



AGENDA SPECIAL COUNCIL MEETING

Monday, May 14, 2018

4:30 p.m. to Proceed In Camera in the Douglas Rispin Room, 7:00 p.m. Open Meeting in the Shaw Auditorium
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER

2. PROCEDURAL MOTION

That the meeting be closed to the public in order to deal with agenda items under the Community Charter:

Section 90(1):

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

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

3. INTRODUCTION OF LATE ITEMS

4. ADOPTION OF AGENDA

5. ADOPTION OF MINUTES

a. Minutes

6 - 18

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Monday, 2018-APR-23 at 5:00 p.m.

6. PRESENTATIONS

a. Delegation from the Grade 5 Class of Departure Bay Elementary School

19

The Grade 5 students from Departure Bay Elementary School, lead by their teacher Mr. McDowall, to provide a presentation regarding playgrounds for the Port Drive Waterfront Development plan and the importance of playgrounds.

7. MAYOR'S REPORT

8. ADMINISTRATION

a. Advisory Committee Minutes

1. Minutes of the Community Engagement Task Force Meeting held on Tuesday, 2018-MAR-27. 20 - 24

b. Committee Recommendations

1. Public Safety Committee Recommendation - 2018-MAY-03

To be introduced by Councillor Armstrong.

The Public Safety Committee recommends that Council ask Staff to inquire into incorporating graffiti proofing requirements in new developments (both residential and commercial) within the city, by way of an amendment to the building bylaw or other means.

9. CORPORATE SERVICES

- a. Alternative Approval Process Results - "Fire Station #1 Borrowing Bylaw 2018 No. 7257" 25 - 26

To be introduced by Sheila Gurrie, City Clerk.

Purpose: To provide Council with the results of the Alternative Approval Process and to obtain Council approval for adoption of "Fire Station #1 Borrowing Bylaw 2018 No. 7257".

Recommendation: That Council receive for information the results of the Alternative Approval Process related to "Fire Station #1 Borrowing Bylaw 2018 No. 7257".

10. PUBLIC SERVICES

- a. 2018 Strategic Directions - Nanaimo Youth Advisory Committee 27 - 29

To be introduced by Bill Corsan, Deputy Director of Community Development.

Purpose: To obtain Council approval for the Nanaimo Youth Advisory Council's 2018 Strategic Directions.

Recommendation: That Council endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council as follows:

1. Youth Poverty;
2. Transportation; and,
3. Event Participation and Organization.

b. Cliff Street Contaminated Soils

30 - 36

To be introduced by Bill Corsan, Deputy Director of Community Development.

Purpose: To respond to questions with regards to Contaminated Soils Management asked by Council at the Regular Council Meeting held on December 5, 2016.

Recommendation: That the “Cliff Street Contaminated Soils” report dated May 14, 2018 be received for information.

c. Building Bylaw Amendment

37 - 40

To be introduced by Bill Corsan, Deputy Director of Community Development.

Purpose: To introduce an amendment to the Building Bylaw for Council's consideration.

Recommendation:

1. That “Building Amendment Bylaw 2018 No. 7224.01” (To bring Building Bylaw 2016 No. 7224 into conformance with the *Building Act*) pass first reading;
2. That “Building Amendment Bylaw 2018 No. 7224.01” pass second reading; and,
3. That “Building Amendment Bylaw 2018 No. 7224.01” pass third reading.

d. 11-5600-03 Water Metering Policy

41 - 51

To be introduced by Bill Sims, Director of Engineering and Public Works.

Purpose: To present options and recommendations regarding the “11-5600-03 Water Metering Policy”.

[Note: Due to the large size of Attachment B - Water Metering Strategy, please find a link to the document on the attached page.]

Recommendation: That Council approve “11-5600-03 Water Metering Policy” dated 2018-MAY-14.

11. PUBLIC SAFETY

- a. Cameras in Taxi Cabs 52 - 53

To be introduced by Karen Fry, Fire Chief and Director of Public Safety.

Purpose: To provide Council with information on their motion requiring cameras in taxicabs.

Recommendation: That report titled Cameras in Taxi Cabs, dated May 14, 2018, be received for information.

12. BYLAWS (with no accompanying report)

- a. "Fire Station #1 Borrowing Bylaw 2018 No. 7257" 54 - 57

That "Fire Station #1 Borrowing Bylaw 2018 No. 7257" (To authorize the borrowing of up to \$17,000,000 for the reconstruction of Fire Station Number 1 ["Fire Station #1"]) be adopted.

- b. Bylaw Status Sheet (for information only) 58 - 60

13. CORRESPONDENCE (not related to a Report to Council)

14. COUNCIL APPOINTMENTS

15. NOTICE OF MOTION

16. OTHER BUSINESS

- a. Councillor Kipp Notice of Motion Regarding Financial Policies

During the Special Council Meeting held 2018-MAR-26 Councillor Kipp advised that he would be bringing forward the following motion for consideration:

"Whereas Finance was working on a number of policies and some Administrative Procedures and Guidelines, that are not in place but are necessary such as; Budget and Fiscal Management Policy, Reserve Policy, Revenue Policy, Debt Management Policy that stem from the Core Services Review and subsequent Council actions and Council requests an update and timeframe for these policies."

17. DELEGATIONS (not related to a report to Council)

- a. Delegation from Nicholas Heather 61

Nicholas Heather to provide Council with a verbal presentation in support of the Speculation and Empty Home Tax.

- b. Delegation from Deborah Hollins and Kahir Lalji 62

Deborah Hollins and Kahir Lalji to provide a presentation regarding the

Community Based Senior's Sector, the Raising the Profile Project and the Provincial Summit on Aging.

c. Delegation from Doug Bender

63 - 68

Doug Bender to provide a verbal presentation regarding the noise of containers from Omni Foods on Fry Street.

[Note: Previous notice for DVP343 and link to minutes from March 19, 2018 Council meeting included for reference.]

d. Delegation from Ron Walker, Past President, BC and Yukon Branch, the Kidney Foundation of Canada

69 - 71

Ron Walker, Past President, BC and Yukon Branch, the Kidney Foundation of Canada, to request that the City of Nanaimo pass a resolution in support of the Organ Donor Program in line with the resolution of the Union of BC Municipalities.

18. QUESTION PERIOD (Agenda Items Only)

19. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-APR-23, AT 5:00 P.M.

Present: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (vacated 10:58 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller (vacated at 11:19 p.m.)
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 7:00 p.m.)

Staff: L. Mercer, Manager Accounting Services (arrived 6:57 p.m.)
D. Lindsay, Director of Community Development
B. Sims, Director of Public Works and Engineering (arrived 6:58 p.m.)
J. Van Horne, Director of Human Resources
B. Anderson, Manager of Community and Cultural Planning
K. Fry, Fire Chief
A. Coronica, Senior Financial Analyst (arrived 6:57 p.m.)
D. Blackwood, Client Support Specialist
K. Kronstal (arrived 10:15 p.m., vacated 11:21 p.m.)
S. Gurrie, City Clerk
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:00 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

The motion carried unanimously.

Council moved “In Camera” at 5:00 p.m.
Council moved out of “In Camera” at 5:24 p.m.

It was moved and seconded that Council add *Community Charter* Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality, as a reason to move “In Camera”. The motion carried unanimously.

Council moved “In Camera” at 5:25 p.m.
Council moved out of “In Camera” at 7:02 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item - 9(b) - Replace Schedule A of “Property Tax Rates Bylaw 2018 No. 7264” with attached version to update Schedule A.
- (b) Agenda Item – 10(a) – Replace “Revitalization Tax Exemption Bylaw 2018 No. 7261” with version attached to addendum.

Councillor Bestwick entered the Shaw Auditorium at 7:06 p.m.

- (c) Agenda Item – 10(c) – Remove presentation from Bruce Anderson, Manager of Community and Cultural Planning, and add presentation from Noha Sedky, City Spaces Consulting.
- (d) Councillor Yoachim advised that Marty Roberts and Hilary Harlow were in attendance and wished to address Council as a late delegation regarding Amrikkos (1400 Wingrove Street).

It was moved and seconded that Council add Marty Roberts and Hilary Harlow as a late delegation regarding Amrikkos (1400 Wingrove Street) and that the item be placed under Agenda Item 6(a) Presentations. The motion carried.

Opposed: Mayor McKay, Councillor Brennan.

- (e) Councillor Hong advised that Kevan Shaw was in attendance and wished to address Council as a late delegation regarding Agenda Item 8(a)5 – Finance and Audit Committee Recommendation from 2018-APR-11 - Support for Parades.

It was moved and seconded that Council add Kevan Shaw as a late delegation with a five minute time limit regarding Agenda Item 8(a)5 – Finance and Audit Committee Recommendation from 2018-APR-11 - Support for Parades. The motion carried unanimously.

- (f) Councillor Hong advised that Kevan Shaw was in attendance and wished to address Council as a late delegation regarding Agenda Item 10(a) Downtown Revitalization Tax Exemption Program.

It was moved and seconded that Council add Kevan Shaw as a late delegation with a five minute time limit regarding Agenda Item 10(a) – Downtown Revitalization Tax Exemption Program. The motion carried unanimously.

- (g) Councillor Hong requested that Council defer consideration of Agenda Item 8(a)3 – 2017 Surplus Allocation Report until after consideration of Agenda Item 9(b) 2018 Property Tax Rates Bylaw.

It was moved and seconded that Council defer consideration of Agenda Item 8(a)3 – 2017 Surplus Allocation Report until after consideration of Agenda Item 9(b) 2018 Property Tax Rates Bylaw. The motion carried unanimously.

- (h) Mayor McKay advised that he would be providing a notice of motion regarding selection of a site for overdose prevention site.
- (i) Councillor Bestwick requested that Agenda Item 15(a) Councillor Bestwick Notice of Motion Regarding “Management Terms and Conditions of Employment Bylaw 2005 No. 7000” be removed from the agenda.

4. ADOPTION OF AGENDA:

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

5. ADOPTION OF MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the HR Training Room, 455 Wallace Street, Nanaimo, BC, on Thursday, 2018-MAR-08 at 2:00 p.m.
- 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, 2018-MAR-19 at 2:00 p.m.
- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-MAR-26 at 4:30 p.m.

- Minutes of the Public Hearing (Special Council) Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Thursday, 2018-APR-05 at 7:00 p.m.

The motion carried unanimously.

Councillor Kipp vacated the Shaw Auditorium at 7:14 pm declaring a conflict of interest regarding 1400 Wingrove Street as he worked previously on this project.

6. PRESENTATIONS:

- (a) Marty Roberts and Hilary Harlow spoke regarding their concerns with the inaction regarding the Amrikkos property at 1400 Wingrove Street.

Councillor Kipp returned to the Shaw Auditorium at 7:24 p.m.

7. MAYOR'S REPORT:

Mayor McKay advised he attended the Nanaimo Airport's ground breaking of their \$15-million project that will expand the building and create business and investment opportunities. It is expected that the Nanaimo Airport will see a passenger count of 400,000 in 2018, up from 358,000 in 2017. A new departure lounge and new screening facilities will be among the improvements.

Councillor Yoachim vacated the Shaw Auditorium at 7:25 p.m.

8. ADMINISTRATION:

- (a) Committee Recommendations

Introduced by Councillor Bestwick.

1. Smart Cities Challenge

It was moved and seconded that Council endorse the application for the project proposal addressing Nanaimo's housing crisis for the Smart Cities Challenge. The motion carried unanimously.

2. Tender#2095 - Beban Park Boiler Plan Upgrade & Replacement of HV-1 Heat Recovery Coils

It was moved and seconded that Council increase the budget for the Beban Park Boiler Plant Upgrade and Replacement of Heat Recovery Coils projects by \$68,080, to be funded by a FortisBC incentive grant of \$35,373 and an allocation of \$32,707 from the Facility Development Reserve Fund. The motion carried unanimously.

3. Nanaimo Pride Society - 2018 Nanaimo Pride Parade

It was moved and seconded that Council refer part three of the motion regarding the Nanaimo Pride Society – 2018 Nanaimo Pride Parade “...direct Staff to work on a protocol agreement or memorandum of understanding with the Nanaimo Pride Society to provide annual support of the Nanaimo Pride Parade...” to Staff to review the wording of the motion to ensure it is correct. The motion carried unanimously

It was moved and seconded that Council support Nanaimo Pride 2018 by providing blockades and City workers for the parade. The motion carried unanimously

Councillor Yoachim returned to the Shaw Auditorium at 7:35 p.m.

It was moved and seconded that Council ensure that the rainbow crosswalks on Commercial Street are touched up and/or repainted before the parade. The motion carried.
Opposed: *Councillors Bestwick and Hong*

4. Support for Parades

Delegation:

1. Kevan Shaw requested that the City support all downtown festivals by supplying roadblocks and related services.

It was moved and seconded that Council direct Staff to prepare a report providing options to address multiple requests received from community groups asking for City of Nanaimo support of parades. The motion carried unanimously.

