking, building.
 - h) admissions - skate, swimming, dances, shows.
5. Department programs to take precedence over rental allocations. Consideration for exceptions will be given to multi-day special events. Priority given to, but not restricted to, events occurring over two or more consecutive days, events sponsored by local organizations or having direct local economic impact, or events open to the general public or having a clear benefit to the community at large, events open to the general public or having a clear benefit to the community at large
6. Concession operations in their many forms (food, skates, boats, lockers, vending products, alcoholic products, boat ramps, novelties and sale items) are to be profit-making services or licensed out to the private sector according to City Council policy.
7. Financial assistance will be provided to individuals in accordance with the Leisure Economic Access Program (Leap) policy.
8. Fee revisions and adjustments will normally occur commencing September 01 of each year. Fees will be reviewed by the Parks, Recreation and Culture Commission and approved by Council.
9. All fees subject to H.S.T. unless otherwise specified.
10. Additional Staffing/Overhead Costs. Where additional staff or services are requested charges will be assessed based on staff time, staff overhead and equipment costs on a case by case basis. Where services are requested outside regular business hours a minimum 4 hour charge may apply.

FEES AND CHARGES CATEGORIES

Child (2 years and under).....Free
Child..... 3 to 12 years
Youth/Student 13 to 18 years / or valid student card
Adult..... 19 to 59 years
Senior..... 60 to 79 years
Senior (80 years and older) Free
Family maximum 2 adults & 3 children* or 1 adult and 4 children*,
..... an adult must accompany children* into family sessions.
..... (*under 19 years of age)

FACILITY BOOKING CANCELLATION POLICY

The Facility Booking Cancellation Policy applies to all Department facilities.

1. For bookings up to eight (8) hours in duration including preparation and clean up, cancellations in writing must be received a minimum of four (4) working days in advance, otherwise, the Licensee will be required to pay the full rental fee for the following bookings:
 - a) at Community Centres and Activity Centres for meetings, programs, workshops, courses and seminars. (Functions A and B in the Fees and Rentals Policy).
 - b) at the aquatic facilities and Oliver Woods Gymnasiums for regular hourly rental bookings.
 - c) at arenas for regular floor or ice rental bookings.
2. For bookings greater than eight (8) hours in duration including preparation and clean up, cancellation in writing for non-regular functions must be received at least ninety (90) days in advance. A facility rental payment as determined by the facility supervisor will be paid at the time of the booking. 100% of the rental will be required three months prior to the event. Cancellation notice of less than ninety (90) days will result in a charge of one-half of the rental fees plus any cost incurred for the following bookings:
 - a) at Community Centres and Activity Centres for major functions such as dances, concerts, shows, dinner meetings, showers, and teas. (Functions C, D, E, and F in the Fees and Rentals Policy).
 - b) at the aquatic facilities and Oliver Woods Gymnasiums for major events or swim meets or tournaments.
 - c) at arenas for major bookings including concerts, trade shows, and circus events.
3. Cancellation verbally or in writing must be received a minimum of four working days prior to scheduled use for all playfields. Charges for field use after the date of use will be reversed only in the event of a rain out and only if notification is given within seven days of the date of originally scheduled use.
4. Bookings made where there is less than the minimum cancellation time period will require payment by cash or credit card at the time of the booking.

ADMISSION FEES – ARENAS, POOLS AND GYMNASIUMS			
	(0%)2010/11	(3%)2011/12	(3%)2012/13
General Admissions (includes HST)			
Child (2 years and under)	Free	Free	Free
Child - 3 to 12 years	\$3.25	\$3.25	\$3.50
Student - 13 to 18 years	\$4.50	\$4.75	\$5.00
Adult - 19 to 59 years	\$6.25	\$6.50	\$6.50
Senior - 60 to 79 years	\$4.50	\$4.75	\$5.00
Senior – 80 years and over	Free	Free	Free
Family - Max. 2 adults & 3 children or 4 children, 1 adult	\$12.50	\$13.00	\$13.00
Special Session Admissions (includes HST)			
Twoonie Special:			
All ages	\$2.00	\$2.00	\$2.00
Scrub Hockey:			
Senior	\$4.50	\$4.75	\$5.00
Adult	\$6.25	\$6.50	\$6.50
Arena Skate Rentals (includes HST)			
Child, Student, Senior	\$2.50	\$2.50	\$2.75
Adult	\$3.25	\$3.25	\$3.50
Family Skate Rental	\$6.00	\$6.50	\$7.00
Helmets	\$.50	\$.50	\$.50
Skate Sharpening	\$5.00	\$5.00	\$5.00
Economy Card (min. 10) (includes HST)			
Child - to 12 years	\$26.00	\$26.00	\$28.00
Student - 13 to 18 years	\$36.00	\$38.00	\$40.00
Adult / Scrub	\$50.00	\$52.00	\$52.00
Senior / Scrub - 60 years and over	\$36.00	\$38.00	\$38.00
Shower Pass	\$30.00	\$32.50	\$32.50
3 Month REC Pass (includes HST)			
Child	\$87.75	\$87.75	\$95.50
Student/Senior	\$121.50	\$128.25	\$135.00
Adult	\$168.75	\$175.50	\$175.50
Family	\$337.50	\$351.00	\$351.00
6 Month REC Pass (includes HST)			
Child	\$156.00	\$156.00	\$168.00
Student/Senior	\$216.00	\$228.00	\$240.00
Adult	\$300.00	\$312.00	\$312.00
Family	\$600.00	\$624.00	\$624.00
12 Month REC Pass (includes HST)			
Child	\$234.00	\$234.00	\$252.00
Student/Senior	\$324.00	\$342.00	\$360.00
Adult	\$450.00	\$468.00	\$468.00
Family	\$900.00	\$936.00	\$936.00

NOTES: Based on general admission rates of 3 times per week or 12 times per month, the following average savings would be achieved for purchasing a REC Pass:

3 months	25% savings against single admission;
6 months	33% savings against single admission;
12 months	50% savings against single admission.

Prices do not apply to promotional pricing.

ARENA RENTAL RATES

ICE RENTAL HOURLY		2010/11	2011/12	2012/13
1.	Youth	\$ 72.00	\$ 74.00	\$ 76.00
2.	Adult Prime (Sept 1 – March 31)	\$145.00	\$149.00	\$153.00
3.	Adult (off-season) (April 1 to August 31)	\$116.00	\$119.00	\$123.00
6.	Commercial and Major Events(capped at 10 hours)	\$350.00	\$361.00	\$372.00

DRY FLOOR HOURLY		2010/11	2011/12	2012/13
1.	Youth	\$ 41.00	\$ 42.00	\$ 43.00
2.	Adult	\$ 82.00	\$ 84.00	\$ 87.00
3.	Adult League (Practice) (No Admission Charged)	\$ 67.00	\$ 69.00	\$ 71.00
4.	Commercial and Major Events(capped at 10 hours)	\$350.00	\$361.00	\$372.00

EXTRA FEES		2010/11	2011/12	2012/13
1.	Primary Liquor Licence suspension fee	\$300.00	\$300.00	\$300.00
2.	T.V. Lights (per hr.)	\$ 40.00	\$ 41.00	\$ 42.00
3.	Staffing on a stat	at cost	at cost	at cost
4.	Parking Lot Fee (per day)	\$300.00	\$309.00	\$318.00

NOTES:

1. Security Deposit may be requested for any rentals.
2. If Licensee requires more tables and chairs than normally allocated to the specific facility, the charge will be at cost for rental, labour and transportation.
3. Dead Ice Time / Dead Dry Floor Time – drop-in charge \$17.00/person/hour, and \$10.00/person/1/2 hour. Times cannot be reserved in advance. Must be booked on day of use basis. Availability as determined by Manager.

