

MINUTES OF THE ECONOMIC DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN THE BOARD ROOM, CITY HALL,
ON MONDAY, 2004-JUN-21, COMMENCING AT 10:08 A.M.

PRESENT: Councillor T. K. Krall, Chair

Members: Councillor M. D. Brennan
Councillor C. S. Manhas

Others: Councillor R. A. Cantelon
Councillor L. J. Sherry
Councillor D. Tyndall

Staff:	A. C. Kenning	D. Kiedyk
	B. N. Mehaffey	J. T. Bowden
	B. E. Clemens	K. L. Burley
	T. McQueen	C. Hambley
	A. Tucker	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2004-JUN-07 Meeting of the Economic Development Standing Committee held in the Board Room, City Hall at 10:00 a.m.

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Mr. J. T. Bowden, Senior Manager of Corporate Administration advised that there was a late item regarding start up funding for Tourism Nanaimo.

3. RECEIVING OF DELEGATIONS:

- (a) Mr. Tim Lander, 217 Irwin Street, Nanaimo, B.C., regarding "STREET ENTERTAINERS BYLAW 2003 NO. 5602".

It was moved and seconded that Mr. Lander be permitted to address the Committee. The motion carried unanimously.

Mr. Lander stated that:

- anyone who has been to Victoria will realize that street musicians are a part of tourism in every city.
- it is in the best interest of the City to improve street musicians and make a division between street musicians and silent performers.
- the downtown library is a wasted space and should be filled with performers.
- he does not understand how a location, such as the one located at Lions Great Bridge, could be removed due to noise when it is beside the Island Highway and the parking-lot at Civic Arena; it is one of the favourite locations for musicians.
- most musicians don't create a high volume of sound even when they are using amplifiers.
- he has a proposed preamble that he would like to have incorporated into the new Street Entertainers Bylaw which suggests that street musicians are a part of culture, tourism infrastructure and the economy of the city.
- the focus should be on improving the quality of the music and the best way to do this is to reduce the stress on the musicians by way of less regulations and restrictions.
- street entertainers are feeling depressed and are taking the bus to Cowichan and Chemainus where they are more friendly to musicians.
- Nanaimo needs to be able to attract musicians.
- there are high caliber entertainers who travel from all over to perform in Victoria.
- in Victoria, street musicians feel they are contributing to the economy and tourism and they feel uplifted to be needed to improve the quality and friendliness of the city.
- the basic aim of the bylaw is to restrict entertainers.
- he believes that many of the restrictions in the bylaw need to be removed because it gives the musicians the feeling that they are on the fringes of society.
- he is asking that the preamble, that he has drafted and will provide to Staff, be incorporated in to the new Street Entertainers Bylaw.

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

4. REPORTS OF ADVISORY BODIES:

(a) Street Entertainers Bylaw Review Committee:

At the Regular Meeting of Council held 2003-MAY-12, Council adopted the "STREET ENTERTAINERS REGULATION BYLAW 2003 NO. 5602". One of the recommendations endorsed by Council at the time was to review the Bylaw in six months.

The Street Entertainers Bylaw Review Committee was approved by Council and is made up of the following representatives.

• Members of Council	3
• Licensed Street Entertainers	2
• A Member of the City's Arts Community	1
• A Downtown Business Representative	1
• A Member from the Port Authority	1
• A Downtown Resident	1
• A Member of the Downtown Nanaimo Partnership	1
• A Member from the RCMP	1

The Committee held four meetings and has reviewed all aspects of the bylaw regulations including street entertainer locations.

The Committee's three main recommendations include revisions to increase the number of entertainer locations, the implementation of an audition process and a busker workshop. The Committee strongly believes the arts, which include street entertainment, is an important aspect of a healthy community adding to its livability and overall enjoyment. A summary of the major issues discussed by the Committee are outlined below.

1. Street Entertainment Locations

One of the major problems with the current bylaw is the lack of good street entertainer locations. This is primarily due to the fact that street entertainer locations can only be used on an alternating basis (half of the spots on even days of the month and the other half on odd days). This scheme was developed to give downtown businesses and residents, that have street entertainer locations in close proximity, a break from the performances every second day. Although it has been received positively by businesses and residents, this policy has effectively halved the number of available entertainment spots. The other factor that has contributed to a reduction in available entertainment spots is the Port Authority's decision to remove all entertainer locations from its property due to difficulties it was having with some street performers.

In order to maintain the objectives of the current Bylaw, while at the same time open up more entertainer locations, the Committee is recommending several changes to the Bylaw.