It was moved and seconded that Council support other groups interested in having downtown events or parades by providing blockades and city workers, until such time as a report is complete. The motion carried.

Opposed: *Mayor McKay, Councillors Armstrong and Thorpe*

(b) Freedom of Information Request Requirements & Statistics

Introduced by Sheila Gurrie, City Clerk.

Presentation:

1. Sheila Gurrie, City Clerk.

It was moved and seconded that Council receive the Freedom of Information and Protection of Privacy Act Requests & Statistics report dated 2018-APR-23 for information. The motion carried unanimously.

(c) Advisory Committee Minutes

Sheila Gurrie, City Clerk, advised that the City has implemented a new system to post the actions stemming from committee meetings on the City's website as soon as possible after a meeting, as a committee summary.

Sheila Gurrie, City Clerk, advised that currently there is a call for applicants for various City committees.

It was moved and seconded that the Minutes of the Parks, Recreation and Wellness Committee Meeting held in the Training Room, 2nd Floor, City Hall, 455 Wallace Street, Wednesday, January 17, 2018 at 5:30 p.m. be received for information. The motion carried unanimously.

It was moved and seconded that the Minutes of the Special Public Works and Engineering Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Tuesday, January 23, 2018 at 4:30 p.m. be received for information. The motion carried unanimously.

It was moved and seconded that the Minutes of the Community Planning and Development Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Tuesday, February 20, 2018 at 5:00 p.m. be received for information. The motion carried unanimously.

It was moved and seconded that the Minutes of the Nanaimo Youth Advisory Council Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Wednesday, February 21, 2018 at 4:30 p.m. be received for information. The motion carried unanimously.

It was moved and seconded that the Minutes of the Community Engagement Taskforce Meeting held in the Service and Resource Centre, 411 Dunsmuir Street, Tuesday, February 27, 2018 at 4:30 p.m. be received for information. The motion carried unanimously.

The Council meeting recessed at 8:55 p.m. with the intention to reconvene at 9:05 p.m.

The Council meeting reconvened at 9:05 p.m.

Councillor Yoachim returned to the Shaw Auditorium at 9:06 p.m.

Councillor Fuller returned to the Shaw Auditorium at 9:08 p.m.

9. CORPORATE SERVICES:

(a) 2018-2022 Financial Plan Amendment Bylaw

Introduced by Laura Mercer, Manager of Accounting Services.

It was moved and seconded that “Financial Plan Amendment Bylaw 2017 No. 7253.01” (To amend the 2018 – 2022 Financial Plan), pass first reading. The motion was defeated. Opposed: *Councillors Bestwick, Fuller, Hong, Kipp and Yoachim.*

It was moved and seconded that Council direct Staff to return with a 2% 2018 tax increase at their earliest convenience. The motion carried.

Opposed: *Mayor McKay, Councillors Armstrong, Brennan and Thorpe*

(b) 2018 Property Tax Rates Bylaw

This item was not considered.

(c) Finance and Audit Committee Recommendation from 2018-APR-11

It was moved and seconded that Council approve the allocation of the 2017 surplus as follows:

1. General Fund	
a. Property Purchase Reserve	\$1,100,000
b. General Capital Reserve	752,919
c. General Financial Stability Reserve	500,000
d. RCMP Contract Adjustment Reserve	247,081
e. Unallocated General Surplus	112,000

	\$2,712,000
	=====
2. Sewer Fund	
a. Sewer Reserve	\$400,000
b. Unallocated Sewer Surplus	69,000

	\$469,000
	=====
3. Water Fund	
a. Water Supply Reserve	\$180,000
b. Water Distribution Reserve	720,000
c. Unallocated Water Surplus	112,000

	\$1,012,000
	=====

It was moved and seconded that Council defer consideration of Agenda Item 8(a)3 - 2017 Allocation Surplus Report until a future Special Council meeting to be held 2018-APR-30. The motion carried unanimously.

K. Kronstal, Social Planner, entered the Shaw Auditorium at 10:12 p.m.

10. PUBLIC SERVICES:

(a) Downtown Revitalization Tax Exemption Program

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay vacated the Shaw Auditorium at 10:30 p.m. Acting Mayor Armstrong assumed the Chair.

Delegations:

1. Lawrence Rieper spoke regarding his concerns with the boundaries of the plan and public consultation regarding the bylaw.

Mayor McKay returned to the Shaw Auditorium at 10:21 p.m. and resumed the Chair.

2. Kevan Shaw spoke regarding a 20 year tax exemption for downtown commercial property owners.

It was moved and seconded that “Revitalization Tax Exemption Bylaw 2018 No. 7261” (To create a new Downtown Revitalization Tax Exemption Program) pass first reading. The motion carried unanimously.

It was moved and seconded that “Revitalization Tax Exemption Bylaw 2018 No. 7261” pass second reading. The motion carried unanimously.

It was moved and seconded that “Revitalization Tax Exemption Bylaw 2018 No. 7261” pass third reading. The motion carried unanimously.

(b) Port Drive Waterfront Master Plan

Introduced by Dale Lindsay, Director of Community Development. Karin Kronstal provided a verbal presentation.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.037” (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) pass first reading. The motion carried.

Opposed: Councillor Yoachim

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.037” pass second reading. The motion carried.

Opposed: Councillor Yoachim

(c) Development Variance Permit No. DVP344 – 5865 Turner Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP344.

No one in attendance wished to speak with respect to DVP344.

It was moved and seconded that Council issue Development Variance Permit No. DVP344 at 5865 Turner Road with the following variance:

- reduce the minimum lot frontage requirement from 15m to 14.48m for proposed Lots A and B.

The motion carried unanimously.

(d) Development Variance Permit No. DVP345 – 6142 Dennie Lane

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP345.

No one in attendance wished to speak with respect to DVP345.

It was moved and seconded that Council issue Development Variance permit No. DVP345 at 6142 Dennie Lane with the following variance:

- reduce the minimum flanking side yard setback from 4m to 2m.

The motion carried unanimously.

11. BYLAWS:

(a) "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252"

It was moved and seconded that "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252" (To impose development cost charges within the City of Nanaimo) be adopted. The motion carried unanimously.

(b) "Parcel Tax Roll Preparation Bylaw 2018 No. 7260"

It was moved and seconded that "Parcel Tax Roll Preparation Bylaw 2018 No. 7262" (To provide for the preparation of a parcel tax roll) be adopted. The motion carried unanimously.

9. CORPORATE SERVICES: (continued)

(e) Rezoning Application No. RA387 – 311 Selby Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.120" [To rezone 311 Selby Street from Community Service Three (CS3) to Fitzwilliam (DT2)] pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.120" pass second reading. The motion carried unanimously.

It was moved and seconded Council direct Staff to secure the closure of the Selby Street access and the community contribution through a covenant prior to the adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

(f) Rezoning Application No. RA388 – 2202 Meredith Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.121” [To rezone 2202 Meredith Road from Single Dwelling Residential (R1) to Townhouse Residential (R6) with site-specific provisions to increase the maximum permitted building height to 9.2m and increase the maximum allowable floor area ratio to 0.7] pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.121” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the road dedication and community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

It was moved and seconded the Council Meeting proceed past 11:00 p.m. The motion carried. Opposed: *Mayor McKay, Councillors Bestwick and Fuller*

Councillor Hong vacated the Shaw Auditorium at 10:57 p.m. declaring a conflict of interest as he has a liquor licence.

(g) Liquor License Application No. LA000128 – Unit 2, 940 Old Victoria Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council recommend that the Liquor Control and Licensing Branch approve the application to permit a lounge endorsement for an existing brewery manufacturing business located at 940 Old Victoria Road. The motion carried unanimously.

Councillor Hong returned to the Shaw Auditorium at 10:58 p.m.
Councillor Bestwick vacated the Shaw Auditorium at 10:58 p.m.

(h) Affordable Housing Strategy Discussion Paper

Introduced by Dale Lindsay, Director of Community Development.

Presentation:

1. Karin Kronstal, Social Planner, and Noha Sedky, City Spaces Consulting.

Councillor Fuller vacated the Shaw Auditorium at 11:19 p.m.

It was moved and seconded that the Affordable Housing Strategy Discussion Paper report dated 2018-APR-23 be received for information. The motion carried unanimously.

K. Kronstal, Social Planner, vacated the Shaw Auditorium at 11:21 p.m.

(i) Development Permit No. DP1051 – 548 Steeves Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1051 at 548 Steeves Road with the following variance:

- Increase the maximum building height from 9m to 10.5m.

The motion carried unanimously.

(j) "Highway Closure and Dedication Removal Bylaw 2018 No. 7258"

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that "Highway closure and Dedication Removal Bylaw 2018 No. 7258" (To provide Highway Closure and Dedication Removal of a Portion of Beadall Road Adjacent to Roberta Road East) be adopted. The motion carried unanimously.

(k) Development Permit No. DP1068 – 11 Roberta Road East

It was moved and seconded that Council issue Development Permit No. DP1068 at 11 Roberta Road East with the following variance:

- reduce the watercourse setback from 15m to 0m as measured from top of bank to permit a creek crossing.

The motion carried unanimously.

(l) Development Permit No. DP1078 – 3200 Island Highway North

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1078 at 3200 Island Highway with the following variance:

- permit fascia signage to project 2.1m above the roofline.

The motion carried unanimously.

(m) Development Permit No. DP1083 – 6975 Island Highway North

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1083 at 6975 Island Highway North with the following variances:

- increase the maximum building height of Buildings A, B, and C from 14m to 15.4m; and,
- reduce the required off-street parking from 250 parking spaces to 160 parking spaces.

The motion carried.

Opposed: Councillor Armstrong and Thorpe.

12. PUBLIC SAFETY:

(a) 2018 Strategic Directions – Public Safety Committee

Introduced by Karen Fry, Fire Chief and Director of Public Safety.

It was moved and seconded that Council approve the 2018 Strategic Directions of the Public Safety Committee:

- Fire Station #1 Rebuild
- City Bylaws
- Graffiti Strategy
- Fire Plan – Service Delivery Plan (2019-2021)
- Community Policing
- Public Disorder
- Cannabis Task Force
- Policing Priorities
- Emergency Management

The motion carried unanimously.

13. CORRESPONDENCE:

(a) Letter from the Regional District of Nanaimo Re: Drinking Water and Watershed Protection Service Amendment Bylaw No. 1556.03, 2018

It was moved and seconded that Council receive for information the letter from the Regional District of Nanaimo Re: Drinking Water and Watershed Protection Service Amendment Bylaw No. 1556.03. The motion carried unanimously.

It was moved and seconded that Council consent, on behalf of the electors, to the adoption of "Drinking Water and Watershed Protection Service Amendment Bylaw No. 1556.03, 2018" and further, that the Regional District be notified accordingly. The motion carried unanimously.

14. NOTICE OF MOTION:

(a) Councillor Kipp Notice of Motion Regarding Financial Policies

Councillor Kipp advised that at the May 7, 2018 Council Meeting he would be bringing forward the following motion for consideration:

Whereas Finance was working on a number of policies and some Administrative Procedures and Guidelines, that are not in place but are necessary such as; Budget and Fiscal Management Policy, Reserve Policy, Revenue Policy, Debt Management Policy that

stem from the Core Services Review and subsequent Council actions and Council requests an update and timeframe for these policies.

- (b) Mayor McKay Notice of Motion Regarding Reconsideration "Zoning Amendment Bylaw 2017 No. 4500.118"

Mayor McKay advised that at the May 7, 2018 Council Meeting he would be bringing forward the following motion for reconsideration:

"It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.118" (To rezone 1615 Northfield Road from Single Dwelling Residential (R1) to Residential Corridor [COR1]) pass third reading. The motion was defeated. *Opposed: Councillors Bestwick, Fuller, and Kipp.*"

- (c) Mayor McKay Notice of Motion Regarding Site Selection for Overdose Prevention Site

Mayor McKay advised that at the May 7, 2018, Council Meeting he would be bringing forward a motion for consideration:

"To identify sites available for a federally regulated and recognized overdose prevention site."

15. QUESTION PERIOD:

- No one in attendance wished to ask questions.

16. ADJOURNMENT:

It was moved and seconded at 11:29 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

Delegation Request

Mr. McDowall has requested an appearance before Council.

The requested date is May 14, 2018.

The requested meeting is:
Special Council

Presenter's Information:

Mr. McDowall and the Grade 5 class from Departure Bay Elementary School

City: Nanaimo

Province: BC

Bringing a presentation: Yes

Details of Presentation:

Grade 5 students from Departure Bay Elementary School are currently investigating designs for playgrounds that could be utilized for the Port Drive Waterfront Development plan. After completing a unit on local government, they are keen to experience how local government works and have their voices heard. Through research and school wide questionnaires, the students would like the chance to present (no more than 5 minutes) their findings on the importance of playgrounds and why children's perspectives are important.