AQUATIC FACILITIES RENTAL RATES

LANES:	Private			Community Groups 10% Discount			Youth 50% Discount		
	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013
1 lane	\$18.50	\$19.00	\$19.50	\$16.65	\$17.10	\$17.55	\$9.25	\$9.50	\$9.75
2 lanes	\$37.00	\$38.00	\$39.00	\$33.30	\$34.20	\$35.10	\$18.50	\$19.00	\$19.50
3 lanes	\$55.50	\$57.00	\$58.50	\$49.95	\$51.30	\$52.65	\$27.75	\$28.50	\$29.25
4 lanes	\$74.00	\$76.00	\$78.00	\$66.60	\$68.40	\$70.20	\$37.00	\$38.00	\$39.00
5 lanes	\$92.50	\$95.00	\$97.50	\$83.25	\$85.50	\$87.75	\$46.25	\$47.50	\$48.75
6 lanes	\$111.00	\$114.00	\$117.00	\$99.90	\$102.60	\$105.30	\$55.50	\$57.00	\$58.50
7 lanes	\$129.50	\$133.00	\$136.50	\$116.55	\$119.70	\$122.85	\$64.75	\$66.50	\$68.25
8 lanes	\$148.00	\$152.00	\$156.00	\$133.20	\$136.80	\$140.40	\$74.00	\$76.00	\$78.00
16 lanes	\$296.00	\$304.00	\$312.00	\$266.40	\$273.60	\$280.80	\$148.00	\$152.00	\$156.00
BEBAN:	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013
Slide Only	\$114.00	\$117.00	\$121.00	\$102.60	\$105.30	\$108.90	\$57.00	\$58.50	\$60.50
Leisure Only	\$146.00	\$150.00	\$155.00	\$131.40	\$135.00	\$139.50	\$73.00	\$75.00	\$77.50
Leisure & Slide	\$210.00	\$215.00	\$220.00	\$189.00	\$193.50	\$198.00	\$105.00	\$107.50	\$110.00
37 Metre Pool	\$146.00	\$151.00	\$156.00	\$131.40	\$135.90	\$140.40	\$73.00	\$75.50	\$78.00
Complete	\$356.00	\$365.00	\$375.00	\$320.40	\$328.50	\$337.50	\$178.00	\$182.50	\$187.50
Shallow End	\$77.00	\$79.00	\$81.00	\$69.30	\$71.10	\$72.90	\$38.50	\$39.50	\$40.50
NAC:	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013	2010/ 2011	2011/ 2012	2012/ 2013
Slides Only	\$228.00	\$235.00	\$241.00	\$205.20	\$211.50	\$216.90	\$114.00	\$117.50	\$120.50
Leisure Only	\$291.00	\$300.00	\$309.00	\$261.90	\$270.00	\$278.10	\$145.50	\$150.00	\$154.50
Leisure Slides	\$424.00	\$437.00	\$450.00	\$381.60	\$393.30	\$405.00	\$212.00	\$218.50	\$225.00
Complete	\$715.00	\$737.00	\$759.00	\$643.50	\$612.00	\$625.50	\$357.50	\$368.50	\$379.50

NOTES:

1. Swim Club rentals do not include staffing. 2. Private and 10% discount rental rates are for a maximum of 50 people and include 1 lifeguard.
2. For each additional staff required (ratio 1-50) there will be an additional charge to cover staff costs.

COMMUNITY CENTRES / HALLS**CATEGORIES OF USE**

Classification		Function	
1.	Local registered child and youth leisure groups and societies that use facilities for provision of leisure-oriented activities that is open to community.	A.	Meetings to carry out the "business" of an organization or group. Excludes dinner or "bar" meetings.(max. 4 hrs.)
2.	Local government and educational bodies along with their respective department function, social services and fraternal groups, and local registered adult leisure groups and societies.	B.	Programs, Workshops, and Seminars.
3.	Local private, religious, labour, business and political groups and/or individuals.	C.	Dinner Meetings, Showers and Teas (excluding Dances, Concerts) and Shows without admission.
4.	Commercial and "outside" groups and/or individuals.	D.	Adult dances and/or Socials, Banquets. (max. 1 day)
5.	Special status groups that have been approved and are subsidized by City Council due to economic or historical reasons.	E.	Youth Dances and/or Socials.
		F.	Concerts, Trade Shows, Conventions and Shows with admission fees and/or sales of merchandise. (max. 1 day)

NOTES:

1. For Function "F" in each rental category - "Concerts and Shows ..." - Rentals may be based on a percentage of revenue instead of flat rate rental.
2. Liquor Permits - Events must be covered by an approved Liquor Primary Permit location of bar must be agreed to by Department Management prior to event.
3. Set-ups for functions at Recreation Centres - charges based on \$2.00 per table for functions.
4. Rental rates for bookings involving Retail Sales by Commercial Organizations will be based on 10% of gross sales by resident merchants and 20% of gross sales for non-resident merchants, against a minimum flat rate. A City of Nanaimo business license is required.
5. "Outside" group is any group with a mailing address outside Nanaimo or Electoral Areas: A-Cedar, South Wellington, B-Gabriola, C-Extension and D-Lantzville, East Wellington. "Outside" groups will be charged at the Classification Rate 4. Groups or individuals from any area that does not currently contribute to the Department operating budget.
6. Non-Prime Rental Rate applies at community centre and hall for events that commence and finish on Sunday. Applicable to all renters except commercial and outside groups (Classification 4). Rental charge for dinner meetings, socials, events with admission fees (Function C, D, E and F) would be at the program/workshop rate (Function B) against a percentage of the gate receipts when an admission is charged.
7. An additional 50% of rental fees will be required for closing the entire facility for a single function, at the discretion of the facility manager (e.g. concerts or sporting events).
8. Additional fees will apply.

FACILITIES – COMMUNITY MEETING SPACES

	Name	Dimensions	Meeting Capacity	Rental Group
1.	Beban Social Centre Auditorium A	48 x 80	315	5
2.	Beban Social Centre Auditorium B	48 x 80	315	5
3.	Beban Social Centre Full Auditorium	80 x 96	785	6
4.	Beban Social Centre Lounge	46 x 63	230	4
5.	Beban Social Centre Single Meeting Room	24 x 35	50	2
6.	Beban Social Centre Double Meeting Room	35 x 48	100	3
7.	Beban Social Centre Triple Meeting Room	35 x 72	150	4
8.	Bowen Complex Activity Room #1	44 x 28	97	3
9.	Bowen Complex Activity Room #2	35 x 25	71	2
10.	Bowen Complex Activity Room #3	36 x 25	71	2
11.	Bowen Complex Auditorium	74 x 52	306	5
12.	Bowen Complex Clubhouse	50 x 24	80	3
13.	Bowen Complex Games Room #1	21 x 13	18	1
14.	Bowen Complex Games Room #2	21 x 13	18	1
15.	Bowen Complex Games Room #3	21 x 13	18	1
16.	Bowen Complex Conference Room	34 x 13	18	1
17.	Centennial Building	60 x 146	725	3
18.	Cliff McNabb Conference Room	22 x 18	33	1
19.	Departure Bay Activity Centre	64 x 54	276	4
20.	Harewood Activity Centre	41 x 26	85	2
21.	Kin Hut Activity Centre	35 x 29	85	2
22.	Maffeo Auditorium	44 x 25	103	2
23.	Frank Crane VIP Room	16 x 24	20	1
24.	Nanaimo Aquatic Centre Jack Little Room A	30 x 35	80	2
25.	Nanaimo Aquatic Centre Jack Little Room B	35 x 35	100	2
26.	Nanaimo Ice Centre – Lounge	50 x 26	100	3
27.	Oliver Woods Community Centre – Single Room	37 x 22	60	2
28.	Oliver Woods Community Centre – Double Room	37 x 44	120	3
29.	Oliver Woods Community Centre – Triple Room	43 x 70	180	4
30.	Oliver Woods Community Centre – Conference Room	20 x 25	36	1
31.	Rotary Field House	43 x 23	85	2

COMMUNITY MEETING SPACE RENTAL DISCOUNTS

Rental rates as shown previously, minus appropriate discount based on specific classification and function.

