

MINUTES OF THE REGULAR FINANCE / POLICY COMMITTEE OF THE WHOLE MEETING
HELD IN THE BOARD ROOM, CITY HALL,
ON MONDAY, 2006-MAR-20 COMMENCING AT 4:30 P.M.

PRESENT: Councillor M. D. Brennan, Chair

Members: Mayor G. R. Korpan
Councillor W. L. Bestwick
Councillor J. D. Cameron
Councillor L. D. McNabb
Councillor C. S. Manhas
Councillor L. J. Sherry
Councillor M. W. Unger

Absent: Councillor W. J. Holdom

Staff:	G. D. Berry	E. C. Swabey
	A. C. Kenning	T. P. Seward
	A. W. Laidlaw	T. F. Moscrip
	B. E. Clemens	R. Harding
	K. M. MacKenzie	K. L. Burley
	Chief R. Lambert	K. King

1. ADOPTION OF MINUTES:

- (a) Minutes of the Regular Finance / Policy Committee of the Whole Meeting held in the Board Room, City Hall, on Monday, 2006-MAR-06 at 4:30 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

Councillor Brennan advised that a Supplemental Agenda had been distributed prior to the meeting.

3. DELEGATIONS PERTAINING TO AGENDA ITEMS:

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

- (a) Delegations pertaining to the City of Nanaimo 2006 – 2010 Financial Plan.

There was no one in attendance to speak to the Financial Plan.

- (b) Ms. Arlene Tucker, 3316 Wavecrest Drive, Nanaimo, B.C., regarding noise impact from heat pumps.

Ms. Tucker was previously authorized to address Council.

Ms. Tucker stated that:

- she built her home in 2004 in Stephenson Point because it was a quiet neighbourhood; not near schools, busy thoroughfares, or businesses.
- nearby construction noise abated only to be replaced by noise from several heat pumps.
- she feels powerless and that her rights have been violated.
- due to the lie of the land her home is about 20 feet above most of the surrounding properties.
- there are heat pumps installed at the properties in front and behind her property, as well as several more some distance away.
- the heat pump that has been installed beside the house behind her is within three feet of her property line and the noise it creates is unacceptable.
- she is a registered nurse-midwife, working rotating 12-hour shifts and in order to give safe patient care she requires adequate sleep and the cyclic whine from the heat pumps is intrusive and stressful, even with closed doors and windows.
- she believes that a bylaw needs to be formulated and enforced to protect Nanaimo citizens and should include a clause requiring regular maintenance, possibly by requiring a yearly licence.

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

- (c) Ms. Bryony Dunsmore, 3446 Blackfoot Way, Nanaimo, B.C., regarding noise impact from heat pumps.

Ms. Dunsmore was previously authorized to address Council.

Ms. Dunsmore stated that:

- she believes that the excessive noise from heat pumps is a growing problem affecting a large number of people.
- it is not just the volume of the noise but the constant, penetrating quality of the noise.
- she wrote a letter to the Nanaimo Bulletin asking people to contact her and has had many replies from people experiencing the same problem with heat pump noise.
- they moved from Calgary in September, 2004 and they chose to live in a cul-de-sac away from busy roads because they value quiet.
- she had spent a year completing her garden and then the third and worst heat pump was installed.
- they can hear heat pump noise on all sides of their house and are unable to open windows, as the noise is too loud.
- she would like to know if their neighbour's right to own a heat pump trumps their right to quiet and peaceful enjoyment of their property?

- as Nanaimo has been a leader when it comes to recycling and requiring composting of commercial organic waste, will it be equally progressive regarding heat pumps and set an example for other municipalities?

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

- (d) Mr. Ian Gartshore, Director of Energy Solutions for Vancouver Island, 353 Seventh Street, Nanaimo, B.C., regarding the increasing popularity of air-source heat pumps.

Mr. Gartshore was previously authorized to address Council.

Mr. Gartshore stated that:

- he believes that heat pumps are here to stay as they are the most efficient form of "active" heating known.
- modern heat pumps are so efficient that they pump in about three times more heat than baseboard heaters.
- while the newer models are usually quieter than older models have been, they can be a real nuisance for neighbours and can cause health problems for those who are more sensitive to noise.
- heat pumps can be equipped with sound blankets and sound absorbing surfaces can be placed around the unit, which is important when the pump is placed beside a house wall.
- the closer to the centre of the property that the heat pump is placed, the less likely it will disturb the neighbours.
- many municipalities have created noise bylaws that limit the amount of sound coming from residential buildings.
- he provided information and reference material regarding the effects of noise on human health.