MINUTES
COMMUNITY ENGAGEMENT TASK FORCE MEETING
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
TUESDAY, 2018-MAR-27, AT 4:30 P.M.

Present: Norm Smith, Chair
Les Barclay
Robert Fuller
Ian Gartshore (joined via telephone 4:57 p.m.)
Erin Hemmens
Bill Manners (arrived 5:33 p.m.)
Nancy Mitchell
Rosemary Secord (vacated 5:40 p.m.)
Peter Urquhart

Staff: T. Loewen, Communications & Marketing Specialist
J. Vanderhoef, Recording Secretary

1. CALL THE COMMUNITY ENGAGEMENT TASK FORCE MEETING TO ORDER:

The Community Engagement Task Force Meeting was called to order at 4:34 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 7(a) – Community Engagement Planning Session – add the following documents:
- Session #2 and #3 Proposals; and,
 - Proposal for Session #2.
- (b) Les Barclay advised that he would be bringing forward an item under Agenda Item 7 – Other Business regarding additional context and big plans.
- (c) Norm Smith advised that Bill Manners had submitted a proposal and wished to bring it forward under Agenda Item 7(a) - Community Engagement Planning Session.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Special Meeting of the Community Engagement Task Force held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2018-FEB-27 at 4:30 p.m. be adopted, as

amended, to show Nancy Mitchell will draft a proposal for a session that explores one topic more comprehensively. The motion carried unanimously.

By unanimous consent, the Agenda was reordered to review Agenda Item 7(c) - Additional Context and Big Plans prior to Agenda Item 7(a) – Community Engagement Planning Session.

5. OTHER BUSINESS:

(a) Additional Context and Big Plans

Les Barclay spoke regarding Council's availability to attend session #2. He noted that due to the pending election this year the work that the Task Force is doing will develop a tool to aid the next Council to communicate and engage with Staff and Citizens. He spoke regarding the City of Hamilton and how they have provided a Public Engagement Charter, outlining their core principles of engagement. A copy of this Public Engagement Charter is available on the City of Hamilton's website. Les Barclay suggested that the City of Nanaimo review its communication process.

Community Engagement Task Force discussion took place regarding:

- asking Councillors for feedback on what they learned during their term;
- July session being focused on Community Engagement; and,
- possibly providing the communication process as a topic ahead of time for the July session in order to gain feedback from the community.

Ian Gartshore joined via telephone at 4:57 p.m.

(b) Community Engagement Planning Session

Norm Smith requested that the three proposals be summarized and presented for consideration by the Task Force.

Nancy Mitchell provided an overview of her proposal for session #2 and #3 as follows:

- micro town hall format;
- reduce potential disruptions and power struggles by having citizens and Councillors on one level;
- 9 tables around the room;
- residents would sit at a table and Councillors would rotate tables every 30 minutes;
- residents would have opportunity to ask their questions in a one-on-one format at the table;
- creates a less intimidating atmosphere with the opportunity to ask more intimate questions;
- each table would have a facilitator to enforce time limits and fair process; and,
- all of the questions asked at the session would be compiled afterwards to determine the most pressing topics.

Peter Urquhart provided an overview of his proposal for session #2 as follows:

- does not recommend changing format, but rather learning from the first open space format and enhancing it;
- suggests leaving session #3 open until after review of session #2;
- concerned that the micro town hall format may be less efficient, and could create participation fatigue;
- concerned that the micro town hall relies on the attendance of Council but there was minimal attendance at session #1; and,
- provided a list of potential enhancements to the open space format addressing deficiencies noted in session #1.

Norm Smith read aloud a proposal put forward by Bill Manners regarding a hybrid e-town hall format. The proposal was summarized as follows:

- open topics with some exceptions;
- multiple display boards set up around a room with each board relating to a procedure and/or topic;
- residents would walk around the room and write down their questions on the applicable board, or provide them to a staff member;
- each resident who has signed up on a board would be given one minute each to ask their question;
- Council or Staff would be limited to how many people can respond and given two minutes to respond;
- at the end there would be an opportunity to ask further questions; and,
- each member of Council would be given a five minute time frame at the end of the session to provide an overview/summary.

Community Engagement Task Force discussion took place regarding the merits of all three proposals as follows:

- testing a variety of approaches to public engagement to weight the pros and cons;
- differences between the three proposals;
- topics being open ended versus subjects set out on a table;
- need to mitigate adversarial situations during questioning;
- responses received from the public determined they have requested more open houses, and town halls;
- questioning and methods of responding;
- suggested a quarterly schedule of engagement sessions;
- the need for good facilitation, and who could potentially facilitate the sessions;
- Task Force members not being facilitators due to the perceived power conflict with Councillors;
- scrap session #2 and proceed to session #3 in order to have a good action plan and reduce community engagement fatigue;
- have participants evaluate how they felt sessions went;

Bill Manners entered the Boardroom at 5:33 p.m.

- importance of Council attending;
- when does the feedback get assimilated and when do we implement the feedback;

Rosemary Secord vacated the Boardroom at 5:40 p.m.

- final report will come after fourth session;
- encourage people to participate in the third session by telling them what it will be about at the second session;
- inviting key note speakers, extending the timeframe, hosting on a Saturday;
- repetition of questions in micro town hall format.

Community Engagement Task Force discussion turned to meeting frequency and reviewing an informal meeting held by four members in advance of this meeting. There was some debate regarding procedure and how the Task Force fits within the *Community Charter's* regulations. All members agreed that the time frame is restricted and they would like other options to meet beyond what has been scheduled.

It was moved and seconded that the Community Engagement Task Force use a micro town hall format for the second Community Engagement Session. The motion carried.

Opposed: *Bill Manners and Peter Urquhart*

(c) Discussion Regarding Timeframe for July 2018 Engagement Session

Tracy Loewen, Communications & Marketing Specialist, requested that the Community Engagement Task Force provide a time frame for the July 28, Oliver Woods, session #3. She suggested 11:00 a.m. to 3:00 p.m. in order to target the most diverse population group.

The Community Engagement Task Force agreed to book the Oliver Woods facility for July 28th between the hours of 10:00 a.m. to 6:00 p.m.

Community Engagement Task Force discussion took place regarding the April 26, session #2, located at Beban Park, and the time frame for that. The Task Force agreed to schedule session #2 from 6:30 p.m. to 9:30 p.m. and to reserve an hour before and after to accommodate set up and take down. It was noted that they would like the doors to be open at 6:00 p.m.

(b) Community Engagement Planning Session (continued)

Erin Hemmens spoke regarding the need for 9 facilitators/moderators during the micro town hall, session #2. She suggested that an email be drafted for Council asking for an RSVP.

Community Engagement Task Force discussion took place regarding planning for session #2 as follows:

- one table to have a computer with access to live Facebook submissions;
- Vancouver Island University students, or volunteers, be present to keep track of questions being asked;
- Honorariums, and the Task Force's budget;
- inviting Toastmasters to be moderators;
- approaching other groups and resources as alternatives to Vancouver Island University;
- Reed Botwright, Senior Applications Analyst, was recommended to be the moderator of the session;
- Ian Gartshore and Bill Manners will work together to find time keepers and nine experienced moderators to man the tables; and,
- advertising of questions or open topics.

It was moved and seconded that the Community Engagement Task Force request that Staff review possible dates within the next two weeks to schedule a Special Community Engagement Task Force meeting, and report back to the Task Force with possible dates. The motion carried unanimously.

6. QUESTION PERIOD:

- Dorothy Houghton re: importance of Councillors participating at sessions, power struggles during question period and suggested that a decorum statement be read aloud at the start of sessions.

7. ADJOURNMENT:

It was moved and seconded at 6:34 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

DATE OF MEETING | MAY 14, 2018 |

AUTHORED BY | SHEILA GURRIE, CITY CLERK AND CORPORATE OFFICER |

SUBJECT ALTERNATIVE APPROVAL PROCESS RESULTS - “FIRE STATION #1 BORROWING BYLAW 2018 NO. 7257”

OVERVIEW

Purpose of Report

To provide Council with the results of the Alternative Approval Process and to obtain Council approval for adoption of “Fire Station #1 Borrowing Bylaw 2018 No. 7257” |

Recommendation

That Council receive for information the results of the Alternative Approval Process related to “Fire Station #1 Borrowing Bylaw 2018 No. 7257”.

DISCUSSION

Further to Council direction provided at its Regular Council Meeting held 2018-FEB-19, the City conducted an Alternative Approval Process (AAP) to obtain approval of the electors for the adoption of “Fire Station #1 Borrowing Bylaw 2018 No. 7257”. This bylaw would authorize the City to borrow up to 17 million dollars for the reconstruction of Fire Hall No.1.

Notice of the AAP was published in the March 29, 2018 and April 3, 2018 editions of the Nanaimo News Bulletin. In addition to these two statutory notices, two news releases were issued, Facebook and Twitter communication tools were used, a video providing information on how to participate in the AAP was created and a banner was placed on the home page of the City’s website. The notice and supporting information also appeared on the City’s website and public notice board. All City facilities had printed Elector Response Forms for the public to use. The deadline for receipt of Elector Response Forms was 2018-MAY-04 and the results below confirm that elector approval through the AAP has been obtained.

AAP Results:

The deadline for the receipt of elector response forms for “Fire Station #1 Borrowing Bylaw 2018 No. 7257” was 4:30 p.m. on Friday, May 4, 2018.

Number of Valid Elector Response Forms received prior to the deadline	783
10% of electors within the City of Nanaimo	6,842

On the basis of the elector response forms received before the deadline, the Corporate Officer has determined and certified that the elector approval in accordance with Section 86 of the *Community Charter* has been obtained.

Therefore, Council may proceed with the adoption of “Fire Station #1 Borrowing Bylaw 2018 No. 7257” which appears under the Bylaws section of this evening’s agenda. |

SUMMARY POINTS

- Further to Council direction provided at its Regular Council Meeting held 2018-FEB-19, the City conducted an Alternative Approval Process (AAP) to obtain approval of the electors for the adoption of Bylaw 7257.
- The bylaw would authorize the City to borrow up to 17 million dollars for the reconstruction of Fire Hall No. 1.
- Elector approval in accordance with Section 86 of the *Community Charter* has been obtained.
- Council may proceed with the adoption of Bylaw No. 7257 which appears under the Bylaw section of this evening’s agenda. |

Submitted by: |

Sheila Gurrie,
City Clerk and Corporate Officer |

|

DATE OF MEETING MAY 14, 2018

AUTHORED BY BRUCE ANDERSON, MANAGER, COMMUNITY AND CULTURAL PLANNING

SUBJECT STRATEGIC DIRECTIONS – NANAIMO YOUTH ADVISORY COUNCIL

OVERVIEW

Purpose of Report

To obtain Council approval for the Nanaimo Youth Advisory Council's 2018 Strategic Directions.

Recommendation

That Council endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council as follows:

- 1: Youth Poverty;
- 2: Transportation; and,
- 3: Event Participation and Organization.

BACKGROUND

Council's formation of select committees, including the Nanaimo Youth Advisory Council, provide for the preparation of annual Strategic Directions for each committee. The Strategic Directions for the committee, together with the Terms of Reference, provide the scope of content to provide advice and recommendations to Council and ensure the work of the committee directly links to Council's objectives.

Staff have prepared the 2018 Annual Strategic Directions for the Nanaimo Youth Advisory Council (Attachment A). The Strategic Directions were reviewed with the Nanaimo Youth Advisory Council and endorsed at its 2018-APR-18 meeting. The scope of content for the Strategic Directions relates to the Council Strategic Plan Update 2016-2019, as well as to adopted plans and programs approved by Council.

OPTIONS

1. That Council endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council as follows:
 - Item 1: Youth Poverty
 - Item 2: Transportation
 - Item 3: Event Participation and Organization.
 - **Budget Implication:** There are no direct budget implications for the Strategic Directions.
 - **Strategic Priorities Implication:** The 2018 Strategic Directions relate to Council's Strategic Plan Update 2016-2019.

2. That Council amend and endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council.
 - **Budget Implication:** There are no direct budget implications for the Strategic Directions.
 - **Strategic Priorities Implication:** The 2018 Strategic Directions relate to Council's Strategic Plan Update 2016-2019.
3. That Council not endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council and provide alternative direction for the committee. |

SUMMARY POINTS

- |The 2018 Strategic Directions for the Nanaimo Youth Advisory Council have been prepared for Council's consideration and approval.
- 2018 Strategic Directions are provided to guide the annual work of the Nanaimo Youth Advisory Council. |

ATTACHMENTS

Attachment A: 2018 Strategic Directions – Nanaimo Youth Advisory Council |

Submitted by:

Bruce Anderson
Manager, Community and Cultural Planning |

Concurrence by:

Dale Lindsay
Director, Community Development |

2018 Annual Strategic Directions for the Nanaimo Youth Advisory Council

Item 1: Youth Poverty

How does it relate to the following?