1.	Approved Registered Youth Leisure Groups:	Discount
A.	Meetings (4 hours maximum)	50%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	50%
C.	Dinner Meetings, Showers, Teas, Shows w/o admission	20%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	20%
E.	Youth Dances, Socials	20%
F.	Concerts, Shows and Sales	40%

2.	Approved Government, Education, Social Service, Fraternal and Adult Leisure Groups:	Discount
A.	Meetings (4 hours maximum)	30%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	30%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	20%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	20%
E.	Youth Dances, Socials	20%
F.	Concerts, Shows and Sales	20%

3.	Private, Religious, Labour, Business, Political Groups and Individuals:	Discount
A.	Meetings (4 hours maximum)	10%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	10%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	10%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	10%
E.	Youth Dances, Socials	10%
F.	Concerts, Shows and Sales	10%

4.	Commercial and Outside Groups:	Discount
A.	Meetings (4 hours maximum)	0%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	0%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	0%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	0%
E.	Youth Dances, Socials	0%
F.	Concerts, Shows and Sales	0%

2011-2013 FACILITY RENTAL RATES

		Group 1 0 - 500 sq.ft.			Group 2 500 - 1200 sq.ft.			Group 3 1200 - 2000 sq.ft.			Group 4 2000 - 3000 sq.ft.			Group 5 3000 - 6000 sq.ft.			Group 6 6000+ sq.ft.		
		Bowen Meeting Rooms Beban Dressing Rooms Cliff McTabb Conference Frank Crane Arena VIP Room Beban Stage Miner's Cottage			Beban Single OWCC Hemlock OWCC Monarch 1 OR 2 OWCC Sala 1 OR 3 Kin Hut Maffeo Auditorium Harewood Activity Centre Rotary Field House NAC Room A Bowen Activity #2 or #3			Beban Double Room Bowen Activity Room #1 OWCC Monarch 1 AND 2 OWCC Sala 2 Bowen Clubhouse NIC Lounge Bowen Activity #2 AND #3 NAC Room B			Beban Triple Beban Lounge Departure Activity Centre NAC Double OWCC Sala 1 AND 2 OWCC Sala 2 AND 3			Bowen Auditorium Beban 1/2 Auditorium OWCC Sala 1, 2 AND 3			Beban Full Auditorium Beban Aud. A & Lounge		
		2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
1. APPROVED REGISTERED YOUTH LEISURE GROUPS																			
A.	Meetings: 4 hours maximum	23.02	23.71	24.42	28.79	29.65	30.54	40.89	42.11	43.37	54.97	56.62	58.32	140.59	144.81	149.15	232.61	239.58	246.77
B.	Programs, Workshops, Courses Seminars (8 hours max.)	31.95	32.91	33.90	47.96	49.40	50.88	60.74	62.58	64.44	86.31	88.89	91.56	187.25	192.86	198.65	281.18	289.62	298.30
C.	Dinner Mtgs. (N/A to DBAC,RFH,KH,HAC), Showers, Teas, Shows w/o Admission	66.70	68.71	70.77	100.17	103.17	106.27	154.36	158.99	163.76	235.17	242.22	249.49	376.24	387.53	399.15	572.59	589.77	607.46
D.	Adult Dances, Weddings, Socials, Receptions, Banquets				161.51	166.36	171.35	239.24	246.42	253.81	351.72	362.27	373.14	511.24	526.58	542.37	715.74	737.21	759.32
E.	Youth Dances, Socials				100.17	103.17	106.27	154.36	158.99	163.76	235.17	242.22	249.49	376.24	387.53	399.15	572.59	589.77	607.46
F.	Concerts, Shows and Sales				121.13	124.77	128.51	179.43	184.81	190.36	263.79	271.70	279.85	383.43	394.93	406.78	536.80	552.91	569.49
2. APPROVED GOVERNMENT, EDUCATION, SOCIAL SERVICE, FRATERNAL AND ADULT LEISURE GROUPS																			
A.	Meetings: 4 hours maximum	32.23	33.19	34.19	40.31	41.52	42.76	57.24	58.96	60.72	76.96	79.27	81.64	196.83	202.73	208.81	326.65	335.42	345.48
B.	Programs, Workshops, Courses Seminars (8 hours max.)	44.73	46.07	47.45	67.14	69.16	71.23	85.04	87.59	90.21	120.83	124.45	128.19	262.14	270.01	278.11	393.65	405.46	417.63
C.	Dinner Meetings, Showers, Teas, Shows w/o Admission	66.70	68.71	70.77	100.17	103.17	106.27	154.36	158.99	163.76	235.17	242.22	249.49	376.24	387.53	399.15	572.59	589.77	607.46
D.	Adult Dances, Weddings, Socials, Receptions, Banquets				161.51	166.36	171.35	239.24	246.42	253.81	351.72	362.27	373.14	511.24	526.58	542.37	715.74	737.21	759.32
E.	Youth Dances, Socials				100.17	103.17	106.27	154.36	158.99	163.76	235.17	242.22	249.49	376.24	387.53	399.15	572.59	589.77	607.46
F.	Concerts, Shows and Sales				161.51	166.36	171.35	239.24	246.42	253.81	351.72	362.27	373.14	511.24	526.58	542.37	715.74	737.21	759.32
3. PRIVATE, RELIGIOUS, LABOUR, BUSINESS, POLITICAL GROUPS AND INDIVIDUALS																			
A.	Meetings: 4 hours maximum	41.44	42.68	43.96	51.82	53.38	54.98	73.59	75.80	78.07	98.95	101.91	104.97	253.06	260.65	268.47	418.69	431.25	444.19
B.	Programs, Workshops, Courses Seminars (8 hours max.)	57.51	59.24	61.01	86.33	88.92	91.59	109.33	112.81	115.99	155.35	160.01	164.81	337.04	347.15	357.57	506.12	521.31	536.95
C.	Dinner Meetings, Showers, Teas, Shows w/o Admission	75.04	77.29	79.61	112.69	116.07	119.55	173.66	178.86	184.23	264.56	272.50	280.68	423.27	435.97	449.05	644.17	663.49	683.40
D.	Adult Dances, Weddings, Socials, Receptions, Banquets				181.70	187.15	192.77	269.15	277.22	285.54	395.69	407.56	419.78	575.15	592.40	610.17	805.20	829.36	854.24
E.	Youth Dances, Socials				112.69	116.07	119.55	173.66	178.86	184.23	264.56	272.50	280.68	423.27	435.97	449.05	644.17	663.49	683.40
F.	Concerts, Shows and Sales				181.70	187.15	192.77	269.15	277.22	285.54	395.69	407.56	419.78	575.15	592.40	610.17	805.20	829.36	854.24
4. COMMERCIAL AND OUTSIDE GROUPS																			
A.	Meetings: 4 hours maximum	46.04	47.42	48.84	57.58	59.31	61.09	81.77	84.22	86.75	109.94	113.24	116.64	281.18	289.62	298.30	465.21	479.17	493.54
B.	Programs, Workshops, Courses Seminars (8 hours max.)	63.90	65.82	67.79	95.92	98.80	101.78	121.48	125.12	128.88	172.61	177.79	183.12	374.49	385.72	397.30	562.36	579.23	596.61
C.	Dinner Meetings, Showers, Teas, Shows w/o Admission	83.38	85.88	88.46	125.21	128.97	132.84	192.95	198.74	204.70	293.96	302.78	311.86	470.30	484.41	498.94	715.74	737.21	759.33
D.	Adult Dances, Weddings, Socials, Receptions, Banquets				201.89	207.95	214.19	299.05	308.02	317.26	439.65	452.84	466.42	639.05	658.22	677.97	894.67	921.51	949.16
E.	Youth Dances, Socials				125.21	128.97	132.84	192.95	198.74	204.70	293.96	302.78	311.86	470.30	484.41	498.94	715.74	737.21	759.33
F.	Concerts, Shows and Sales				201.89	207.95	214.19	299.05	308.02	317.26	439.65	452.84	466.42	639.05	658.22	677.97	894.67	921.51	949.16

EQUIPMENT RENTALS

	Equipment Description	Commercial Private	Non-Profit Community Groups	In-House With Facility Rental
1.	VCR and/or TV unit	n/a	n/a	\$ 5.00
2.	Sound System - Large Portable Outdoor Yorkville or EON	n/a	n/a	\$ 60.00
3.	Sound System - Bowen Auditorium	n/a	n/a	\$ 10.00
4.	Chairs - per day	n/a	n/a	Set-Up Cost
5.	Tables - per day	n/a	n/a	Set-Up Cost
6.	Stage	\$200.00	\$100.00	Set-Up Cost
7.	Arena Floor (per rental)	n/a	n/a	At Cost
8.	Microphone (cordless)	n/a	n/a	\$20.00 each
9.	Spotlights - Lycian	n/a	n/a	\$200.00
10.	Spotlights - Trooperette	n/a	n/a	\$100.00

NOTES:

1. For all items Licensee must accept responsibility for any repair costs. Security deposit may be requested for any rental. Costs are per day unless otherwise specified.
2. Items 10, 11 Licensee must have a knowledgeable operator for equipment.
3. Items 5, 6 If "in-house" Licensee requires more tables or chairs than normally allocated to the specific facility, these will be charged at cost for labour and transportation.
4. Items 5, 6 Fee is per rental. For "in-house" rental, Licensee will be charged at cost for set-up and take down.
5. Items 7, 8 Fee is per day. For "in-house" rental, Licensee will be charged at cost for set-up and take down.
6. Cost for service: in house cost = wage & overhead + 15% administration.