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

- (e) Mr. Wayne Filiatrault, 651 Marshwren Place, Nanaimo, B.C., regarding the history of heat pump noise levels.

Mr. Filiatrault was previously authorized to address Council.

Mr. Filiatrault stated that:

- some people have suggested that the noise from heat pumps shouldn't exceed 45 decibels but there isn't one that is currently manufactured that is that quiet.
- it depends on what study you listen to but 65 decibels is the usual sound level of a speaking voice.
- every year heat pumps get a little bit quieter but he doesn't see them getting much quieter than the low to mid-sixty decibel level.
- the reasons that heat pumps are being installed is the heating cost savings, they are very energy efficient and don't put out a lot of green-house gases into the atmosphere.

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

- (f) Mr. Philip Manders, 3446 Blackfoot Way, Nanaimo, BC, regarding noise impact from heat pumps. *(Supplemental)*

Mr. Manders was previously authorized to address Council.

Mr. Manders stated that:

- he addressed the two basic approaches to dealing with the problem of heat pump noise; requiring the pumps to be set back from property lines and using technology that helps muffle the noise.
- he proposed that heat pumps be placed within two metres of the centre line of the property and no closer than two metres to a property line.
- he suggested enforcing either a limit of 45 decibels of noise at the property line, or five decibels above the ambient noise level, to be determined during evening hours.
- he believes that heat pump noise should be dealt with through a bylaw and that noisy heat pumps could be dealt with on a complaint basis.
- he believes that people need help from the City with this problem of heat pump noise, so neighbours won't be pitted against neighbours and so noise levels don't become higher and more stressful.

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

4. REPORTS OF ADVISORY BODIES:

(a) Water Supply Advisory Committee

The following item was considered by the Water Supply Advisory Committee at its meeting held Thursday, 2005-Mar-09.

Water Supply Strategic Plan

Committee's Recommendation: That Council direct Staff to conduct the following studies:

1. Groundwater Supply Study for an estimated cost of \$100,000;
2. Watershed Yield Study for an estimated cost of \$50,000; and,
3. Water Treatment Plant Site Location Study for an estimated cost of \$100,000.

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

5. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PERMITS AND PROPERTIES:

(1) Noise from Heat Pumps

The City has received three letters regarding noise emanating from heat pumps. Two of the letters are from residents who live in a new subdivision in Stephenson Point. These residents have complained that three heat pumps installed in their neighbourhood are noisy and should be regulated or muffled. They also suggest that action be taken under the City's noise bylaw. The third letter received provides some suggested solutions regarding regulating the location of heat pumps.

During the past ten years, the City has received few complaints regarding heat pump noise. Currently, the installation of heat pumps is not regulated and are used in approximately 5 to 15 percent of households in Nanaimo to provide a combination of heating in cold weather and cooling in hot weather. Generally, older style heat pumps are noisier, newer heat pumps are quieter, and more expensive models provide the least amount of noise.

Heat pumps are seen as an environmentally progressive heat source and given the increasing costs for natural gas and oil, are becoming more common in new housing.

The City noise bylaw is written to address excessive noise and does not specify maximum decibel levels which would generate enforcement action. Some larger municipalities have adopted more rigorous noise bylaws including maximum decibel levels and have designated, trained and equipped staff to monitor all types of problematic noise. Adoption of an expanded noise bylaw would require a substantial investment in new staff and equipment as city-wide noise complaints would be subject to a new standard.

It is important to note that if the City wished to develop regulations for heat pump installation, existing heat pumps would not be subject to new regulations, as they were installed prior to new regulations.

Staff have reviewed this issue and confirm the heat pumps in question provide a level of noise similar to most heat pump installations. Unless the noise was so excessive that it was deemed to be a radical departure from the level of noise generally created by this type of equipment, the existing City noise bylaw could not be used to require homeowners to decrease noise from heat pumps.

Staff have spoken to the following local governments regarding noise complaints from heat pumps:

Victoria: The City of Victoria has maximum decibel levels specified in their noise bylaw, however, heat pump noise has been below bylaw levels, thus enforcement has not been required.

Burnaby: Similar to Victoria, Burnaby has a maximum decibel level specified in their noise bylaw. Burnaby has experienced problems with air conditioners installed in residential windows but have had limited complaints raised over heat pump noise.

Esquimalt: Specifies heat pumps must be a minimum 6 metres from any property line and has experienced limited complaints regarding heat pump noise.

There are several ways in which installation of heat pumps may be addressed:

1. Regulate the Location of Heat Pumps

If heat pumps are installed in the rear yard of a standard city lot, the noise generated is not usually the subject of complaints due to the separation from neighbouring houses and, as a result, is less likely to provide disturbing sound levels. Conversely, if heat pumps are installed in side yards, their location is often only 2 to 3 metres from neighbours' houses and are much more likely to generate complaints.