Strategic Plan Update 2016-2019	Adopted Plans and Documents	Programs
<ul style="list-style-type: none"> Economic Health, Social Equity Community Wellness 	<ul style="list-style-type: none"> Social Development Strategy 	<ul style="list-style-type: none">

Item 2: Transportation

How does it relate to the following?

Strategic Plan Update 2016-2019	Adopted Plans and Documents	Programs
<ul style="list-style-type: none"> Social Equity Community Wellness 	<ul style="list-style-type: none"> Official Community Plan Nanaimo Transportation Master Plan 	<ul style="list-style-type: none">

Item 3: Event Participation and Organization

How does it relate to the following?

Strategic Plan Update 2016-2019	Adopted Plans and Documents	Programs
<ul style="list-style-type: none"> Cultural Vitality Community Wellness Recreation, Culture, Sports and Tourism 	<ul style="list-style-type: none"> Official Community Plan Cultural Plan 	<ul style="list-style-type: none">

DATE OF MEETING | MAY 14, 2018 |

AUTHORED BY | POUL ROSEN, SENIOR MANAGER, ENGINEERING |

SUBJECT | CLIFF STREET CONTAMINATED SOILS |

OVERVIEW

Purpose of Report

To respond to questions with regards to Contaminated Soils Management asked by Council at the December 5, 2016 Council Meeting.

Recommendation

That the “Cliff Street Contaminated Soils” report dated May 14, 2018 be received for information.

BACKGROUND

As part of the Cliff Street Utility Renewal project in 2016, it was necessary to excavate through areas of historic fill. This fill was suspected to contain varying levels, locations and types of contamination regulated by the Ministry of the Environment (MoE). To ensure any potentially contaminated soils were handled appropriately and in accordance with the MoE requirements, McElhanney Consulting Ltd. was retained to provide expert oversight and professional services. They provided engineering design, environmental permitting, consulted with the MoE, developed an Environmental Management Plan (EMP), completed soils testing and monitored the work. The project was completed and financial reporting was submitted to Council on December 5th, 2016.

DISCUSSION

At the December 5, 2016 Council Meeting a motion was passed that Council direct Staff to prepare a report regarding the handling of materials at the Cliff Street project. The objective of this report is to answer the following Council questions:

1. Was the BC Contaminated Sites Regulation (CSR) Schedule 7 Standards for Soil Relocation to Non-Agricultural Land (Schedule 7 Standards) met?
2. Was 106 Wall Street on the MoE registry to receive hazardous materials?
3. Was there a site recovery assessment, or an approved site to move to?
4. Is there a MoE letter of all clear?
5. Was the biocell Ministry of Environment Protocol 15 standard met?

A report addressing the questions above is attached. In summary, the answers are as follows:

1. Yes, Schedule 7 Standards were applied and adhered to.
2. 106 Wall Street is not a registered site nor did it need to be in order to complete the project. None of the soils encountered during the project were determined to be “hazardous” waste.

3. An SRA (interpreted to mean Soil Relocation Agreement) was not required.
4. There is no MoE letter of all clear required.
5. Ministry of Environment Protocol 15 for Contaminated Sites – Soil Treatment Facility Design and Operation for Bioremediation of Hydrocarbon Contaminated Soil was not applicable to the project.

No hazardous soils were encountered during the project.

Testing prior to construction confirmed the presence of contaminated soils regulated by the MoE. Given the limited space on Cliff Street, it was necessary to find a location where the soils could be sorted, tested and handled appropriately. Several potential locations for the materials handling site were reviewed; however, 106 Wall Street was chosen because of proximity to the work site and that it was already scheduled to be repaved. The proximity of the transfer site allowed the City to significantly reduce costs of material handling, disposal and importing granular backfill materials.

Prior to construction, environmental mitigation measures were developed and implemented to prepare 106 Wall Street for stockpiling and containment of excavated materials. This work included:

- Patching and sealing of potholes to create an impervious working surface.
- Installation of a containment berm and fencing around the site.
- Permitting and installation of a runoff collection system discharging to the sanitary sewer (to minimize stormwater discharge from the site).
- Erosion and sediment control measures.
- Tarping of contaminated soils as needed.

Throughout the course of construction, environmental monitoring continued to ensure that mitigation measures remained in place.

The value of using a temporary materials handling site was important in reducing the City's costs. In particular, it allowed the reuse of some of the soils in the project, saving both disposal fees and imported gravel costs. If stockpiling, testing and sorting was not possible, a worst case assumption may have been necessary requiring all the soils to be sent to disposal facilities and imported gravel to be used. For Cliff Street, the cost of this could have been as high as \$700,000 extra.

The City has a significant amount of buried infrastructure within areas of historic fill, particularly in the downtown. The use of a temporary material transfer site for contaminated material handling has been required on several City projects in the past and will continue to be needed in the future when working in areas of potential contamination.

SUMMARY POINTS

- Questions regarding the contaminated soils management have been addressed and no hazardous soils were encountered throughout the project.
- The use of a temporary transfer site for stockpiling and sorting the soils was completed with MoE guidance following best practices.
- The use of a temporary material transfer site was identified prior to tender to limit schedule, costs and impacts to construction schedule and local businesses and residents.
- Materials handling sites are an important means to control project costs when contaminated soils are encountered on projects with limited space.

ATTACHMENTS

Attachment A - Cliff Street – McElhanney Consulting Response dated February 10, 2017

Submitted by:

Poul Rosen
Senior Manager, Engineering

Concurrence by:

Bill Sims
Director of Engineering and Public Works

10 February 2017

Our File: 2243-16004-00 Task 3001

Engineering & Public Works
The City of Nanaimo
455 Wallace Street
Nanaimo, B.C. V9R 5J6

Attention: Mr. Michael Strain,

The City of Nanaimo – Cliff Street Utility Upgrades
Response to City Council Questions

1.0 INTRODUCTION

McElhanney Consulting Services Ltd. (McElhanney) is pleased to provide this letter to the City of Nanaimo (the Client) regarding the Cliff Street Utility Upgrade Project (the Project), in Nanaimo, BC. This letter is the result of questions raised by Nanaimo City Council members regarding the Project during the December 5th, 2016 council meeting. As discussed, the questions posed were general in nature and in several instances we have made some assumptions regarding the question. Assumptions are highlighted within. The Project location is shown on [Figure 1](#).

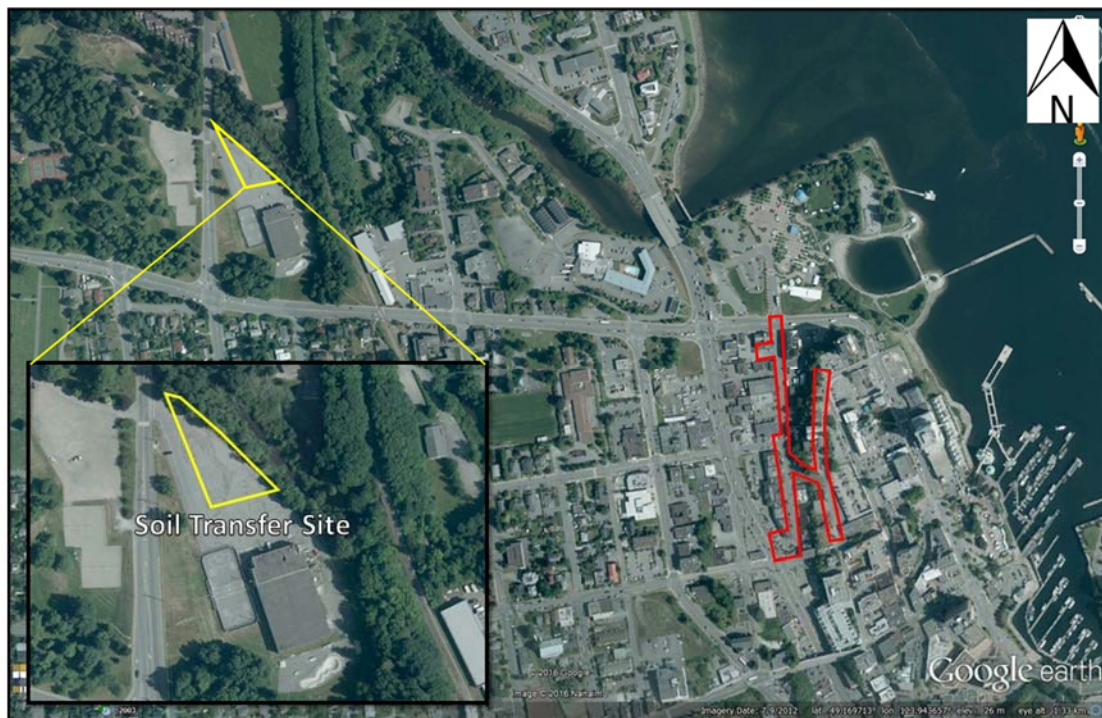


Figure 1 – The Project Site which includes the location of the Soil Transfer Site (yellow outline) at 106 Wall Street, and the Construction Site (red outline) on Cliff, Benson and Skinner Streets, Nanaimo, BC (Image courtesy of Google Earth).

2.0 NANAIMO CITY COUNCIL QUESTIONS

Questions posed by City Councillors during the December 5th, 2016 council meeting, as well as responses from McElhanney, are outlined below.

- **Question: Was the Relocation Schedule 7 standard met?**

Response: Yes, Schedule 7 standards for Soil Relocation to Non-Agricultural Land were applied and adhered to.

Supporting Information: We assume that the question relates to the BC Contaminated Sites Regulation (CSR) Schedule 7 Standards. Schedule 7 has several subsections, in this instance the Site-specific conditions require “Schedule 7 - Soil Relocation to Non-Agricultural Land (Column II)” to be applied. Such an application is needed to determine soil disposal options. For all samples collected, laboratory chemistry was compared against this standard and soils were managed in accordance with the Environmental Management Act and its regulations. As determined by the soil chemistry, soils were disposed of at locations that were authorized to accept the material.

- **Question: Was 106 Wall Street on the registry to receive hazardous materials?**

Response: 106 Wall Street is not a registered Site nor did it need to be to complete the project, as none of the soils encountered during the project were determined to be hazardous waste. The facilities used for disposal of soil from the Project are permitted Sites for this activity. The City filed information with BC MOE during the Project and the Cliff Street road right-of-way is now a registered Site, as contamination was discovered during excavation. None of the soils excavated during the Cliff Street Utility Upgrades were classified as hazardous waste as defined by the BC Hazardous Waste Regulation.

Supporting Information: A receiving Site is registered with the BC Ministry of Environment (MOE) if it is the generator and/or the final disposal facility for contaminated soils. The property at 106 Wall Street was not a generator or a final disposal site.

During the construction of the Project, contamination was determined to be present within the Cliff Street right-of-way. As a result, two Notifications of Independent Remediation (NIR) and associated Site Risk Classification Reports were prepared and submitted to the BC MOE on behalf of the City. These documents essentially identify the Cliff Street Right of Way as a “Registered Site”. The NIRs were completed in accordance with Section 54(2) of the BC *Environmental Management Act*, Sections 57 (1.2) and (2) of the BC CSR and BC MOE *Protocol 12 for Contaminated Sites – Site Risk Classification, Reclassification and Reporting*. The Sites that received the contaminated soils are permitted to do so by third party contractors. An NIR is not necessary for these properties as the facilities confirmed that the analyses completed on the soils were acceptable with their facility’s permits. Analytical results indicated that although contamination was present in concentrations exceeding applicable BC CSR standards, none of the excavated soils were classified as a hazardous waste. Should the City or any other party decide to search the BC MOE registered Site database in the future, Cliff Street will be identified as a “registered Site”.

- **Question: Was there a site recovery assessment, or an approved site to move to?**

Response: We assume that the question relates to a Soil Relocation Agreement (SRA) as a Site recovery assessment is not term related to the BC Contaminated Sites Regulation. An SRA was not required. All soils were disposed of at facilities that were authorized to accept the material.

Supporting Information: For this project there were significant space constraints within the project boundaries and road right of way, soils encountered were not always suitable for backfill within the utility trenches (from a geotechnical perspective) and due to the increased size of the new utilities and the need to install appropriate bedding, excess soils were generated. These soils were excavated and were transported to the Soil Transfer Site at 106 Wall Street for temporary stockpiling. Soil sampling was also completed at this location to allow for classification for due diligence purposes prior to off-Site disposal. This work was completed in consultation with the BC MOE, who recognized that stockpiling of soil on Cliff Street was not possible.

Due to the nature of Cliff Street, soil sampling was completed ahead of project construction. It was recognized by all parties that the soils in Cliff Street were variable in nature due to historic infilling and would be considered suspect, however not necessarily contaminated. As a result, an Environmental Management Plan was developed and implemented during construction for the Soil Transfer Site. This plan was used to provide the contractor with guidance on the management of the environmental aspects of the Site.