OLIVER WOODS COMMUNITY CENTRE GYMNASIUM

HOURLY RATES	2010 / 2011	2011 / 2012	2012 / 2013
Commercial (non-sport)	\$111.00	\$117.00	\$123.00
Non-Profit / Adult & Private	\$ 29.00	\$ 32.00	\$ 35.00
Non-Profit / Youth	\$ 15.00	\$ 16.50	\$ 18.00
Commercial (Sport)	\$ 45.00	\$ 50.00	\$ 55.00

DEPARTMENT PROGRAMS

Seasonal Programs – As advertised.

LONG-TERM STORAGE RENTAL SPACE

Parks, Recreation Complex, Activity Centres:

\$6.00 / sq. ft. / year Minimum \$40.00 / year

Field Houses/Centennial Building:

\$5.00 / sq. ft. / year Minimum \$50.00 / year

BOWEN PARK LAWNBOWLING CLUBHOUSE

April 1 to September 30 – Lawn Bowling Club Exclusive Use:

2011 - \$125.00 per month plus utility costs

2012 - \$130.00 per month plus utility costs

2013 - \$135.00 per month plus utility costs

NOTES:

1. Club to maintain upkeep of clubhouse and grounds within fenced lawn bowling green area.

BRECHIN BOAT RAMP ANNUAL PARKING PASS

	2011	2012	2013
Boat Trailer and Vehicle	\$ 65.00	\$ 70.00	\$ 70.00
Car Top Boat	\$ 40.00	\$ 45.00	\$ 45.00

NOTES:

1. Purchase of single use passes are available on-site.
2. Annual Brechin Boat Ramp passes are valid January 01 to December 31.
3. Parking passes must be displayed on the dash of the vehicle while parked at the Brechin Boat Ramp Parking Lot.
4. Purchase of a pass does not guarantee parking space availability.

SELF-CONTAINED RECREATION VEHICLE CAMPING IN CITY PARKS

Overnight camping in City Parks is prohibited under the provisions of this Bylaw. Authorization to provide exemptions from the Bylaw is granted by the Director of Parks, Recreation and Culture through the issuance of a Park License Agreement pursuant to the Bylaw. Park License Agreements for overnight camping in parks are infrequent and on exceptional occasions. Approved camping will be charged at \$20.00 per unit per day.

SPORTS FIELD RATES

Category	Field Classification	20010/11 (per field or ball diamond)	2011/12 (per field or ball diamond)	2012/13 (per field or ball diamond)
Adult/Commercial (18 years & over) Practice/Game	Synthetic Turf	\$ 22.00 / hour	\$ 25.00 / hour	\$ 28.00 / hour
	"A" Field	\$ 21.00 / hour	\$ 22.00 / hour	\$ 23.00 / hour
	"B" Field	\$ 10.50 / hour	\$ 11.00 / hour	\$ 11.50 / hour
	"C" Field	\$ 7.50 / hour	\$ 7.75 / hour	\$ 8.00 / hour
Adult (18 years & over) Tournament	Synthetic Turf	\$143.00 / day	\$163.00 / day	\$180.00 / day
	"A" Field	\$136.00 / day	\$143.00 / day	\$150.00 / day
	"B" Field	\$ 68.00 / day	\$ 71.00 / day	\$ 74.00 / day
	"C" Field	\$ 46.00 / day	\$ 47.00 / day	\$ 49.00 / day
Youth (under 18 years) Practice/Game	Synthetic Turf	\$ 6.00 / hour	\$ 9.00 / hour	\$ 12.00 / hour
	"A" Field	\$ 3.50 / hour	\$ 4.00 / hour	\$ 4.50 / hour
	"B" Field	\$ 1.75 / hour	\$ 2.00 / hour	\$ 2.25 / hour
	"C" Field	\$ 1.25 / hour	\$ 1.25 / hour	\$ 1.50 / hour
Youth (under 18 years) Tournament	Synthetic Turf	\$ 39.00 / day	\$ 59.00 / day	\$ 78.00 / day
	"A" Field	\$ 23.00 / day	\$ 26.00 / day	\$ 29.00 / day
	"B" Field	\$ 11.50 / day	\$ 13.00 / day	\$ 14.50 / day
	"C" Field	\$ 7.75 / day	\$ 8.50 / day	\$ 9.50 / day

SPORTS FIELD CLASSIFICATIONS

SYNTHETIC TURF FIELD	Merle Logan Field – Beban Park
"A" FIELDS Full size turf fields with field house	Elaine Hamilton Field (formerly Trofton) May Richards Bennett Pioneer Park Beban Park Gyro Playfields Harewood Centennial Park Big Field Caledonia Park (includes one field house only) Serauxmen Sports Fields
"B" FIELDS (50% discount) Full size turf field with no field house OR Small turf field with field house	Harry Wipper Park Pleasant Valley Park Departure Bay Centennial Park Bowen Park West Playfield Gyro Youth Park (Wentworth Street) Beban Park Gyro Playfields Mansfield Park Harewood Centennial Park Small Field Robins Park Practice Area Comox Park Robins Park
"C" FIELDS (66% discount) Small turf field with no field house OR Non turf field with or without field house	Diver Lake Park Deverill Park (formerly Haliburton Street Park) Barney Moriez Park Groveland Park

NOTES:

1. Commercial and Special Events: each field is \$300.00 per day or 15% of gross revenues, plus cost of other services as required.
2. Staff call-out resulting from lights being left on or facilities not being properly secured after rental: \$120.00.
3. Field rental rates do not include lighting charges.
4. The Tournament rate is calculated at a maximum of 8 hours per day.

SPORTS FIELD / LACROSSE BOX LIGHTING CHARGES

1. Merle Logan – Artificial Turf Lighting Charges:
 - a. Practice Lighting - \$13.00 per hour
 - b. Game Lighting - \$16.00 per hourThere will be no block booking discount for lighting on the artificial turf field.
2. \$13.00 per hour for a single use of lights on grass fields or lacrosse boxes. Minimum rental charge \$15.00 per contract.
3. 30% winter block booking discount applicable between September 15 and April 15 when booking the same hour(s) of use each week for a minimum period of 8 consecutive weeks on grass fields.

25% summer block booking discount applicable between April 16 and September 14 when booking the same hour(s) of use each week for a minimum period of 8 consecutive weeks on grass fields.
 - a) Light rental costs are to be paid within 30 days of contract being issued; otherwise discount is not applicable.
 - b) Block booking discounts are applied to accommodate unscheduled cancellations due to weather conditions, field conditions or field maintenance. Refunds for cancellations against a block booking will not be made.
4. Lighting charges to be applied:

September 15	to October 31	after 7:00 p.m.
November 1	to April 15	after 5:00 p.m.
April 16	to September 14	after 9:00 p.m.
5. Pleasant Valley Sports Field lighting to be charged at extra cost to exclusive user.
6. Lighting charges apply to:

Harewood Centennial Park Lions Lacrosse Box
Bowen Park Lions Lacrosse Box
Robins Park Field
Robins Park Practice Field
Departure Bay Centennial Park Field
Mansfield Park Field
Comox Park Field
Harewood Centennial Park Big Field
Harewood Centennial Park Small Field
Merle Logan Field

PICNIC SHELTERS

	20010/11	2011/12	2012/13
Up to 4 hours	\$ 52.00	\$ 54.00	\$ 56.50
4-8 hours	\$ 86.50	\$ 90.00	\$ 93.50
Over 8 hours	\$115.00	\$120.00	\$125.00

Access to power and water included.

SAND VOLLEYBALL COURTS

	2010/11	2011/12	2012/13
4 courts	\$ 8.50 / hour	\$ 8.75 / hour	\$ 9.00 / hour
1 court	\$ 3.00 / hour	\$ 3.00 / hour	\$ 3.50 / hour
Tournament	\$ 57.00 / day	\$ 58.00 / day	\$ 59.00 / day

TENNIS COURTS

	20010/11	2011/12	2012/13
Bowen Park – 3 courts	\$19.50 / hour	\$20.00 / hour	\$20.50 / hour
Beban Park – 3 courts	\$19.50 / hour	\$20.00 / hour	\$20.50 / hour
Departure Bay Centennial – 2 courts	\$12.50 / hour	\$12.75 / hour	\$13.00 / hour

- Public use for general play at no charge during daylight hours.
- Bowen tennis court light timer tokens: first come first served use, \$9.00/hour 2010-2013.
- Department lessons will have preference if court availability is limited.

LACROSSE BOXES

Bowen Lions, Harewood Centennial:

	20010/11	2011/12	2012/13
Lacrosse Boxes	\$5.50 / hour	\$5.50 / hour	\$6.00 / hour

- Extra charge for lights, where available.

DISCOUNTS FOR PICNIC SHELTERS / SAND VOLLEYBALL COURTS TENNIS COURTS / LACROSSE BOXES

Adult groups: 0%
Youth groups: 50%

- Permits for these facilities guarantee priority use.
- Drop-in use is allowed at no charge when facilities are not booked.

CITY PARKS – PLAZAS - GROUNDS

Local not-for-profit groups and societies providing events/activities open <u>free of charge</u> to the general public. Private events, non-exclusive use on the area, i.e. weddings or picnics.	\$25.00 per day
Local not-for-profit groups and societies providing events/activities <u>at a charge</u> to the general public.	\$100.00 - \$200.00 per day
Commercial or outside organizations hosting events/activities open <u>free of charge</u> to the general public.	\$100.00 - \$300.00 per day
Commercial or outside organizations hosting events/activities open <u>at a charge</u> to the general public.	\$200.00 - \$1,000.00 per day or 15% of gate
Hydro Use (if required).	\$40.00 per month

NOTES:

1. This fee category includes the various uses that may occur in open spaces including parks, plazas and grounds provided by the City. The objective is to facilitate the use of open spaces for the benefit of the community.
2. No sales of any kind are permitted without prior authorization from the Department of Parks, Recreation and Culture.
3. All services and equipment requested by event organizer would be provided as per fees and charges policy including clean-up of the location if required.
4. Fees may be based on a percentage of revenue, as determined by the Department Management.

CITY OF NANAIMO

BYLAW NO. 7016.02

A BYLAW TO AMEND THE CITY OF NANAIMO "DEVELOPMENT SERVICES DEPARTMENT
FEES AND CHARGES BYLAW 2005 NO. 7016"

WHEREAS the Council of Nanaimo wishes to amend "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 2005 NO. 7016" to add fees for Special Occasion Liquor Licences and Temporary Changes to a Liquor Licence;

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

Title

1. This Bylaw may be cited as "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES AMENDMENT BYLAW 2010 NO. 7016.02".

Amendments

2. "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 2005 NO. 7016" is hereby amended as follows:
 - (1) by adding the following to Schedule "A" immediately following Entertainment Endorsement (Food Primary) fees:

Special Occasion Licence	No Fee
Temporary Change to a Liquor Licence	\$100

PASSED FIRST READING _____
PASSED SECOND READING _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES

CITY OF NANAIMO

BYLAW NO. 7071

A BYLAW TO PROVIDE FOR THE NAMING OF A MUNICIPAL HIGHWAY

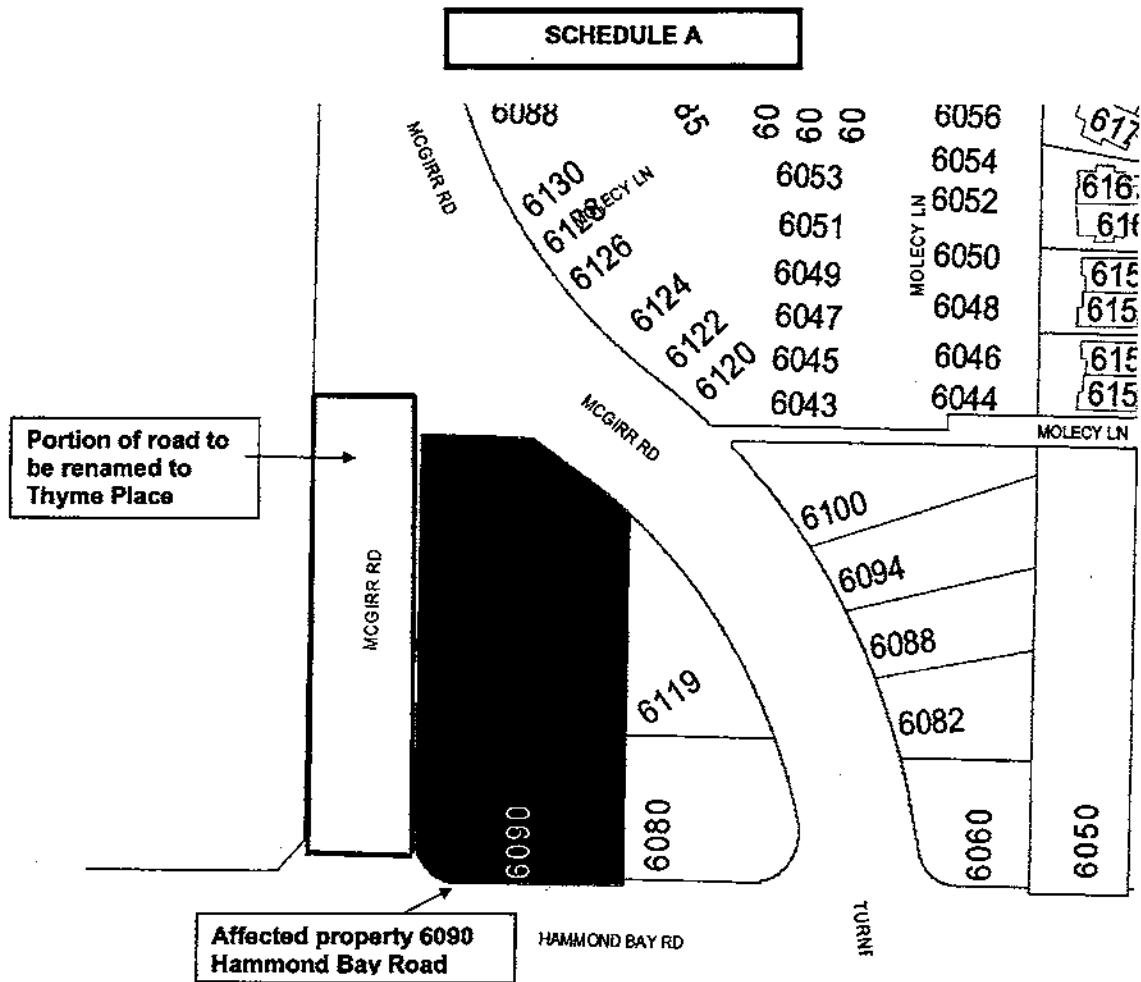
The Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "MUNICIPAL HIGHWAY NAMING (THYME PLACE) BYLAW 2010 NO. 7071
2. A portion of a road currently named McGirr Road as shown on the plan attached hereto, marked Schedule A is hereby renamed "Thyme Place".

PASSED FIRST READING _____
PASSED SECOND READING _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES



CITY OF NANAIMO

BYLAW NO. 4000.478

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2010 NO. 4000.478".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning part of the lands legally described as SECTION 10, RANGE 10, SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT PART IN PLAN 35919 (Part of 953 Park Avenue) from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) as shown on the attached Schedule "A".

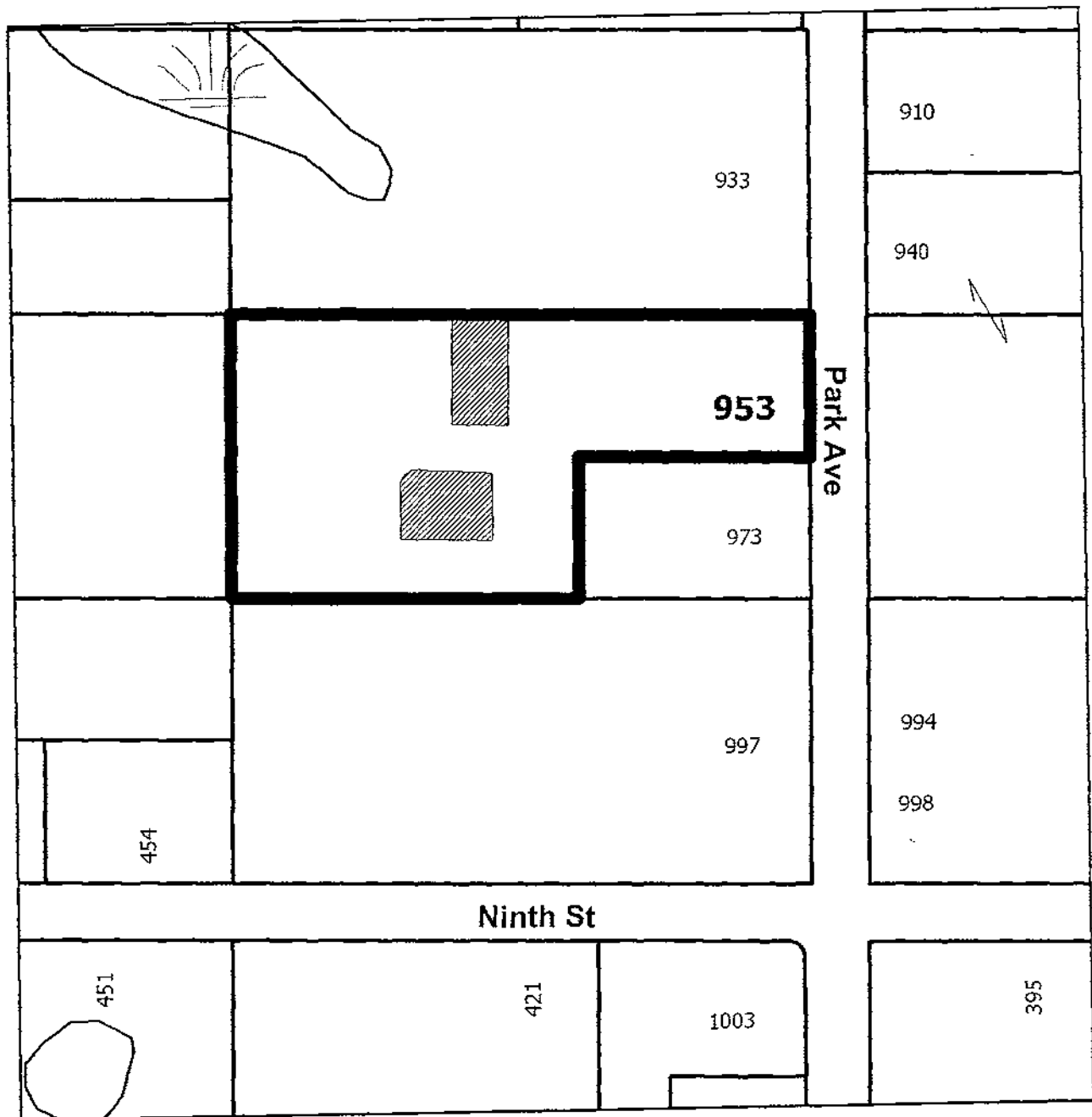
PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
MINISTRY OF TRANSPORTATION APPROVAL _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES



File: RA000243
Address: Part of 953 Park Avenue

SCHEDULE A



File: RA000243
953 Park Avenue

LOCATION PLAN

-  **Subject Property**
-  **Portion to be rezoned**

CITY OF NANAIMO

BYLAW NO. 4000.479

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2010 NO. 4000.479".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning part of the lands legally described as THAT PART OF SECTION 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630, OUTLINED IN RED ON PLAN 461-R, EXCEPT PART IN PLANS 17699, 23894, 28966, AND 30286 (368 Hillcrest Avenue) from Single Family Residential Zone (RS-1a) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) as shown on the attached Schedule "A".

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
MINISTRY OF TRANSPORTATION APPROVAL _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

MANAGER,
LEGISLATIVE SERVICES

File: RA000244
Address: 368 Hillcrest Avenue

SCHEDULE A



File: RA000244
Civic: 368 Hillcrest Avenue

LOCATION PLAN

4000.328

"ZONING BYLAW AMENDMENT BYLAW 2003 NO. 4000.328" (ZA1-60 – text amendment to incorporate recommendations of the Neighbourly House Committee re: Protection Island Zone).

Passed first and second readings 2003-JUN-09. Public Hearing held 2003-JUL-03.

4000.387

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.387" (RA130 – to allow "Parking Lots" as a site-specific use at 3054 and 3058 Barons Road).

Passed first and second readings 2006-FEB-13. Public Hearing held 2006-MAR-02. Passed third reading 2006-MAR-13. Approved by Ministry of Transportation 2006-MAR-22.

4000.399

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.399" (To add additional requirements for the siting of heat pumps and central air conditioning units).

Passed first and second readings 2006-AUG-14. Public Hearing held 2006-SEP-07. Requires third reading and approval from Ministry of Transportation prior to final adoption.

4000.402

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.402" (RA172 – to rezone from Single Family Mobile Home Residential Zone (RS-3) to Public Institution Zone (P-2) in order to allow seniors care facility of up to 75 rooms at 6121 Hammond Bay Road).

Passed first and second readings 2006-OCT-16. Public Hearing held 2006-NOV-02. Passed third reading 2006-NOV-20. Requires registration of a restrictive covenant prior to final adoption.

4000.444

"ZONING BYLAW AMENDMENT BYLAW 2008 NO. 4000.444" (RA206 – to rezone property from Transition Industrial Zone (I-1) to Comprehensive Development District Zone (CD-6) in order to facilitate the construction of a mixed use commercial and residential development at 2124 and 2126 Northfield Road).

Passed first and second readings 2008-SEP-29. Public Hearing held 2008-OCT-16. Passed third reading 2008-OCT-20. Approved by Ministry of Transportation 2008-OCT-29. Requires registration of a restrictive covenant approval prior to final adoption.

4000.445

"ZONING BYLAW AMENDMENT BYLAW 2008 NO. 4000.445" (to rezone a portion of property from Rural 1 (RU1D) to Regional Shopping Town Centre Commercial Zone (C-1) in order to facilitate the construction of a commercial development).

Passed first and second readings 2008-OCT-20. Public Hearing held 2008-DEC-04. Passed third reading 2008-DEC-15. Received Ministry of Transportation approval on 2008-DEC-29. Requires covenant registration prior to adoption.

4000.449

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.449" (RA207- to rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of "Administrative Office").

Passed first and second readings 2009-APR-06. Public Hearing held 2009-MAY-07. Passed third reading 2009-MAY-25. Received Ministry of Transportation approval 2009-JUN-15.

4000.459

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

Passed first and second readings 2010-FEB-08. Requires Ministry of Transportation approval and covenant registration prior to adoption.

4000.460

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.460" (RA211 – 970 & 972 Brechin Road - to rezone property from Residential Duplex Zone [RM-1] to Residential Triplex and Quadruplex Zone [RM-2] in order to legalize an existing quadruplex [fourplex]).

Passed first and second readings 2009-OCT-05. Public Hearing held 2009-NOV-05. Passed third reading 2009-NOV-23. Requires Ministry of Transportation approval prior to adoption.

4000.462

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.462" (RA217 – to permit a site specific text amendment to the Light Industrial Zone [I-2] in order to permit the use of "Boat and Marine Equipment Sales, Service and Rentals").

Passed first and second readings 2009-SEP-14. Public Hearing held 2009-OCT-08. Passed third reading 2009-OCT-26. Requires Ministry of Transportation approval prior to adoption.

4000.466

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466" (RA228 - to rezone 5876 Shadow Mountain Road from Single Family Residential Zone [RS-1] to Residential Triplex and Quadruplex Zone [RM-2] in order to facilitate the construction of a multi-family development).

Passed first and second readings 2010-JAN-11. Public Hearing held 2010-FEB-04.

4000.468

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.468" (RA230 – to rezone 6155 Metral Drive from Single Family Residential Zone [RS-1] to Mixed Use Commercial Zone [C-4] to facilitate the construction of a mixed-use development).

Passed first and second readings 2009-NOV-09. Passed third reading 2009-DEC-14. Requires Ministry of Transportation approval and covenant registration prior to adoption.

4000.470

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.470" (RA225 — to rezone 3 Leam Road from Single Family Residential Zone [RS-1] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] to facilitate the construction of a multi-family residential development).

Passed first and second readings 2009-DEC-14. Public Hearing held 2010-JAN-14. Passed third reading 2010-JAN-25. Requires Ministry of Transportation approval and covenant registration prior to adoption.

4000.472

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.472" (RA234 — to rezone 5040 Hammond Bay Road from Single Family Residential Zone [RS-1] to Residential Duplex Zone [RM-1] and Single Family Residential Small Lot Zone [RS-6] to facilitate subdivision of the lot).

Passed first and second readings 2009-DEC-14. Public Hearing held 2010-FEB-04. Passed third reading 2010-FEB-22. Requires covenant registration prior to adoption.

4000.473

"ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.473" (RA225 - to rezone a portion of 6057 Doumont Road from Single Family Residential Zone [RS-1] to Medium Density Multiple Family (Suburban) Zone [RM-5] in order to facilitate the construction of a multi-family development).

Passed first and second readings 2010-JAN-11. Public Hearing held 2010-FEB-04. Passed third reading 2010-FEB-22.

4000.474

"ZONING AMENDMENT BYLAW 2010 NO. 4000.474" (RA238 – 6090 Hammond Bay Road - to rezone the subject property from Single Family Residential Zone [RS-1] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] in order to facilitate a multi-family residential development)

Passed first and second readings 2010-MAY-10. Requires covenant registration prior to adoption.

4000.475

"ZONING AMENDMENT BYLAW 2010 NO. 4000.475" (RA235 – 3443 Meadow Lane Road and 3360 & 3370 Hammond Bay Road - to rezone the subject properties from Single Family Residential Zone [RS-1] to Steep Slope Residential Zone [RS-7] in order to incorporate the properties into a comprehensive steep slope development under the RS-7 Zone)

Passed first and second readings 2010-MAY-10. Requires covenant registration prior to adoption.

4000.476

"ZONING AMENDMENT BYLAW 2010 NO. 4000.476" (RA236 – Part of 3355 Meadow Lane Road and part of 3312 Hammond Bay Road - to rezone parts of the subject properties from Steep Slope Residential Zone [RS-7] to Medium Density Multiple Family Residential [Suburban] Zone [RM-5] in order to incorporate increased residential density within the proposed comprehensive steep slope development)

Passed first and second readings 2010-MAY-10. Requires covenant registration prior to adoption.

4000.477

"ZONING AMENDMENT BYLAW 2010 NO. 4000.477" (RA237 – Part of 3312 Hammond Bay Road - to rezone part of the subject property from Steep Slope Residential Zone [RS-7] to Mixed Use Commercial Zone [C-4] in order to incorporate a Local Service Centre within a comprehensive steep slope development)

Passed first and second readings 2010-MAY-10. Requires covenant registration prior to adoption.

6500.009

"OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2010 NO. 6500.009" (OCP55 -- Part of 3312 Hammond Bay Road -- to amend Schedule D of the OCP to permit a Local Service Centre)

Passed first and second readings 2010-MAY-10.

7073.02

"PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2010 NO. 7073.02" (To replace Schedule "B" and general text amendments)

Passed first three readings.

g:\bylaws\agenda\bylawstatus.doc

MAY 30, 2010

Attention: Mayor, Council City of Nanaimo

re: proposed Nanaimo floral emblem
Lotus pinnatus

Attached petition - 27 NAMES

JOYCE LEE
1620 TOWN SITE ROAD
NANAIMO B.C.
591-0529

I submit this petition in support of Lotus pinnatus as Nanaimo's emblem. The petitioners are visitors. They are nature photographers, young, older, professionals, students and retired. They are part of a group, others in the group were from U.S. other parts of Canada and the EU. They share the love of natural beauty in plants, wild flowers and the natural landscape. The group requested a visit to view and photograph Lotus pinnatus. It was expressed that it was surprising that Nanaimo had a wild flower landscape. This group represents the growth of ecotourism. Internationally, wild flower and nature photography is a growth industry.

I believe selection of Lotus pinnatus for our floral emblem sends a message. Nanaimo is a place of natural beauty, worth a visit or a place to call home.

2010, International Year of Biodiversity, is timely for Lotus pinnatus selection. Nanaimo is embracing sustainability in a very positive manner. Your decision for Lotus pinnatus enhances the city as a liveable place, a special place to call home.

Lotus pinnatus is no ordinary garden flower. Lotus pinnatus represents a very special place. With Lotus pinnatus as our floral emblem, Nanaimo symbolically states, this is a wonderful city in which to live, work and visit.

yours truly *Joyce Lee*

Apprentice yourself to nature. Not a day will pass without her opening a new and wondrous world of experience to learn from and enjoy.

— RICHARD W. ~~159~~ 15932
American writer

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07

Lotus Pinnatus

We, the undersigned petition Mayor and Council,
City of Nanaimo B.C. that
Lotus pinnatus be accepted as the city of
Nanaimo, floral emblem.

Name	Address	Signature
Kenn Luther	4542 Rocky Point Rd, Victoria BC V9C4K4	<i>Kenn Luther</i>
Craig DeLong	13915 Flint Rd, Prince George B.C. V2M7B9	<i>Craig DeLong</i>
ADOLF CESKA	1809 Penshurst Rd. Victoria, BC V8N2N6	<i>A. Ceska</i>
KRISTEN HARRISON	2234 Forbes St. Victoria, BC V8R4B4	<i>Kristen Harrison</i>
OLUNA CESKA	1809 Penshurst Rd. Victoria B.C V8N2N6	<i>O. Ceska</i>
Dawn Hanna	#604-3475 W. 7th Ave, Vancouver BC V6R1W5	<i>Dawn Hanna</i>
Jackie Gray	2146 Robert Lang Dr. Courtenay BC V9N1A3	<i>Jackie Gray</i>
Linda Cole	2920 Cosgrove, Nanaimo V9S3P8	<i>Linda Cole</i>
Jan Cumming	4513 5th Ave W, Vancouver V6R1S6	<i>Jan Cumming</i>
Jackie Shaben	2246 Sea Lion Way Courtenay BC	<i>Jackie Shaben</i>
Sharon Nicask	645 Island Road Victoria BC	<i>Sharon Nicask</i>
Wynne Miles	3028 Lockman Ave, Duncan BC	<i>Wynne Miles</i>
Ron Wall	1420 McPherson Ave Courtenay	<i>Ron Wall</i>
Krista Kaptein	6654 Howe Lake Rd. Port Alberni	<i>K. Kaptein</i>
Rich Han	6654 Howe Lake Rd. Port Alberni	<i>Rich Han</i>
Jenny Davis	6654 Howe Lake Rd. Port Alberni	<i>Jenny Davis</i>
Barb Beasley	1922 Bay St Ucluelet BC V0R3A0	<i>Barb Beasley</i>
Dan Parrott	#815 548 Dallas Rd. BC V8V1B3	<i>Dan Parrott</i>
Sylvia Samborini	2690 MacDonald Dr. Victoria BC V8N1A9	<i>Sylvia Samborini</i>
Terri Gagn	1251 Pearce Crescent Victoria	<i>Terri Gagn</i>
Julie Thomson	1251 Pearce Crescent, Victoria, BC	<i>Julie Thomson</i>
P. J. & Cath Finlay	270 Trevelyan Place, Victoria BC	<i>P. J. & Cath Finlay</i>
K Golish	1409 Franklin Ave, North Vancouver, BC	<i>K Golish</i>
Nick Page	RR #1, Box 27, Bowen Is, BC	<i>Nick Page</i>
Claudia Schaefer	159.2 P.T.O.	<i>Claudia Schaefer</i>

NAME	Address	Signature
J. E. Street	3415 W. 19 th Ave Vancouver, BC V6S 1C1	J. E. Street

DELEGATION REQUEST

RICHARD WHITE has requested an appearance before council.

The requested date is Jun 07, 2010.

The requested meeting is:
Council

Presenter's information

Address: 6024 SIERRA WAY

City: NANAIMO

Province: B.C.

Postal Code: V9V 1R8

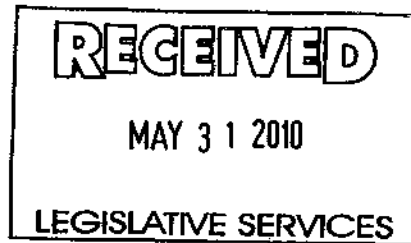
Home Phone:

Email:

Details of Presentation:

Proposals to the Council regarding storage of recreational vehicles on residential properties.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2010-JUN-07



6024 Sierra Way
Nanaimo, B.C.
V9V 1R8

May 31, 2010

City of Nanaimo
Legislative Services Department
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

PRESENTATION TO COUNCIL JULY 7, 2010

Please find the enclosed materials for my presentation regarding the parking of RV's. My purpose is to provide information, and suggest recommendations to City Council, to enable effective regulation of parking and storage of vehicles, at or by a residential property.

Enclosed are:

Presentation RV Parking
City of Calgary RV Regulation summary
DVD RV Parking

Sincerely,

Richard White
Resident

<input type="checkbox"/> Council	Agenda Item	<input type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input checked="" type="checkbox"/>
<input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: 2010-JUN-07		

PRESENTATION: PARKING of RV'S on RESIDENTIAL PROPERTIES

A growing number of residents own Recreational Vehicles (RV's). Specifically Motor Homes, Camper Vans, Truck Campers, 5th Wheels, Travel Trailers, Tent Trailers and Boats. RV's can be very large, and many are stored on residential driveways. Although convenient and cost effective for the RV owner, this method of storage is 'out of place,' creates problems for the community at large, and is not in keeping with the national trend.

Section 5.13 of the Nanaimo Vehicle Restrictions bylaw, limits a combined total of vehicles, including RV's to four per dwelling. This law as it stands is not appropriate. Many families have four or more drivers, and each may have a car, but in addition they may own an RV, and here lies the problem.

1. VISUAL AESTHETICS

When a neighbour brings home an RV, and parks it on his driveway, it changes the aesthetics of the neighbourhood. Suddenly, a well maintained street is made to look more like a trailer park or camp site. RV's can be enormous, taking as much area as two normal sized vehicles, and will not fit into a normal size garage. They are in effect a complete home on wheels, and are out of place on a residential driveway, are unsightly, and block views. RV's when winterized with their various coverings, look more like something belonging on a loading dock. An indiscriminately parked RV looming over from next door, does not help property values when one is trying to sell a home.

2. SETBACK LINES

Most RV's are in storage more than 90% of the time. Setback lines define where buildings and utility services are placed, but an RV on a driveway undermines this rule. The main residence acquires a semi permanent extension, utility points are blocked, and parking in the garage is restricted. Congestion in the driveway causes vehicles to protrude over sidewalks and roads, and vehicle parking spills onto the street. In turn this restricts access to neighbours driveways and visitor parking, and often pedestrians are forced to walk in the road.

3. MANOEUVRING TO PARK

During the manoeuvring process to park an RV onto a residential driveway, risk is introduced into the community. The length of a large travel trailer hitched to a pickup, can exceed 50 feet. Legislation does not require training to reverse a large or articulated RV, yet it does require a special skill. During the manoeuvring process, road traffic is restricted, sidewalks are blocked, and pedestrians are forced to either wait or step into the road. There is no higher risk for manoeuvring an RV, than when an inexperienced RV owner for the first time, reverses his new rig onto his driveway.

4. STORAGE HAZARDS

Many areas of the city are hilly, and RV's can weigh several tons. It is not unusual to see RV's supported with makeshift stiff legs, stacked wood blocking, concrete blocks, oil drums, or any device at hand. There is a need to regulate the storage of RV's so they are safe, and not stored on sloping elevations, in a region prone to windstorms. RV's must be properly supported on hard level ground, and the wheels properly chocked.

5. FIRE HAZARD

In the event of a fire, an RV stored on a driveway not only blocks access to the residence, but adds to the fire risk with its own structural inflammability, but more so, with the fuel stored in the propane and gasoline tanks.

6. TEMPORARY ACCOMMODATION

RV's stored on residential driveways, are occasionally used for temporary accommodations. It is indeed a temptation to use the extra living facilities, when they are parked outside your front door. Visitors may arrive with their own RV, and live in it during their stay. This abuse of purpose for a residential property, is unfair to other residents who invest in the community.

7. RECOMMENDATIONS:

A normal sized single family home, is not designed to handle large vehicles. When a vehicle exceeds the size of a normal garage, it is inappropriate for it to be stored at a residence. For safety, peaceful co-existence, and to maintain the visual aesthetics of the city, the following suggestions and recommendations are made to enable RV owners to take full responsibility for their vehicles. A summary of RV bylaws for the City of Calgary, are also attached.

On, at, or by a residential property:

1. - prohibit the storage of any vehicle exceeding 20 feet long, or 90 inches high.
2. - require any stored RV, be placed in a permanent garage, or the backyard.
3. - limit the quantity of stored RV's to one.
4. - require all RV's be stored on level hard ground.
5. - prohibit the use of a stored RV for accommodation.
6. - limit the time an RV may park to 24 hours.

8 OPTIONS AVAILABLE FOR RV AND BOAT STORAGE:

1. Residential Backyards.
2. Community storage enclosures.
3. Mini Unit Storage Yards.
4. Campsites or Marinas.
5. RV and boat Dealerships.
6. An oversized garage.
7. A normal size garage.

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Printer Friendly Version

Bylaws of Interest

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Recreational Vehicle (RV) Regulations

The City of Calgary [Traffic Bylaw 26M96](#) (149KB) regulates RV parking and use in the city in sections 16 and 17. This page will provide an overview of these regulations, but please refer to the actual bylaw for more detailed information. Original copies of the bylaw are available at the [City Clerk's office](#).

What is the law?

- Detached trailers and campers cannot be parked on city streets or alleys.
- RV's can be parked on a street immediately adjacent to the owner's residence, for a maximum of 36 hours.
- RV's can be parked on front yards and driveways, for up to 24 hours.
- Parked RV's cannot block the view of intersections, crosswalks, playgrounds or signs.
- Parked RV's cannot obstruct the movement of other vehicles.

Helpful Hint: If you need to store your RV for a long period of time, consult the phone book for a list of storage facilities, or park it in your backyard.

Have a complaint?

Fines for contraventions of these regulations on **private property** range between \$50 and \$100. If you would like to report a bylaw infraction please:

- Call 3-1-1 or 403-268-CITY (2489) - if calling from outside Calgary; or
- [Contact us](#)

The City of Calgary
Animal & Bylaw Services

Related Links

- [Calgary Parking Authority](#)
- [City Clerk's Office](#)

Downloads

About Downloads

- [Traffic Bylaw](#) (149KB)
- [Good Neighbour Practices Reference Guide](#) (127KB)
- [Activities on and Around Your Property Brochure](#) (678 KB)