The first recommendation is to open up three new spots on the Port Authority property on a one-year trial basis. The Port Authority representative on the Committee has worked closely with the Port Authority Board, management group and merchants to garner agreement that street entertainer locations once again be allowed on Port property. It is important to note that these spots are on a trial basis and will be reviewed at the end of the year to see if continuation is warranted.

The second recommendation is to allow some entertainer locations to be used on an everyday basis. The Committee has identified four spots in the downtown/park area and the spot at Westwood Lake as locations that would be suitable to be used everyday. Two of these new everyday spots are located at Swy-a-lana Lagoon, a popular street entertainment location. Staff from the Parks and Recreation Department do not feel having these spots used on a daily basis will have a negative impact on park use, but did ask that in exchange for these newly designated spots the Committee remove an entertainer location at the Lions Great Bridge to help increase the quiet zone area.

In addition to these main changes, the Committee is also recommending an adjustment of the location of two other spots. These spots are located within the park. The proposed changes will make one of them a more viable location and the other will be moved to help redirect sound away from residences. The Committee is also recommending that two spots in the downtown area be eliminated as they were situated in poor locations and never used.

Finally, at the last Committee meeting Staff were asked to look into the possibility of moving the entertainer location at China Steps to a more suitable location across the street. After reviewing the spot with one of the street entertainer representatives, it was agreed that it would be beneficial to leave the spot where it is and add a new spot across the street that could be used on the opposite day.

2. Auditions

The Committee spent a significant amount of time discussing the pros and cons of implementing an audition process for street entertainers. In the end, the Committee came to the conclusion that auditions would help to ensure only legitimate entertainers received street entertainer permits. It was also a factor in the Port Authority's decision to reinstate street entertainment on its property.

The other recommendation is that the auditions be conducted by two City of Nanaimo Staff members. It is proposed that the format of the auditions will be an informal process held at the Lions Pavilion at the beginning of each month on an as-needed basis. Entertainers will be required to book an appointment for an audition at City Hall.

The basic criteria for musicians will be that they will be asked at the beginning of the audition for a list of eight songs they can play. The panel will randomly pick two (possibly more) of the eight songs to be played. The entertainer must be able to finish the songs in order to pass the audition. They will also be assessed on appearance and attitude as well as suitability of the performance for the general public. As it is understood that busking is an excellent venue for entertainers to develop their craft, only a minimum amount of talent will be required in whatever discipline the entertainer will be performing in.

For other entertainers such as jugglers, comedians, magicians, etc., the performer will be required to give a verbal description of their act or routine from start to finish. They will then be requested to perform a five-minute segment of the act for the panel. They will also be assessed on appearance and attitude as well as suitability of the performance for the general public.

3. Busker Workshop

The final major recommendation is to implement a busker workshop program. The busker workshop would be an informative, interactive course taught over a half-day. It would be held at a City facility and will be free of charge to all buskers who have completed the first two steps of the busker application process. The course is proposed to be coordinated by City of Nanaimo Staff. Some of the topics covered in the workshop would include a thorough review of the Bylaw, tourism awareness, roles and responsibilities, effective communication and attitude and product. The course will be held twice a year as required and will include a celebration at the end of it. With the workshop requirement in place, street entertainers will be required to complete a three-step process in order to receive a street entertainer licence. The first step will be to fill out a busker licence application form at City Hall, the second step will be to successfully pass the audition. Once these two steps have been completed, street entertainers will then be required to complete a busker workshop. Interim licences will be issued for those that have completed the first two steps and are waiting to take the course.

4. Other Changes

The Committee is also recommending some other smaller changes to help make the Bylaw more effective. The first involves adding a \$25. fine for obstructing the free passage of pedestrian traffic.

Another charge is being recommended to alleviate a problem that has been encountered when an entertainer plays as an individual for two hours and then plays in a group at the same place for another two hours. An entertainer can, therefore, occupy a spot for the entire day just by changing members of a group, which causes problems when other performers want the location. A regulation has been added to the Bylaw to ensure that a performer cannot use a spot more than once a day.

Although the majority of street entertainers comply with all City of Nanaimo bylaws, some do not. The Committee is recommending that the Bylaw be changed so that a street entertainer permit can be revoked after a performer fails to comply with a condition of the Bylaw on two or more occasions. Currently, the Bylaw states that a licence may be revoked following three or more occasions. It is the Committee's belief that the first ticket should be issued with a warning that if a second offence occurs the street entertainer's permit will be revoked.

It is the belief of the Street Entertainer Bylaw Review Committee that the recommended changes put forth in this report will make the Bylaw more acceptable to all the people who are impacted by street entertainment. The Committee has tried to address the problems of not enough entertainer locations and the quality of some performances in a fair and beneficial way.

Recommendations: That the Economic Development Standing Committee recommend that Council:

1. give first three readings to "STREET ENTERTAINER REGULATION BYLAW 2004 NO. 5723"; and,
2. endorse the Street Entertainer Policies and Guidelines as attached to the report.

It was moved and seconded that the Economic Development Standing Committee recommends that Council refer this issue back to the Street Entertainers Bylaw Review Committee to prepare a preamble for "STREET ENTERTAINER REGULATION BYLAW 2004 NO. 5723" for Council's consideration at a later date. The motion was defeated.

Opposed: *Councillors Brennan, Krall, Manhas*

It was moved and seconded that the Economic Development Standing Committee recommend that Staff, in conjunction with the Chair of the Street Entertainers Bylaw Review Committee, prepare a preamble for "STREET ENTERTAINER REGULATION BYLAW 2004 NO. 5723" for Council's consideration at this evening's meeting, based upon Mr. Lander's presentation to the Committee. The motion carried unanimously.

5. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

COMMUNITY PLANNING:

(1) Revisions to Façade Improvement Grant Program

At the Regular Meeting of Council held 2004-APR-19, Council directed Staff to expand the scope of the Awning and Signage Grant Program to include building façade improvements and change the name to the Façade Improvement Grant Program.

Staff have met with the Downtown Nanaimo Partnership to review the existing Awning and Signage Grant Program. Based on these discussions, a revised application package for the program has been created and is attached for Council's reference. For the most part, the revisions are text based and not substantive in nature. Highlights include:

- The program has been renamed the Façade Improvement Grant Program. General improvements to the exterior of eligible heritage buildings may now be considered under the program;
- A funding objective has been added which notes that funding preference will be given to proposals that are comprehensive in scope and include more than a single type of change such as signage (e.g. a combination of paint upgrade, awning upgrade, window repairs, masonry repairs, etc.); and,
- The application process section has been revised to provide greater clarity to the applicant and to ensure the role of the Downtown Nanaimo Partnership in the process is more formalized.

Recommendation: That the Economic Development Standing Committee recommend that Council endorse the revisions to the Heritage Façade Improvement Grant Program as shown in the application guide and procedures attached to the report.

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

(2) Property Tax Exemption Policy for Non-Residential Heritage Buildings

At the Regular Meeting of Council held 2004-APR-19, Council directed Staff to work with the Downtown Nanaimo Partnership (DNP) to develop a tax exemption policy for heritage buildings that are being upgraded without creating a residential use.

Staff have met with the DNP to review the existing residential conversion tax exemption policy and application package, as well as the recently endorsed Commercial Hotel tax exemption proposal. Based on these discussions, the following conditions have been developed under which a heritage building revitalization proposal that does not include residential uses, could be considered by Council for full property tax exemption:

- Interior improvements will fill vacant and/or under utilized commercial spaces (i.e. a specific tenant can be identified). Furthermore, the proposed use of the building and tenancy will meet the objectives of the Downtown Nanaimo Partnership's Business Attraction Strategy and provide clear and substantiated benefit to a revitalized downtown neighbourhood;

- The total cost of the project represents a significant investment by the property owner in relation to the total value of the property (e.g. in excess of \$200,000. or 25 percent of the total pre-renovation value of the property);
- Exterior building improvements meet or exceed the City's Downtown Design Guidelines and Province's Heritage Building Rehabilitation Principles and Guidelines and will enhance the streetscape; and
- Structural and building code improvements will enhance the building's condition, safety and ongoing commercial viability.

These conditions have been incorporated into a revised residential conversion tax incentive program application package (which is attached to the report for Council's reference). The program's focus will still be residential conversion, but the added section entitled "A Note About Non-Residential Projects" will ensure that eligible property owners are aware that non-residential building upgrades of a significant nature would also be considered by Council for tax exemption.

Recommendation: That the Economic Development Standing Committee recommend that Council endorse the changes to the Heritage Tax Exemption Program to provide conditions under which a non-residential project may be considered as shown in the application guide and procedures attached to the report.

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

6. INFORMATION ONLY ITEMS:

- (a) Report from Ms. T. McQueen, Economic Development Officer re: Tourism Nanaimo Annual Report.

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

7. LATE ITEMS/OTHER BUSINESS:

[Note: This item was brought forward from the 2004-JUN-07 Meeting of the Economic Development Standing Committee.]

- (a) Tourism Nanaimo – 2004 Request for Program Start-up Funding

It was moved and seconded that the Economic Development Standing Committee recommend that Council approve funding of \$7,000. to Tourism Nanaimo for producing a marketing brochure, with funds to come from the Economic Development Standing Committee Annual Budget. The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 11:06 a.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

SENIOR MANAGER,
CORPORATE ADMINISTRATION