- **Question: Is there a Ministry letter of all clear?**

Response: There is no Ministry letter of all clear.

Supporting Information: McElhanney understands that the Council member posing the question may be referring to a Letter of Comfort from the BC MOE. Letters of Comfort were issued by the BC MOE historically to provide the Site owner with some level of assurance that remediation completed on the property met the Ministry's requirements. Letters of Comfort were only issued prior to July 1, 1995.

It should be noted that local governments are not responsible for remediation within easements, highways, or utility right-of-ways that they own, unless they caused the contamination (i.e. a spill from a municipal vehicle or municipal equipment). This information is outlined in BC MOE *Fact Sheet 8 on Contaminated Sites – Protecting Local Governments as Land Owners from Liability*.

- **Question: Was the Biocell Ministry of Environment Protocol 15 standard met?**

Response: BC MOE *Protocol 15 for Contaminated Sites – Soil Treatment Facility Design and Operation for Bioremediation of Hydrocarbon Contaminated Soil* was not applicable to the Project.

Supporting Information: Protocol 15 is intended for the design, operation and regulation of bioremediation soil treatment facilities. The Soil Transfer Site was only used as a temporary soil storage area, and no bioremediation or long-term storage of soil occurred as part of the Project. Contaminated soil was disposed of off-Site at provincially permitted facilities.

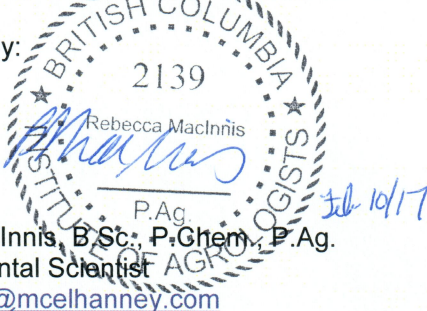
3.0 CLOSING

We trust this information is sufficient at this time. McElhanney appreciates the opportunity to provide environmental services to the City of Nanaimo. If you have any questions regarding the information within please do not hesitate to contact the undersigned.

Yours truly,

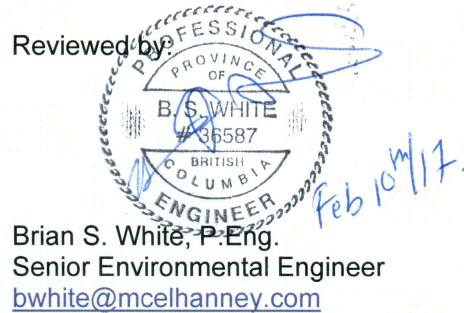
McELHANNEY CONSULTING SERVICES LTD.

Prepared by:



2139
Rebecca MacInnis
P. Ag.
Becky MacInnis, B.Sc., P.Chem., P. Ag.
Environmental Scientist
bmacinnis@mcelhanney.com

Reviewed by:



B.S. WHITE
#36587
P. Eng.
Brian S. White, P. Eng.
Senior Environmental Engineer
bwhite@mcelhanney.com

Cc Chris Pogson, P. Eng. – Branch Manager

DATE OF MEETING May 14, 2018

AUTHORED BY DARCY FOX, MANGER OF BUILDING INSPECTIONS

SUBJECT BUILDING BYLAW AMENDMENT

OVERVIEW

Purpose of Report

To introduce an amendment to the Building Bylaw for Council's consideration.

Recommendation:

1. That "Building Amendment Bylaw 2018 No. 7224.01" (To bring Building Bylaw 2016 No. 7224 into conformance with the *Building Act*) pass first reading;
2. That "Building Amendment Bylaw 2018 No. 7224.01" pass second reading; and,
3. That "Building Amendment Bylaw 2018 No. 7224.01" pass third reading.

BACKGROUND

Through legislation passed through an amendment to the *Building Act* as of 2017-DEC-15, the Province of British Columbia has removed the ability for local governments to implement technical Building Code requirements through its bylaws.

The City of Nanaimo currently employs a provision in our Building Bylaw that is affected by this legislation.

Additionally, Staff seek to affect a wording change that will impact the overall meaning regarding exemptions to work and services requirements.

DISCUSSION

The proposed amendments, if adopted, will allow the City's Building Bylaw to better conform to changes in the *Building Act*, and provide a better interpretation of allowed exemptions from works and services requirements.

Conformance to the *Building Act* Amendment

Currently Building Bylaw 7224, Section 6.8 states:

"No person shall repair a building damaged by fire, decay, storm, or otherwise to an extent greater than 75% of its assessed value above its foundations unless in every respect the whole of the building is made to comply with the Building Code."

The effect of the *Building Act* amendment means this particular provision in our Building Bylaw no longer has any legal effect. Staff propose to remove this provision.

Works and Services Exemption

Current wording in Section 25.1 of the Building Bylaw – Exemptions to Works and Services, if left unchanged, could be interpreted to mean the applicant would need to meet each point in Section 25.1 in order to qualify for the works and services exemption. Staff propose to clarify this section to conform to the current interpretation that if the applicant meets any of the points in Section 25.1, they would qualify for exemption from works and services requirements.

Proposed Change

The change from “and” to “or” in subsection 25.1.4 clarifies that only one of the subsections needs to be met to exempt a development from works and services. This amendment would be consistent with the current interpretation of the bylaw.

“25. Exemptions to Works and Services

25.1 The requirements in Section 24 shall not apply where:

25.1.1 the value of construction does not exceed \$150,000;

25.1.2 where the construction will take place on a parcel of land which is zoned:

25.1.2.1 “I-1” (Highway Industrial) and the value of construction does not exceed \$150,000;

25.1.2.2 “I-2” (Light Industrial) and the value of construction does not exceed \$250,000;

25.1.2.3 “I-3” (High Tech Industrial); or

25.1.2.4 “I-4” (Industrial).

25.1.3 the construction will result in the addition to an existing building and the additional floor area will not exceed 25% of the existing floor area;

25.1.4 the construction will result in the creation and/or location of no more than a total of four residential units on the site being developed; and or

25.1.5 the construction will consist only of interior renovations related to an existing building or structure.”

SUMMARY POINTS

- The *Building Act* has removed the ability for local governments to implement technical Building Code requirements.
- The proposed amendment, if adopted, will allow the City's Building Bylaw to better conform to changes in the *Building Act*.
- Current wording in Building Bylaw could be interpreted to mean the applicant would need to meet each point in Section 25.1 in order to qualify for the works and services exemption.
- The proposed amendment will be consistent with current interpretation.

ATTACHMENTS

“Building Amendment Bylaw 2018 No. 7224.01”

Submitted by:

Darcy Fox
Manager of Building Inspections

Concurrence by:

Dale Lindsay
Director of Community Development

CITY OF NANAIMO
BYLAW NO. 7224.01
A BYLAW TO AMEND THE BUILDING BYLAW

The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Building Amendment Bylaw No. 2018 No. 7224.01”.

2. Amendments

“Building Bylaw 2016 No. 7224” is hereby amended as follows:

- (1) By deleting Section 6.8 in its entirety.
- (2) By deleting Section 25.1.4 in its entirety and replacing with the following.

“25.1.4 the construction will result in the creation and/or location of no more than a total of four residential units on the site being developed; or”

PASSED FIRST READING _____
PASSED SECOND READING _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

DATE OF MEETING MAY 14, 2018

AUTHORED BY DORIS FOURNIER, MANAGER, MUNICIPAL INFRASTRUCTURE

SUBJECT 11-5600-03 WATER METERING POLICY

OVERVIEW

Purpose of Report

To present options and recommendations regarding the “11-5600-03 Water Metering Policy”.

Recommendation

That Council approve “11-5600-03 Water Metering Policy” dated 2018-MAY-14.

BACKGROUND

Water meters represent an important component of the municipal water system as they measure the consumption of water by users. They are proven tools used for water conservation, equity billing, minimizing system losses, and delaying supply, treatment and conveyance infrastructure upgrades.

With the mandatory metering program implemented decades ago, the City has approximately 25,350 meters, consisting of about 24,000 residential meters and approximately 1,350 ICI (industrial / commercial / institutional) meters. These meters service approximately 91,000 people. With an estimated service life of 20 years, a large portion of the City’s water meters will require renewal in the next five (5) years.

Following good asset management practices, there is an ongoing need to upgrade and replace ageing water meter infrastructure. With the average age of the water meter infrastructure nearing its expected useful life, an initiative was undertaken to look at the entire meter life cycle and compatibility with reading systems and interface software.

This Policy is important to the City, as the purveyor of water, owner of the infrastructure and governing body.

The main aspects of the Water Meter Policy include:

- That the vision and goals of the City, as articulated in the Official Community Plan, are realized from the development of strategies, plans and standards for water meters.
- That consultants, contractors, developers and Staff have a clear vision of metering requirements.
- Technology selection guidelines that will enhance the long-term value of the service provided and ensure sustainment of the processes.
- Coherence with the Cross Connection Control Bylaw.

The proposed Water Metering Policy was presented to the Public Works and Engineering Committee on 2018-JAN-23. The Committee requested some minor changes to the policy and passed a motion endorsing the “11-5600-03 Water Metering Policy”.

OPTIONS

1. That Council approve “11-5600-03 Water Metering Policy” dated 2018-MAY-07:
 - **Budget Implication:** With the City already fully metered, there should be no direct financial implications to implement this Policy. However, the Policy is meant to guide asset management decisions and the selection of technology that may have direct and indirect impacts in the future.
2. That Council provide alternate direction.

SUMMARY POINTS

- Water meters represent an important component of the municipal water system.
- The Policy is relevant to the City, as the purveyor of the water, the owner of the infrastructure and the governing body.
- The Policy will ensure that consultants, contractors, developers and Staff have a clear vision of metering requirements and coherence with the Cross Connection Control Bylaw.

ATTACHMENTS

Attachment A - “11-5600-03 Water Metering Policy”

Attachment B - 2017 Water Metering Strategy

Attachment C – April 5, 2018 letter from KWL Re: Review of the City of Nanaimo’s Water Draft Water Metering Policy and Water Metering Strategy

Submitted by:

Doris Fournier
Manager, Municipal Infrastructure

Concurrence by:

Poul Rosen
Senior Manager, Engineering



Section:	Engineering and Public Works	11
Subsection:	Water Supply and Distribution	5600
Title:	Water Metering Policy	03

POLICY

This policy is intended to formalize drinking water metering direction so that the vision and goals of the City, as articulated in the Official Community Plan (OCP), can be realized. This Policy is relevant to the City, as the owner and operator of the water supply, treatment and distribution system, and to residents and businesses as the consumers of water.

REASON FOR POLICY:

For the development of strategies, plans, and standards for water metering within the City of Nanaimo so that users, developers and staff have clear vision of metering requirements and drinking water infrastructure life cycle.

AUTHORITY TO ACT

The authority for this Policy is provided by “Waterworks Rate and Regulation Bylaw 2006 No. 7004”. All aspects of water metering within the City shall be conducted in accordance with applicable legislation.

DEFINITIONS:

American Water Works Association (AWWA)

The American Water Works Association is the largest non-profit, scientific, and educational association dedicated to managing and treating water. They publish standards and best practices used throughout North America for the design, installation, and operations and maintenance of water systems. The BC Water and Waste Association (BCWWA) is the local chapter of the AWWA.

Infrastructure Leakage Index (ILI)

A commonly used benchmark that identifies the ratio between Real Losses and the theoretical lowest amount of losses based on current technologies. An ILI of 1.0 means that the community has reached the theoretical lowest level of losses based on technology available.

Real Losses

The annual volume of water lost through all types of leaks and breaks before the customers’ water meters.

Water Audit

An examination of records to trace and account for the flows of water from the source of supply, through the distribution system, and into customer properties.

1 RESPONSIBILITIES

1.1 Council is responsible for:

- 1.1.1 Adopting this Water Metering Policy and future updates;
- 1.1.2 Allocation of resources to meet the objectives of this Policy;
- 1.1.3 Providing high level oversight of the delivery of the organization's Water Metering Strategy; and,
- 1.1.4 Ensuring that organizational resources are appropriately utilized to address the organization's strategic plans and priorities.

1.2 The Chief Administrative Officer has overall responsibility for:

- 1.2.1 Reporting to Council and updating the community regularly on the status, effectiveness, and performance of work related to the implementation of this Water Metering Policy; and,
- 1.2.2 Considering and incorporating responsible water use and conservation in all other corporate plans (e.g. Strategic Plans).

1.3 The Director of Engineering and Public Works is responsible for:

- 1.3.1 Initiating the development of water use and conservation strategies, plans and procedures in conjunction with the management team;
- 1.3.2 Reviewing the Water Metering Strategy and Water Audit;
- 1.3.3 Reviewing water use characteristics and updating the Water Metering Strategy and Water Audits;
- 1.3.4 Completing meter calibration and testing and replacement as necessary;
- 1.3.5 Communicating with the public regarding water use, leak detection, and disruptions from replacement or upgrades of water infrastructure;
- 1.3.6 Conducting ongoing reviews and implementing changes to realize efficiencies in operations and maintenance practices;
- 1.3.7 In concert with Finance, accurately recording water consumption by user classification, e.g., single family residential, commercial, and industrial; and,
- 1.3.8 In concert with Finance reviewing water rates to ensure that the City is following full cost recovery.

2 OBJECTIVE

To ensure adequate provision of potable water is made in line with the City's commitments for both today and future generations by:

2.1 Ensuring the City meets legislative requirements for water provision;

- 2.2 Maintaining assets in the most natural, energy-efficient, and reliable manner that cost the least to operate over the life cycle of the asset;
- 2.3 Ensuring that the City's services and infrastructure are provided in a sustainable manner to all users within the City;
- 2.4 Continuously working to reduce water consumption rates through education and other water conservation strategies;
- 2.5 Regularly tracking water use characteristics so that the effectiveness of water conservation initiatives can be measured and excess use can be identified and responses put into place to eliminate this excess use where practical;
- 2.6 Avoiding the need to oversize infrastructure based on water wastage or excessive water demands; and,
- 2.7 Minimizing the City's ecological footprint as measured by dependence on the South Nanaimo River Watershed and all its embedded energy costs to treat and convey this water.
- 2.8 Adopting a principle of continuous improvement in the City's water operations.

3 **POLICY**

3.1 Background

Council's vision and goal for the community which are outlined in the OCP include implementing wise water use and conservation practices.

3.2 Water Stewardship

- 3.2.1 Water usage will reflect industry best practices and place Nanaimo as a leader in water stewardship by:

- 3.2.1.1 Targeting a 10% reduction in per capita water use per decade;
- 3.2.1.2 Targeting a reduction in Real Losses by 10% by 2020 from 2013;
- 3.2.1.3 Maintaining a target Infrastructure Leakage Index of 2.5 or lower;
- 3.2.1.4 Completing an updated Water Audit at least once every 5-10 years; and,
- 3.2.1.5 Ensuring that water demand forecasting is tracked and allows for effective prediction of water needs.

- 3.2.2 Water rates are equitable to all customers by ensuring that:

- 3.2.2.1 100% of connected properties are metered;
- 3.2.2.2 Customers receiving City water are billed at equitable rates;
- 3.2.2.3 Rates are reviewed and updated at least once every 5 years;

3.2.2.4 Rates provide adequate funds for system operations as well as infrastructure renewal, replacement, and upgrading; and,

3.2.2.5 Growth pays its appropriate share of costs for capital system improvements.

3.2.3 The public within the City of Nanaimo are aware of the value of water, gauged by:

3.2.3.1 Responses to regular customer surveys completed by the City and demonstration of a high level of support for current water rates and a good knowledge of the City water system;

3.2.3.2 Customers demonstrating a voluntary willingness to conserve water; and,

3.2.3.3 The effectiveness of water consumption information and water bills used as a tool to communicate with customers.

3.3 Water Metering

3.3.1 Water meters economically capture the majority of water use:

3.3.1.1 Where practical, meters are located at property line;

3.3.1.2 Where practical, domestic and fire services are separated at property line so that meters most accurately capture low flows; and

3.3.1.3 Meters are sized using AWWA best practices to avoid oversizing meters.

3.3.2 Water metering and reading technology is chosen to support the City's goals for water efficiency in a cost effective manner:

3.3.2.1 A reading system is selected based on criteria outlined in the Water Metering Strategy and other best practice criteria as needed;

3.3.2.2 New meter technologies may be evaluated through a 2 year pilot program in order to demonstrate ability to meet performance criteria and compatibility requirements as outlined in the Water Metering Strategy; and,

3.3.2.3 Systems and processes are in place to effectively capture and use the data collected from the water meters in order to improve water efficiency.

4 **SCOPE**

This Policy applies to all City of Nanaimo activities related to water metering.

5 **REVIEW DATE**

This Policy should be reviewed every 5 years.

Date:	201X-XXX-XX	Approved by:	Council / In Camera Council
1. Amendment Date:		Approved by:	

11-5600-03 Water Metering Policy, Attachment B:

<https://www.nanaimo.ca/docs/your-government/city-council/water-metering-attachment-2.pdf>



Vancouver Island
201 - 3045 Douglas Street
Victoria, BC V8T 4N2
T 250 595 4223
F 250 595 4224

April 5, 2018

Poul Rosen, P.Eng.
Senior Manager, Engineering
City of Nanaimo
411 Dunsmuir St.
Nanaimo, BC V9R 0E4

Dear Mr. Rosen:

**RE: Review of the City of Nanaimo's Draft Water Metering Policy and Water Metering Strategy
Our File 566.072**

The City of Nanaimo retained Kerr Wood Leidal Associates (KWL) to complete a review of the City's draft Water Metering Policy and Water Metering Strategy. The objective is to provide feedback on the policy and strategy, make recommendations for improvements where applicable, and comment on their necessity in maintaining success of the City's water metering program.

Background

KWL's previous relevant experience with the City of Nanaimo includes the 2011 and 2016 AWWA M36 water audits as well as an update to the City's waterworks design standards in 2016. The 2011 water audit identified the need for age related replacements, meter right-sizing initiatives for large customers, and the need for revisions to meter sizing standards.

Prior to implementing a city-wide water meter replacement program, the City retained Urban Systems Ltd. (USL) to develop a Water Metering Strategy and an accompanying Water Metering Policy document.

The purpose of the strategy document is to provide clear direction on:

- Standardizing meter locations;
- Ownership (City versus private);
- Standardizing meter sizing;
- Choosing metering technologies;
- Choosing a meter reading system;
- Procurement of meters; and
- Meter testing.

The purpose of the policy document is to provide a clear vision of metering requirements and assign the responsibilities of Council, the Chief Administrative Officer, and the Director of Engineering and Public works in the implementation of the policy.

Strategy and Policy Review

The City has requested a review that includes discussion on the decision to limit the number of approved meter manufacturers, the criteria used to evaluate and approve manufacturers, as well as any other recommendations for improvement.



Procurement options for meter supply are closely tied to the selection of a reading system. For this reason, the strategy recommends the City first select a reading system. Options discussed include either incorporating meter supply for the first five years into the scope of the reading system RFP or issuing a request for quotations to meter manufacturers only once a reading system has been selected. We agree with the USL recommendation of the latter option.

Separating procurement of the reading system and meter purchases will assist in focussing reading system procurement on the compatibility of the system to work with other manufacturers' meters. A high degree of compatibility of the reading system with meters produced by several major manufacturers is likely to reduce the life cycle cost of the metering program by maximizing the competitiveness of procurement.

The policy and strategy recommended by USL limit the number of meter manufacturers chosen to supply meters to a maximum of three. The strategy states that this is to obtain operational efficiencies that include stocking of meters and spare parts and the operational knowledge and understanding required.

The recommended policy allows for new meter technologies to be evaluated through a 2 year pilot program in order to demonstrate ability to meet performance criteria and compatibility requirements as outlined in the Water Metering Strategy. This allows the City to test new technologies, which is an important consideration given the current pace of technological change in metering systems.

The recommended performance criteria and compatibility requirements are consistent with best practices for the industry and include:

- Materials & Dimensions: technology type, main body material, lay length, size range;
- Approvals: AWWA, NSF 61 Annex F/G, and Factory Mutual / Underwriters Laboratory Canada;
- Operating Performance specifications: range, low flow capabilities and pressure loss;
- Features: data logging for leak indication etc., compatibility with AMR and AMI rapid meter reading systems, warranty on battery life and insitu test ports for larger meters;
- Operation & Maintenance: does the meter have field replaceable components that could lower O&M costs;
- Price point; and
- Availability and quality of a local support system and demonstrated track record.

We recommend the City also consider criteria for quality control in the approval process and procurement requirements. The ability of the meter manufacturer to produce meters with similar quality and to supply enough quality instruments in a specified time should be considered.

Establishing thorough performance specifications and approval process will help the City to avoid procuring large quantities of water meters that do not provide acceptable life cycle performance. A thorough approval process that seeks to minimize metering inaccuracy and bolster billing equity is in the long-term interest of the City.

Limiting manufacturers to three, where others may fully meet all criteria, holds merit only if there is a space constraint concern for stocking of replacement parts. It may be economical to replace parts such as the register on large meters but not for small residential meters where replacement of the entire meter is more economical.

We recommend that the policy not limit the maximum number of meter manufacturers as this measure is unnecessary given the City's performance criteria. Approval should be based on products and support that fully meet all criteria including compatibility and ease of integration with the chosen meter reading system and demonstrated strong local support.

Sensus and Neptune are the two manufacturers recommended in the strategy as currently meeting the criteria across the full range of metering sizes and types. These are the two largest manufacturers supplying the local market and will be compatible with the available reading systems. We recommend that for other manufacturers to



April 5, 2018

be approved, the City should require that their product meet or exceed the performance of the recommended meter models from these two manufacturers for all performance criteria. All water meters must perform at the highest standard to ensure rate payer equity, justifying a more stringent approval process than other products purchased by the City. New products with less demonstrated track record should offer a significant advantage to the City and gain approval through the recommended two-year pilot program.

The two -year pilot program for evaluating new metering technologies allows the City to investigate advantageous emerging technologies while not taking on large levels of risk.

The draft strategy and policy are both thorough documents in keeping with best engineering and management practices. They will be an integral component of the City's metering program, providing a clear communication to the public and development community on standardized meter location, selection of size, type and approved meter models, and providing direction to the City on procurement of a meter reading system, age related replacements and new advantageous technologies as they emerge.

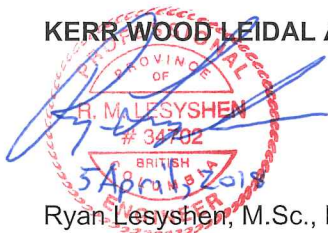
We recommend the City consider the following:

1. Consider additional criteria for quality control related to anticipated procurement volumes in the approval process and procurement requirements; and
2. Avoid limiting the maximum number of approved manufacturers to three.
3. To ensure rate payer equity, approved products should meet or exceed the performance of the recommended Sensus and Neptune meters across all criteria. New products with less demonstrated track record should offer a significant advantage to the City and gain approval through the recommended two-year pilot program.

Please contact the undersigned with any questions or concerns with our review.

Yours truly,

KERR WOOD LEIDAL ASSOCIATES LTD.



Ryan Lesyshen, M.Sc., P.Eng.,
Project Manager and Water Loss Management Specialist

Reviewed by:

Colwyn Sunderland, ASCT
Specialist – Asset and Demand Management

KERR WOOD LEIDAL ASSOCIATES LTD.
consulting engineers

DATE OF MEETING MAY 14, 2018

AUTHORED BY KAREN FRY, FIRE CHIEF & DIRECTOR PUBLIC SAFETY

SUBJECT CAMERAS IN TAXI CABS

OVERVIEW

Purpose of Report

To provide Council with information on their motion requiring cameras in taxicabs.

Recommendation

That report titled Cameras in Taxi Cabs, dated May 14, 2018, be received for information.

DISCUSSION

At the January 15, 2018 Council meeting, Staff were directed to prepare a report regarding options to implement cameras in taxicabs in the City of Nanaimo and include community consultation with all stakeholders.

The '*Passenger Transportation Act [sbc 2004]*' Chapter 39 regulates commercial passenger vehicles in the Province of British Columbia and establishes the Passenger Transportation Board under Section 3.

The Passenger Transportation Board implemented the BC Taxi Camera Rule, updated May 31, 2017. The purposes of the rule include:

1. Enable taxicab licenses in British Columbia to use taxi cameras for driver and passenger safety.
2. Establish privacy safeguards.
3. Establish standards and requirements that must be adhered to when taxi cameras are used.

Staff contacted the BC Passenger Transportation Board to understand how authorization for licensees are implemented. The requirements for authorization are under the Provincial regulations and not the local government. For all areas that are currently authorized to use taxi cameras, it is the taxicab licensees that make the application to run the program, not the local government.

Community consultation with all stakeholders included speaking with the two main operators of taxicabs in the City, Yellow Cab and AC Taxi. The cost of implementing cameras was estimated to be anywhere from \$800 - \$2500 per car. While one of the companies indicated that they would be willing to implement cameras in their taxicabs, it was only under the condition that the other taxi company would also implement cameras. The second company advised that at this

time they would not be interested in implementation of cameras. Licensees are responsible for all costs arising from participation in a taxi camera program. This includes costs of purchase, installation, inspection, maintenance, and replacement or upgrade of taxi camera parts or systems.

A licensee may only install taxi camera equipment after receiving written authorization from the Passenger Transportation Board that requires a request and declaration of compliance, consultation and notification of the local government and police, and notification in the newspaper.

The RCMP have also been in contact with their counterparts where taxicabs have cameras to determine if the local government have bylaws in place requiring taxicab companies to install cameras. There were no bylaws in support of cameras in taxicabs found.

As a result, without the voluntary taxi licensees to start or join a taxi camera program and resulting written authorization from the Passenger Transportation Board the City of Nanaimo is not within its rights to require cameras in taxicabs.

SUMMARY POINTS

- The *BC Passenger Transportation Act* regulates commercial passenger vehicles in the Province of British Columbia
- Taxicab licensees must request from the Passenger Transportation Board to start up or join a taxi camera program after consultation and confirmation on the role of the police in obtaining images.
- There is neither support nor interest for both taxicab companies to join the taxi camera program.
- Without the voluntary taxi licensees to start or join a taxi camera program and resulting written authorization from the Passenger Transportation Board the City of Nanaimo is not within its rights to require cameras in taxicabs.

Submitted by:

Karen Fry
Fire Chief/Director Public Safety

Concurrence by:

Cameron Miller
Officer in Charge Nanaimo RCMP

CITY OF NANAIMO

BYLAW NO. 7257

A BYLAW TO AUTHORIZE THE BORROWING OF UP TO \$17,000,000 FOR THE
RECONSTRUCTION OF FIRE STATION NUMBER 1 ("FIRE STATION #1")

WHEREAS it is deemed desirable and expedient to reconstruct Fire Station #1 on the lands in the City of Nanaimo with civic address 666 Fitzwilliam Street, as shown outlined on the plan attached to this Bylaw Schedule "A", to buildings, works, fire prevention and fighting and emergency operations facilities to serve the City of Nanaimo;

AND WHEREAS the estimated cost of reconstructing Fire Station #1, including expenses incidental thereto, is the sum not exceeding \$17,000,000 of which the sum of \$17,000,000 is the amount of debt intended to be created as a result of borrowing authorized under this bylaw;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled enacts as follows:

1. This bylaw may be cited as "FIRE STATION #1 BORROWING BYLAW 2018 NO. 7257".
2. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the reconstruction of Fire Station #1 and services generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:
 - (a) to borrow upon the credit of the Municipality a sum not exceeding \$17,000,000;
 - (b) to acquire all such real property, easements, rights of way, licenses, rights or authorities as may be requisite or desirable for or in connection with the reconstruction of Fire Station #1;
 - (c) site preparation, environmental site remediation, installation of all ancillary road works, on-site and off-site services and utilities, furnishings and equipment for use in connection with Fire Station #1.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.

PASSED FIRST READING: 2018-FEB-19
PASSED SECOND READING: 2018-FEB-19
PASSED THIRD READING: 2018-FEB-19

APPROVED BY THE INSPECTOR OF MUNICIPALITIES: 2018-MAR-19

Notice of the alternative approval process was published on the 29th day of March, 2018 in the *Nanaimo News Bulletin*, on the 3rd day of April, 2018 in newspapers circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

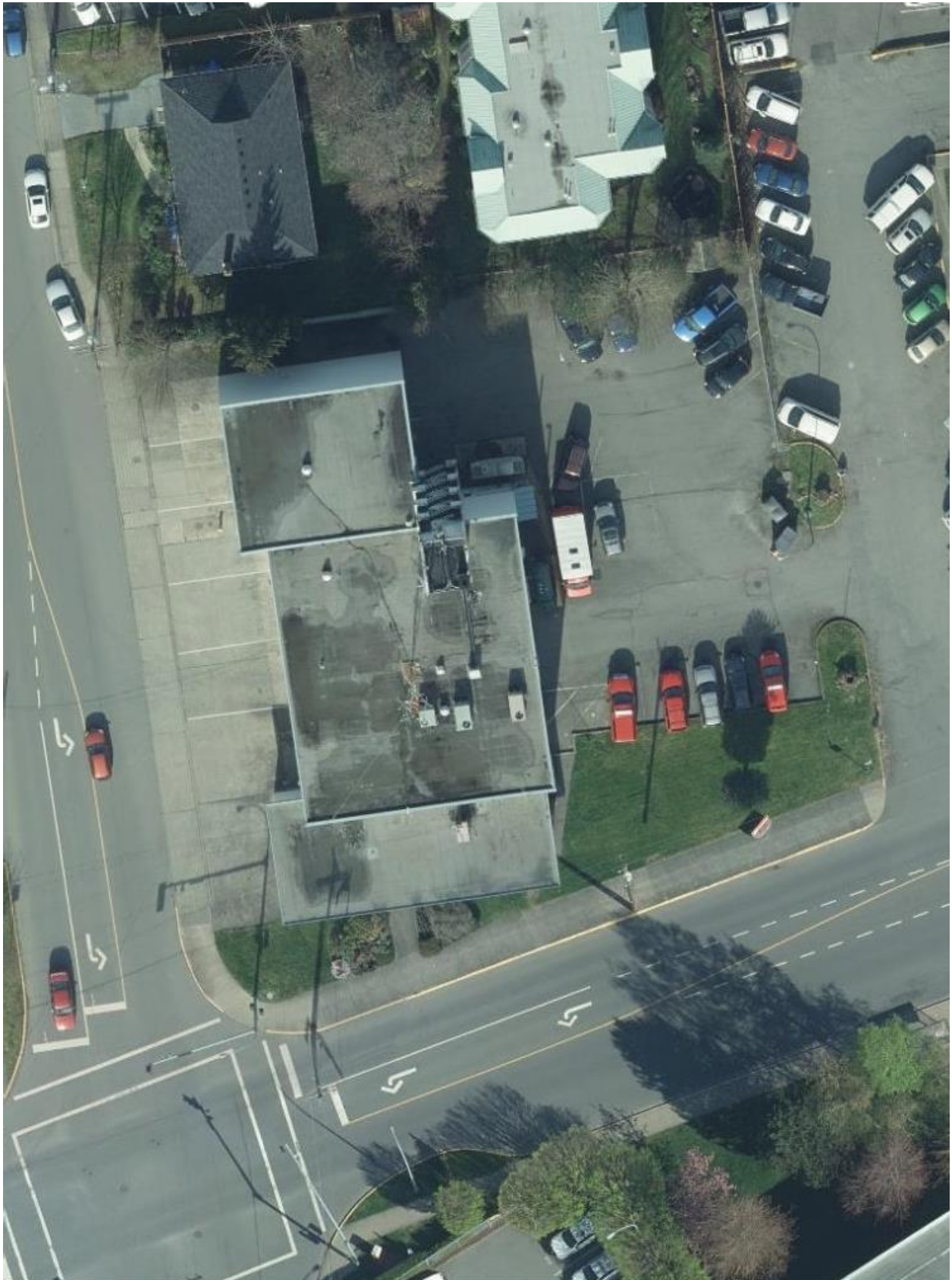
RECEIVED APPROVAL OF THE ELECTORS
BY ALTERNATIVE APPROVAL PROCESS 2018-MAY-07

ADOPTED _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"





Statutory Approval

Under the provisions of sections _____ **179** _____

of the _____ **Community Charter** _____

I hereby approve Bylaw No. _____ **7257** _____

of the _____ **City of Nanaimo** _____,

a copy of which is attached hereto.

Dated this _____ **19** ***day***
of _____ **March** _____, **2018**

A handwritten signature in black ink, appearing to be "J. L. Smith", written over a horizontal line.

Deputy Inspector of Municipalities

4500.055

"Zoning Amendment Bylaw 2014 No. 4500.055" (RA324 – To rezone 4015 and part of 4001 Corunna Avenue from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to construct an office building)

Passed two readings 2014-JAN-13. Public Hearing 2014-FEB-06. Passed third reading 2014-FEB-06. Ministry of Transportation approval 2014-MAR-04.

4500.114

"Zoning Amendment Bylaw 2018 No. 4500.114" [RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture One (PRC1); to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture Two (PRC2); and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two (CS2) to Parks, Recreation and Culture Two (PRC2)].

Passed two readings 2018-MAY-07. Requires Public Hearing prior to third reading.

4500.116

"Zoning Amendment Bylaw 2017 No. 4500.116" (RA383 – To rezone 285 Rosehill Street from Medium Density Residential (R8) to Mixed Use Corridor [COR2]).

Passed two readings 2017-NOV-20. Requires Public Hearing prior to third reading.

4500.117

"Zoning Amendment Bylaw 2018 No. 4500.117" (RA378 – To rezone a portion of 2560 Bowen Road to allow a site-specific use permitting automobile sales, service and rental in the Community Corridor Zone [COR3]).

Passed two readings 2018-FEB-05. Requires Public Hearing prior to third reading. Ministry of Transportation and Infrastructure approval 2018-MAR-08.

4500.118

"Zoning Amendment Bylaw 2018 No. 4500.118" (To rezone 1615 Northfield Road from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to permit an 11-unit multiple family development).

Passed two readings 2018-MAR-19. Public Hearing held 2018-APR-05. Defeated at third reading. Passed third reading 2018-MAY-07. Requires Ministry of Transportation and Infrastructure approval prior to adoption.

4500.119

Zoning Amendment Bylaw 2018 No. 4500.119" (RA386-To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-I1).

Passed two readings 2018-MAY-07. Requires Public Hearing prior to third readings. Requires Ministry of Transportation and Infrastructure approval prior to adoption.

4500.120

"Zoning Amendment Bylaw 2018 No. 4500.120" (To rezone 311 Selby Street from Community Service Three (CS3) to Fitzwilliam (DT2)).

Passed two readings 2018-APR-23. Requires Public Hearing prior to third reading. Requires Ministry of Transportation and Infrastructure approval and covenant registered prior to adoption.

4500.121

"Zoning Amendment Bylaw 2018 No. 4500.121" [To rezone 2202 Meredith Road from Single Dwelling Residential (R1) to Townhouse Residential (R6) with site-specific provisions to increase the maximum permitted building height to 9.2m and increase the maximum allowable floor area ratio to 0.7]

Passed two readings 2018-APR-23. Requires Public Hearing prior to third reading. Requires Ministry of Transportation and Infrastructure approval prior to adoption.

6500.036

"Official Community Plan Amendment Bylaw 2018 No. 6500.036" (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space)

Passed two readings 2018-MAY-07. Requires Public Hearing prior to adoption.

6500.037

Official Community Plan Amendment Bylaw 2018 No. 6500.037" (To amend the Official Community Plan to include the Port Drive Waterfront Mast Plan).

Passed two readings 2018-APR-23. Requires Public Hearing prior to third reading.

6500.038

"Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan (Map 1) from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A-7.3 from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area').

Passed two readings 2018-MAY-07. Requires Public Hearing prior to third reading.

7183

"Trapping Bylaw 2013 No. 7183" (To regulate, prohibit and impose requirements respecting body-gripping traps or devices for animals and wildlife).

Passed three readings 2013-NOV-18. Requires Ministry of Forests, Lands and Natural Resource Operations approval prior to adoption.

7253.02

"Financial Plan Amendment Bylaw 2017 No. 7253.02" (To amend the 2018 – 2022 Financial Plan).

Passed three readings 2018-MAY-07.

7257

"Fire Station #1 Borrowing Bylaw 2018 No. 7257" (To authorize the borrowing of up to \$17,000,000 for the reconstruction of Fire Station Number 1 ["Fire Station #1"]).

Passed three readings 2018-FEB-19. Received Inspector of Municipalities Approval 2018-MAR-19. Published in the newspaper 2018-MAR-29 and 2018-APR-03. Received Elector Approval 2018-MAY-07.

7259

"Park Dedication Bylaw 2018 No. 7259" (To dedicate land for park purposes).

Passed three readings 2018-MAY-07.

7262

"Housing Agreement Bylaw 2018 No. 7262" (To authorize a housing agreement for a 24-unit affordable housing complex at 1406 Bowen Road)

Passed three readings 2108-MAY-07.

7263

"Highway Closure and Dedication Removal Bylaw 2018 No. 7263" (To provide for highway closure and dedication removal of a portion of Emil Place adjacent to 5901 Hammond Bay Road)

Passed two readings 2018-MAY-07. Requires publication of notice and Ministry of Transportation approval prior to adoption.

7264

"Property Tax Rates Bylaw 2018 No. 7264" (To set the property tax rates for 2018).

Passed three readings 2018-MAY-07.

Delegation Request

Nicholas Heather has requested an appearance before Council.

The requested date is May 14, 2018.

The requested meeting is:
Special Council

Presenter's Information:
Nicholas Heather
City: Nanaimo
Province: BC
Bringing a presentation: No

Details of Presentation:
Speaking in support of keeping the City of Nanaimo included in the Speculation and Empty Home Tax.

Delegation Request

Deborah Hollins and Kahir Lalji has requested an appearance before Council.

The requested date is May 14, 2018.

The requested meeting is:
Special Council

Presenter's Information:
Deborah Hollins and Kahir Lalji
City: Nanaimo
Province: BC
Bringing a presentation: Yes

Details of Presentation:

to share some initiatives that have been underway over the last two years aimed at bringing the CBSS (Community Based Senior's Sector) together – the Raising the Profile Project and the Provincial Summit on Aging. This includes promoting the on-line knowledge hub and highlighting current research. As well as celebrating the good work that the Nanaimo Better at Home program has been doing including the demographics of the seniors who are supported and the agency partnerships that exist.

Delegation Request

Doug Bender has requested an appearance before Council.

The requested date is May 14, 2018.

The requested meeting is:
Special Council

Presenter's Information:

Doug Bender
City: Nanaimo
Province: BC

Bringing a presentation: No

Details of Presentation:

DVP00343 (Fry Street)
City to implement decision made March 18, 2018 Re: Noise of containers of Omni Foods.



NOTICE OF DEVELOPMENT VARIANCE PERMIT RESOLUTION

Notice is hereby given that the Council of the City of Nanaimo, at its meeting to be held on 2018-MAR-19, at 7:00 p.m. in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, B.C., will consider the approval of a resolution to issue a development variance permit as follows:

Development Variance Permit No. DVP00343

A development variance permit application was received from Greenplan (Mr. Jack Anderson), on behalf of W2 Enterprises Ltd., to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" in order to permit an over-height retaining wall/fence currently under construction at 114 Fry Street and to allow two oversized refrigerated shipping containers to temporarily be stored on the subject properties.

Proposed Variances

Section 6.10.2 (Fence) of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires that fences and retaining walls located within the rear yard within the COR3 Zone not exceed a maximum height of 1.8m. The proposed retaining wall with a fence has a combined height of 6.5m, a proposed variance of 4.7m.

Note: A previous variance (DVP307) was approved to permit a 6.5m retaining wall with fence for 110 and 106 Fry Street. The proposed fence height/retaining wall variance is for the adjacent property at 114 Fry Street to facilitate the completion of the wall.

Section 6.2.1 (Containers) of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" permits a container as an accessory use for a temporary period within the COR3 Zone, subject to the following requirements:

<i>Length of Temporary Use</i>	<i>Max Allowable Size of Container</i>	<i>No. of Containers Permitted on Property</i>
30 days within a calendar year	20m ²	No more than 1

The applicant is requesting the following variances to Section 6.2.1:

- increase the maximum allowable size of a container from 20m² to 29.75m²;
- increase the length of time containers are permitted to be located on a property from 30 days within a calendar year to up to 1 year;
- increase the maximum number of containers permitted on a property from one to two to be located at 110 Fry Street.

Section 9.5.1 (Corridor Setbacks) – The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a minimum rear yard setback of 7.5m for all buildings and structures

(including containers). The proposed rear yard setback for the containers is 4.5m, a proposed variance of 3m.

Location

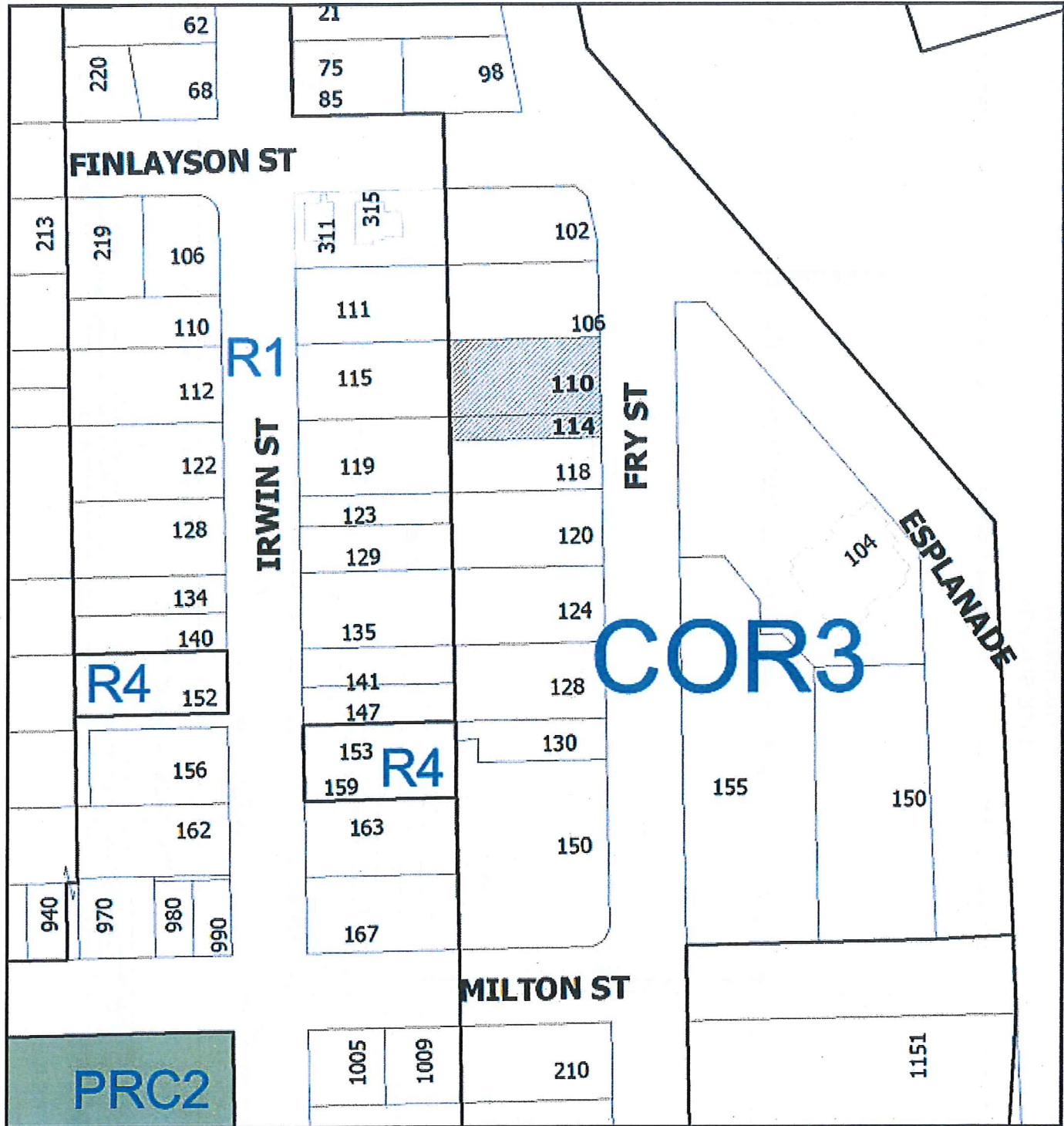
The subject property is located at 110 and 114 FRY STREET. This subject properties are legally described as LOT 18, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584; and, THAT PART OF LOT 17, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584 LYING NORTHERLY OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 21 FEET SOUTHERLY FROM THE NORTHERLY BOUNDARY OF SAID LOT. The subject properties are identified on Attachment A.

This application may be reviewed at the Community Development Department, 411 Dunsmuir Street, Nanaimo, B.C., during normal business hours 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, from 2018-MAR-08 to 2018-MAR-19, inclusive. Anyone wishing to address this matter will be given the opportunity to be heard at the Council meeting.

This notification is published in accordance with Section 499 of the *Local Government Act*.

Current Planning and Subdivision
Community Development
CITY OF NANAIMO
250 755-4429

ATTACHMENT A
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00343

LOCATION PLAN

Civic: 110 and 114 Fry Street



**Subject
Properties**

Site Plan showing proposed retaining wall on:
 Lot 17, Block 4, Section 1,
 Nanaimo District, Plan 584.

Client: Omni Foods
Civic Address: 114 Fry Street, Nanaimo
File: 16-075
Scale: 1:200
Date: February 27th, 2018
Drawn by: DRW

Scale 1:200
 Distances and elevations are in metres.
 Geodetic elevations are derived from control monument 77H5084.

Certified correct this 27th day of February, 2018.
 (This document is not valid unless originally signed and sealed.)

Turner & land surveying
 250.753.9778
 605 Camox Road
 Nanaimo, BC V9R 3J4

RECEIVED
 DVP 393.
 FEB 27 2018
 CITY OF NANAIMO
 COMMUNITY DEVELOPMENT

Notes:
 This property is affected by the following registered documents: M76301.

Site Plan Details:
 - **Proposed Variance 4.5m**
 - **Existing Retaining Wall**
 - **Proposed Retaining Wall**
 - **Existing slab elevation: 10.90m**
 - **Elevation at top of retaining wall formwork: 15.29m**
 - **Inaccessible, Ground elevations approximately 15.3m**
 - **Seacon Storage Containers**
 - **Property Line**
 - **110 Fry Street**
 - **114 Fry Street**
 - **N. 21' of 17**
 - **Rem. 17**
 - **Block Plan**
 - **Building #106**
 - **40.18**
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Link to minutes from March 19, 2018 Council meeting. See page 9 for
DVP343 – 110 and 114 Fry Street.

<https://pub-nanaimo.escribemeetings.com/FileStream.ashx?DocumentId=4996>

Delegation Request

Ron Walker has requested an appearance before Council.

The requested date is May 14, 2018.

The requested meeting is:
Special Council

Presenter's Information:

Ron Walker, Former President, BC and Yukon Branch, Kidney Foundation of Canada

City: Nanaimo

Province: BC

Bringing a presentation: No

Details of Presentation:

Request that the City of Nanaimo pass a resolution in support of the Organ Donor program, in line with the resolution of the UBCM.

BACKGROUND DOCUMENT
for
DELEGATION TO NANAIMO CITY COUNCIL, MAY 14TH
by
THE KIDNEY FOUNDATION OF CANADA

At its 2016 conference UBCM passed the following motion:

“THEREFORE BE IT RESOLVED that UBCM call upon Mayors and Council Members to accept the Kidney Foundation’s challenge to *Save Lives Through Organ Donation* in their communities and to work with the Foundation to increase the number of people registered as organ donors in their respective communities.”

At the 2017 conference, a number of municipal legislators (although, regrettably, none from Nanaimo) stopped by our booth to talk with us about the issue and to be videotaped for presentation of their comments on our Youtube program “*Plugged In*” which runs in Nanaimo 4 days a week on Shaw Cable.

Our purpose here today is to request that the City of Nanaimo pass a resolution in support of the Organ Donor programme, in line with the resolution of the UBCM.

THE ISSUE

The medical community estimates, based on its experience, that 1 Canadian in 10 is living with Chronic Kidney Disease, although most of them don’t know it. Why not? Because it’s a disease with no symptoms until the patient has lost about 80% of his/her kidney function. Based on census numbers, that means that there could be as many as 9,000 citizens of Nanaimo living unknowingly with this disease.

Kidney disease is a chronic progressive disease in which the kidneys gradually lose their ability to cope with their primary purpose of filtering toxins out of the blood stream. When the kidneys finally fail altogether, the life expectancy is about 5-7 days unless therapy is instituted.. There is no cure for kidney disease today - just two forms of therapy: *dialysis*, which is intended as a short term process to remove toxins from the bloodstream through a flushing process, and transplantation, the process of replacing the failed kidney with a new organ from a donor, either living or diseased. In British Columbia in 2016, there were 305 kidney transplants completed, with 210 of them from deceased donors and 95 from living donors.

THE IMPACT OF ORGAN DONATION

Organ transplantation is the best and most permanent therapy available to a kidney patient, while dialysis is intended as a temporary life-sustaining therapy for a patient awaiting the opportunity for a transplant. Kidney patients on dialysis in BC can expect to wait for about five years to receive a new kidney, depending upon the patient’s blood type. The expectation is that about half of those patients will die on the waiting list.

(Over)

With about 300 transplants taking place each year, and with this number limited by the supply of organs, the successful transplants do not match the number of patients on the “official” waiting list, which runs between 300 and 400 patients. Significantly, there are probably another 400-500 patients waiting to get on the “official” list..

The success of the transplant program is heavily dependent upon deceased donors, as illustrated by the figures above for 2016. In 2016, a survey commissioned by The Kidney Foundation’s BCY Branch showed that some 90% of BC residents approved of organ transplantation, but at the time of the survey, only about 18% had registered with the organ donor data bank. Surprisingly some 51% of respondents believed that they had become organ donors through a sticker on their driver’s licence - a process that was discontinued 18 years ago with the advent of the on-line data bank.!

In order to become a donor a registrant needs to die in a trauma situation such as an auto accident or some similar trauma. A death from “old age” disqualifies the registrant from being a donor. As a result only about 2-3% of registered donors will ever become an actual donor.

In response to the information revealed by the survey, the BCY Branch undertook to increase the number of registered donors by 50% over 5 years, ending in 2021. With the assistance of the BC Service Centres, the number of registered donors has been increased to about 25% of the BC population - but we are only about half way to our goal.

OUR REQUEST

We are asking the City of Nanaimo to join us in providing education to our citizens about this problem. We would like to discuss with the City how we might partner in moving towards our goal in Nanaimo. Tonight’s request is a first step in that process, and we respectfully request your positive consideration.