If the location of heat pumps were to be regulated, Staff would recommend they be installed at the center of the rear yard. (This is consistent with the recommendation raised in a letter directed to the City from a local resident.) Siting regulations could be incorporated in the Zoning Bylaw section referencing siting. This regulation would only apply to new installations.

2. Require Sound Dampening or Enclosures around Heat Pumps

Staff have spoken to local installers of heat pumps who confirm there are a number of methods to decrease noise from heat pumps. Methods suggested include changing fan blades, installing sound absorbing mounts, installing sound blankets, decreasing motor revolutions, installing mufflers and providing an insulated enclosure around the heat pump.

None of the above noted methods singularly eliminate heat pump noise, however experienced installers can suggest the most efficient and cost effective methods once the installation has been inspected. Cost of upgrades noted range from \$300 to \$600 or more if an insulated enclosure is added.

The improvements noted may be installed when the unit is first placed or added to existing installations. Requiring such upgrades on existing installations may be seen as cost prohibitive if voluntary compliance was sought.

3. Educate Heating Contractors/Installers/Builders/Homeowners on Minimizing Noise from Heat Pumps

Property owners who utilize heat pumps may become immune to the noise generated and not recognize the noise their heat pump emits. Accordingly, City Staff could work with local suppliers, installers and builders to educate homeowners on upgrading existing installations and minimizing noise on new installations, including preferred siting locations.

There are a number of more extreme solutions such as attempting to ban heat pumps, require permits and engineer's certification that the installation will not exceed a specified noise level or amend the noise bylaw to specify a maximum decibel level. However, given the relatively few complaints regarding heat pumps received, Staff did not recommend these steps.

As a first step, Staff recommended implementation of option 3 above and raise the profile of options available to address heat pump noise by participating in an educational program with the community. If complaints persist and cannot be resolved, Staff would bring a further report back to Council investigating additional options for Council's consideration and outlining the cost for staffing each option.

Recommendation: That Council direct Staff to coordinate a community education program regarding heat pumps.

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

Opposed: *Councillors Bestwick and Unger*

It was moved and seconded that Staff prepare a bylaw to regulate the location of heat pumps.

It was moved and seconded that the motion to prepare a bylaw to regulate the location of heat pumps be postponed until Staff prepare a report on environmental design and location options for all heating and cooling systems which emit noise. The motion carried.

Opposed: *Councillors Cameron, McNabb and Sherry*

ADMINISTRATIVE SERVICES:

LEGISLATIVE SERVICES:

(2) Appointment to the Nanaimo Port Authority

At the "In Camera" Meeting of Council held 2006-MAR-13, Council appointed Mr. Ross Fraser to serve as the City's Representative on the Nanaimo Port Authority Board for a three-year term ending 2009-JUL-31.

Recommendation: That Council ratify the appointment of Mr. Ross Fraser to serve as the City's Representative to the Nanaimo Port Authority Board for a three-year term ending 2009-JUL-31.

It was moved and seconded that the appointment of Mr. Ross Fraser to serve as the City's Representative to the Nanaimo Port Authority Board for a three-year term ending 2009-JUL-31 be ratified. The motion carried.

Opposed: *Councillor Sherry*

CORPORATE SERVICES:

FINANCE:

(3) 2006 – 2010 Financial Plan Discussion

The discussion of the 2006-2010 Financial Plan was postponed to a future Committee of the Whole Meeting.

6. INFORMATION ONLY ITEMS:

- (a) Report from Mr. R. Churchill, Manager, Bylaw Services, re: Smoke from Woodstoves and Other Wood Burning Appliances.

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

7. CORRESPONDENCE:

- (a) Letter dated 2006-MAR-08 from Mr. Leonard Krog, MLA (Nanaimo), #4 - 77 Victoria Crescent, Nanaimo, BC, regarding the cost of muffling heat pumps and the benefits they provide in reducing energy consumption.
- (b) Letter dated 2006-MAR-09 from Ms. Lauren Wolf, Program Manager, Heritage Society, 432 Third Street, New Westminster, BC, seeking financial support for their annual conference to be held 2006-JUN-01 to 2006-JUN-03 in the City of Nanaimo.
- (c) E-mail dated 2006-MAR-13 from K. Silveira, Victoria, BC, regarding the benefits of heat pumps and how to mitigate any noise complaints.

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

8. ADJOURNMENT:

It was moved and seconded at 5:53 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES