

- (k) Constable John Brewer, R.C.M.P., Nanaimo, requested permission to address Council regarding "STREET ENTERTAINERS BYLAW 1998 NO. 5308".

Constable Brewer was previously authorized to address Council as a late supplemental delegation with a five-minute time limitation.

Constable Brewer stated that:

- he was there to talk about "STREET ENTERTAINERS BYLAW 1998 NO. 5308" which was the culmination of hundreds of hours between the Nanaimo R.C.M.P. Bike Patrol, the Downtown Merchants Association, the Cultural Committee, the general public and street entertainers themselves.
- the problem they face is that lower mainland municipalities, Victoria and Chemainus, have street entertainment bylaws, and these entertainers are being pushed into Nanaimo as Nanaimo has no such bylaw.
- if you are a business owner in downtown Nanaimo there is nothing you can do to stop someone from parking in front of your business for eight hours a day playing a bongo drum, and when they complain to the R.C.M.P. to move them along, there are no laws being broken as long as they are not obstructing the pedestrian walkway.
- it is hoped that by regulating street entertainers by giving them specific sites, and times to be at these sites, and shutting down at 11:30 p.m., that the downtown area and the waterfront will become a stage where good entertainers want to come and the bad entertainers will leave.
- this will draw the public downtown and on to the waterfront.
- like most cities, Nanaimo has a draw for transient populations.
- many of these transients have drug and alcohol problems and these people literally park themselves in front of businesses all day, playing on their drum or playing the same song over and over and over again, and it is hard for the businesses.
- it is troubling for him as a police officer downtown to see a good business having to put up with this for no reason other than there is no bylaw existing to try to prevent this.
- the specific areas that these people target are banks, liquor establishments, and the busy pedestrian walkways in Nanaimo.
- the problems it creates are obvious; firstly, it partially blocks the pedestrian flow of traffic and because of this the pedestrians avoid the downtown, and they avoid the waterfront.
- these people bang the drums and play the guitars for hours incessantly, and it is an objectionable noise, and if you have to sit in a restaurant you do not want to be there and listen to this over and over again.
- pan-handlers are using busking or street entertaining as a means to sit on the prime locations in Nanaimo where good entertainers would draw a crowd, and would create a good atmosphere for business.
- instead of creating a good atmosphere they drive potential tourists and shoppers away.
- specifically he hopes the bylaw will target individuals who block pedestrians and create a barrier to the people playing and creating an objectionable noise.
- these people harass shoppers and tourists in the downtown area and on the waterfront.

- as of now there is no recourse for business with a person camped out in front of his entrance.
- only a short ferry ride away are the big municipalities in the lower mainland that have these bylaws in place now.
- in the last two weeks alone with the good weather, on the bike patrol the number of pan-handlers and street entertainers that cause problems has tripled to 21, from Departure Bay Ferries to the Harbour Park Mall, and he is not talking about street entertainers that play a good type of music and draw a good crowd, but about people who play a bongo drum for eight hours a day.
- the downtown area of Nanaimo is trying to clean up and the R.C.M.P. are trying their best to clean it up, but they need this tool to help them.
- when a new business opens in Nanaimo, the first thing they see is someone with a guitar plant themselves down in front of it and start playing, over and over again.
- hopefully this bylaw will give enforcement officers a tool to make the downtown a place for shoppers and tourists that will create an atmosphere that encourages talented street entertainers to perform, and thus draw people to the downtown and the waterfront.

Moved by Councillor McNabb, seconded by Councillor McCarthy that the presentation be received. The motion carried.

- (l) Mr. Jim Turley, President, Nanaimo City Centre Association, regarding "STREET ENTERTAINERS BYLAW 1998 NO. 5308".

Mr. Turley was previously authorized to address Council as a late supplemental delegation with a five-minute time limitation.

Mr. Turley stated that:

- the Nanaimo City Centre Association believes that the encouragement of quality busking will enhance the ambiance of downtown.
- however, the mobility, location and quality of performers are the key factors in meeting our vision of creating an Arts and Cultural Centre downtown.
- they feel that the proposed bylaw will meet these desires and help to make downtown Nanaimo a people place.

Moved by Councillor Little, seconded by Councillor McNabb that the presentation be received. The motion carried.

6. MAYOR'S REPORT:

Proclamations:

- (a) Mr. A. J. (Tony) Heemskerk, Director, Provincial Emergency Program, Ministry of Attorney General, requested that the week commencing 1998-MAY-04 to 1998-MAY-10 be proclaimed "EMERGENCY PREPAREDNESS WEEK" in the City of Nanaimo.

- (d) Councillor Little advised that Mr. Hans Schmidt was in attendance and wished to address Council as a late delegation regarding the request from Mr. Keith Brown that Council reconsider rezoning application RA.97-12 for property located at 1704 James Way.

Moved by Councillor Little, seconded by Councillor Thompson that Mr. Schmidt be permitted to address Council as a late delegation with a five-minute time limitation. The motion carried.

3. RECEIVING OF SUPPLEMENTAL DELEGATIONS:

- (a) Ms. June Tennant, Chair of Strata Plan 1979, at 30 Cavan Street, requested permission to address Council as a late supplemental delegation regarding the proposed Street Entertainers Bylaw.

Ms. Tennant was previously authorized to address Council.

Ms. Tennant stated that:

- they have 60 condominium units with 90 residents living in them.
- the residents of this building have concerns with the proposed Street Entertainers Bylaw, in particular with the location of Albert Street and Victoria Crescent, near the Totem Pole.
- she understands that they can only be at designated locations for three hours at a time.
- she has voiced the concerns of the residents of the building to the Manager of Bylaw Services, and she was told that the Nanaimo City Centre Association is in charge of where the street entertainers can play.
- their 30 condos are directly above Victoria Crescent, and their bedroom and living room windows face Victoria Crescent.
- at Swy-A-Lana Lagoon, at least people can walk away if they don't like the music, but if the street entertainers are situated below their homes, they cannot get away from it.
- they already have to deal with late night noise from the Queens Hotel, the Terminal Hotel, Mambo Pizza, the Harley Davidson motorcycles, as well as loud boom boxes and the traffic.
- these are all noises they expected when they moved downtown; however, this is not continual.
- she noticed that there are no locations for street entertainers to play in front of Cameron Island, which is also residences.
- they are not opposed to having street entertainers at the China Steps, but not at the Totem Pole as the noise echoes right up to their residences.

Moved by Councillor Rispin, seconded by Councillor Thompson that the presentation be received. The motion carried.